

# MEMORANDUM

(Open Session Report)

State of Alaska  
Department of Law

to: Board of Agriculture and  
Conservation  
  
Division of Agriculture,  
Department of Natural Resources

DATE: July 20, 2012

FILE NO.: BAC general

TEL. NO.: (907) 269-3039

SUBJECT: AAG report for  
August 1, 2012 BAC meeting

FROM: Bob McFarlane  
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## **PART 1: NON CONFIDENTIAL MATTERS FOR OPEN MEETING SESSION**

**1. Agricultural Investors, LLC:** Publication of the foreclosure notice begins on July 22, 2012 in the Alaska Journal of Commerce and the notice will also be published on-line at the Journal's website. The sale date is still scheduled for September 5, 2012. The foreclosure sale will take place as scheduled unless a cure is tendered prior to the sale.

**2. Gattis Easements:** The Mat Su borough has released the easements against Tracts 3 and 5 and the matter has now been resolved. Copies of the release on each tract accompany this report.

**3. Creamery Corporation:** The Creamery Corporation has finally obtained the officers policy that was holding up the final asset transfer and dissolution of the corporation. The company needs to pay a few remaining bills to the accountants and attorney and then the balance of the bank account can then be transferred to ARLF and the dissolution can be finalized.

**4. Offer for Palmer Property:** The city of Palmer has made a full price offer to purchase the Mat Maid property in Palmer. The terms offered by the city vary from the terms in the existing over-the-counter offer. The board will need to consider the offer and any counter offer it may wish to make at this meeting.

**PART 2: CONFIDENTIAL MATTERS FOR EXECUTIVE SESSION**

Open Meetings Act – A.S. 44.62.310(b)<sup>1</sup>  
Attorney Client Privilege - Alaska Evidence Code §503(b)<sup>2</sup>  
Board of Agriculture and Conservation Statutes<sup>3</sup>  
ARLF Regulations<sup>4</sup>

**1. Loan status information to be discussed at meeting.** See separate confidential report regarding loan status and delinquencies. Discussion of loan status is confidential pursuant to 11 AAC 39.061.

**2. Offer for Palmer Property.** See separate confidential discussion of legal issues. A discussion of the legal issues relating to this offer is protected by the attorney-client privilege and by AS 44.62.310 (c).

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<sup>1</sup> 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).

<sup>2</sup> 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...”

<sup>3</sup> AS 03.09.040 authorizes the board to classify some loan and marketing information confidential.

<sup>4</sup> 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.