

MEMORANDUM

(Open Session Report)

State of Alaska

Department of Law

to: Board of Agriculture and
Conservation

Division of Agriculture,
Department of Natural Resources

DATE: September 20, 2011

FILE NO.: BAC general

TEL. NO.: (907) 269-3039

SUBJECT: AAG report for
October 3, 2011 BAC
meeting

FROM: Bob McFarlane
Assistant Attorney General
Commercial & Fair Business Section
Anchorage

PART 1: NON CONFIDENTIAL MATTERS FOR OPEN MEETING SESSION

1. Hans Geier. Mr. Geier has fallen behind in his payments to the trustee and the trustee has filed a motion to dismiss his chapter 13 bankruptcy case. If the case is dismissed the bankruptcy stay will be lifted and I can proceed with collection action. I have attempted to contact Mr. Geier's attorney to see if they will oppose the motion and as of the date of this memo I have not had a response. I will discuss collection options and strategies with the board in executive session.

PART 2: CONFIDENTIAL MATTERS FOR EXECUTIVE SESSION

Open Meetings Act – A.S. 44.62.310(b)¹
Attorney Client Privilege - Alaska Evidence Code §503(b)²
Board of Agriculture and Conservation Statutes³
ARLF Regulations⁴

¹ A motion to convene in executive session must clearly and with specificity describe the subject of the proposed executive session. A.S. §44.62.310(b).

² Section 503(b) of the Alaska Evidence Code states in relevant part: "A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client..."

³ AS 03.09.040 authorizes the board to classify some loan and marketing information confidential.

⁴ 11 AAC 39.061 makes most loan information confidential and 11 AAC 39.031(f) authorizes the board to meeting in executive session to consider loan applications.

1. Hans Geier collection options and strategy. Legal advice to the board is protected by the attorney client privilege.

2. Other loan status information to be discussed at meeting. See separate confidential report regarding loan delinquencies. Discussion of loan status is confidential pursuant to 11 AAC 39.061.