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An Open Letter

In Reg: License to Practice Law & Dual Office Holding

Honorable Elizabeth M. Bakalar

By now I am sure you realize that the issue of a "License to Practice Law" in the "State of Alaska" is a travesty. I am still waiting to view your "Credentials" of a valid "Alaska BAR Membership Card" and your valid "State" issued "License" to "Practice Law."

To help you resolve this problem, I will provide you with additional materials regarding the "History" and "Laws" of the "State of Alaska" as they address the "License" to "Practice Law" and provide you with additional "Legal References" of the "Alaska BAR Association" that "Bars" your fellow "Attorneys" from holding "Public Offices of Trust" of "Governor" or the "Public Office of Trust" of a "Legislator."

This "Letter" is submitted as an ongoing "Complaint(s)" of "September 17, 2018" /¹ and "September 19, 2018" /² as filed with the "Alaska State Attorney General Office" under the authority of "AS 09.50.310." /³ and with the "Director of Elections" for the "Alaska State Division of Elections." /³ This "Letter," and other "Letters" and "Complaints" that have been filed, may be viewed on the "Internet" at "[https://tinyurl.com/y8lc7l2c.](https://tinyurl.com/y8lc7l2c)"

Justice Robert Boochever

https://en.wikipedia.org/wiki/Robert_Boochever

Alaska Supreme Court 1972-1980
U.S. Court of Appeal, Ninth Circuit 1980-1986
Died October 9, 2011

In the year of 1974, "Justice Robert Boochever" did declare from within his "Office" at the "Diamond Courthouse" of "Juneau, Alaska" that there was no such thing as a "License to Practice Law" for the "State of Alaska." He made this statement

^{1/} "Complaints" addressing "Duel Office Holding" and "Judges without License to Practice Law" [<https://tinyurl.com/yarz8u7n>; <https://tinyurl.com/ycde3rhl>].

^{2/} "Complaint" of "September 19, 2018" as filed with the "Director of Elections" for the "Alaska Division of Elections" addressing the "Duel Office Holding" of "Governor Candidate, Bill Walker." [<https://tinyurl.com/y7ann9zh>].

^{3/} **AS 09.50.310** – "**An action may be brought** by the attorney general upon the attorney general's own information or **upon complaint of a private party against** [*Emphasis added*].

"(1) **a person who usurps, intrudes into, or unlawfully holds or exercises a public office,** civil or military, or a franchise, or an office in a corporation, **either public or private;** [*Emphasis added*].

"(2) **a public officer who has acted to forfeit the office;** or [*Emphasis added*].

"(3) any number of persons acting as a corporation without being incorporated. "

to "Gordon Warren Epperly" (*and others*) upon a request to examine a "License to Practice Law."

The License To Practice Law

Looking through the "Statutes" and "Constitution" for the "State of Alaska," we find many references made to "Licenses" to "Practice Law" but nowhere may it be found that a "License" to "Practice Law" has ever been "Created," "Established," or "Defined," nor have any "Procedures," "Rules," or "Regulations" have ever been adopted, nor has there been any "Issuing Authority" to ever been "Created" or "Established" for the granting or issuance of "Licenses" to "Practice Law."

- The "Constitution" for the "State of Alaska" has only one "Article" and "Section" that makes reference to a "License" to "Practice Law":
 - "Supreme court justices and superior court judges shall be citizens of the United States and of the State, /⁴ licensed to practice law in the State, and possessing any additional qualifications prescribed by law. Judges of other courts shall be selected in a manner, for terms, and with qualifications prescribed by law." [*Emphasis added*].

Alaska Constitution, Article IV, Section 4

^{4/} The phrase "shall be citizens of the United States and of the State" as it appears throughout the "Constitution" for the "State of Alaska" is a statement that those who are natural born white "Caucasian" male "citizens" of a "state" of the "Union" (e.g. "42 USC 1981(a)"; "14 Stat. 27-30") and who are not of the "U.S. Constitution, 14th Amendment" created "citizens" are not eligible under the "Alaska State Constitution" to be "Judges" nor "Justices," nor hold "Elected Offices," nor cast "Votes" at "Elections" for the "State of Alaska." {see "Ex Parte Frank Knowles, 5 Cal. 300"; "Crosse v. Bd. of Supvrs of Elections, 221 A.2d. 431"; "https://tinyurl.com/ya6xeo7u"; etc.}. This is a statement that "White Caucasian Male Citizens" of the "State of Alaska" are not governed by a "Republican" form of "government" as mandated by "Article IV, Section 4, Clause 1" of the "U.S. Constitution" and by provisions of the "Alaska Statehood Act" ("Pub.L. 85-508," "72 Stat. 339"). [*Emphasis added*].

