

# MEMORANDUM

## State of Alaska Department of Law

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

DATE: July 27, 2009

FILE NO.: 661070281

TEL. NO.: (907) 269-3039

SUBJECT: AAG report for  
August 6, 2009 BAC meeting

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

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

1. Heritage Properties, LLC: I recently subpoenaed bank records of Heritage Properties, LLC to confirm the company's financial status and its ability to pay the judgment. After I receive and review the records I will provide the board with an update.

### **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. There are no confidential legal matters for discussion at this meeting.

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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..."