

MEMORANDUM

(Open Session Report)

State of Alaska

Department of Law

to: Board of Agriculture and
Conservation

Division of Agriculture,
Department of Natural Resources

DATE: August 20, 2012

FILE NO.: BAC general

TEL. NO.: (907) 269-3039

SUBJECT: AAG report for
August 29, 2012 BAC
meeting

FROM: Bob McFarlane
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Commercial & Fair Business Section
Anchorage

PART 1: NON CONFIDENTIAL MATTERS FOR OPEN MEETING SESSION

1. **Agricultural Investors, LLC**: There has been no effort to cure the default and the sale date is still scheduled for September 5, 2012. The foreclosure sale will take place as scheduled unless a cure is tended prior to the sale.

2. **Creamery Corporation**: The Creamery Corporation articles of dissolution and certificate of dissolution are still not showing up on the Division of Corporations website. We were told that the division filings were backlogged by several weeks so we expected some delay. When the certificate of dissolution is finally issued I will advise the board members by email.

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

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.

ARLF Regulations⁴

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.

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.