

# MEMORANDUM

(Open Session)

State of Alaska

Department of Law

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

DATE: October 2, 2009

FILE NO.: 661070281

TEL. NO.: (907) 269-3039

SUBJECT: AAG report for  
October 15, 2009 BAC  
meeting

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

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

There are no non-confidential legal matters for open meeting discussion 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>

1. Hans Geier Chapter 13 bankruptcy case: I recently had discussions with Mr. Geier's bankruptcy attorney concerning his chapter 13 payment plan and she would like to discuss his financial situation with the board in executive session. The discussion in executive session concerns confidential financial information protected by A.S. 44.62.310 (c)(3) and legal matters protected by the attorney client privilege.

2. Heritage Properties, LLC: I have received and reviewed bank statements of Heritage Properties, LLC. I will discuss my analysis of those statements and possible additional

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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..."

legal action with the board in executive session. The discussion in executive session involves matters protected by the attorney client privilege.