- The following “Sections” of the “Alaska Statutes” makes reference to a “Licenses” to “Practice Law”:

- **AS 08.08.210. Who May Practice Law.**

“(a) A person may not engage in the practice of law in the state unless the person is **licensed to practice law** in Alaska and is an active member of the Alaska Bar. A member of the bar in good standing in another jurisdiction may appear in the courts of the state under the rules the supreme court may adopt.

“(b) The practice of law shall be defined in the Alaska Bar Rules.

“(c) This section and AS 08.08.230 do not apply to the practice of law for the legislature by a person employed by or under contract with the legislature until the results are released of the third Alaska Bar examination following that person's employment.

“(d) Employees of the Department of Law, the Public Defender Agency, and the office of public advocacy, whose activities would constitute the practice of law under this chapter and under Alaska Bar Rules are required to obtain a **license to practice law** in Alaska no later than 10 months following the commencement of their employment.”

- **AS 08.08.020. Members.**

“Every person **licensed to practice law** in the state ^{5/} shall become a member in the Alaska Bar. All active and inactive members in good standing as of September 14, 1976, shall be considered to be members.

“A person **licensed to practice law** in the state who, on September 14, 1976, is not enrolled on the membership rolls, shall be reinstated as a member only in accordance with the Alaska Bar Rules.”

^{5/} This is a “Declaration of Law” that all who wish to practice law in the “State of Alaska” are **required** to obtain a “License” to “Practice Law” **before** becoming a member of the “Alaska BAR Association.” [*Emphasis added*].

○ **AS 08.08.080. Powers of Board.**

“(a) Except as may be otherwise provided in this chapter or the Alaska Bar Rules, the board may approve and recommend to the state supreme court rules

“(1) concerning admission, discipline, licensing, continuing legal education, and defining the practice of law;

“(2) providing for continuing legal education and for certification of a continuing legal education program;

“(3) establishing a program for the certification of attorneys as specialists.

“(b) The board may adopt bylaws and regulations consistent with this chapter and the Alaska Bar Rules

“(1) concerning membership and the classification of membership in the Alaska Bar;

“(2) fixing the annual membership fees;

“(3) concerning annual and special meetings.

“(c) Consistent with this chapter and the Alaska Bar Rules, the board may

“(1) provide for employees of the Alaska Bar, the time, place and method of their selection, and their respective powers, duties, terms of office, and compensation;

“(2) establish, collect, deposit, invest, and disburse membership and admission fees, penalties, and other funds;

“(3) sue in the name of the Alaska Bar in a court of competent jurisdiction to enjoin a person from doing an act constituting a violation of this chapter;

“(4) provide for all other matters affecting in any way the organization and functioning of the Alaska Bar.”

○ **AS 08.08.207. Law Clerks.**

“(a)

“(b) The applicant shall obtain regular and full-time employment as a law clerk in the office of a judge of a court of record or an attorney or firm of attorneys **licensed to practice law** in Alaska and engaged in the general practice of law. The person by whom the applicant is employed, or, if the applicant is employed by a firm, the person under whose direction the applicant is to study, must have been admitted to practice law in this state for at least five years at the time the application for registration is filed, and be otherwise eligible to act as tutor. Before the commencement of the study of law under this section, the applicant shall file with the university an application to register as a law clerk. The application shall be made on a form to be provided by the university and shall require answers to interrogatories the university may determine from time to time to be relevant to a consideration of the application. Proof of a fact stated in the application may be required by the university. If the applicant fails or refuses to furnish any information or proof or answer any interrogatory required by the application, or independently by the university, in a manner satisfactory to the university, the application may be denied.

“(c)

“(d)

“(e)

“(f)

“(g)

“(h)

“(i)”

○ **AS 08.08.210. Who May Practice Law.**

“A person may not engage in the practice of law in the state unless the person is **licensed to practice law** in Alaska and is an active member of the Alaska Bar. A member of the bar in good standing in another jurisdiction may appear in the courts of the state under the rules the supreme court may adopt.”

- **AS 08.08.230. Unlawful Practice a Misdemeanor.**

“(a) A person not an active member of the Alaska Bar and not **licensed to practice law** in Alaska who engages in the practice of law or holds out as entitled to engage in the practice of law as that term is defined in the Alaska Bar Rules, or an active member of the Alaska Bar who willfully employs such a person knowing that the person is engaging in the practice of law or holding out as entitled to so engage **is guilty of a class A misdemeanor.**”

“(b) This section does not prohibit the use of paralegal personnel as defined by rules of the Alaska supreme court.”

- **AS 08.08 ---.** The “Alaska State Legislature” has classified “Attorneys” under “Chapter 8” of “Alaska Statute, Title 8” as a “Business” or “Profession” but **failed** to list “Attorneys” (*in the listing of “Centralizing of Licensing” as found in “Chapter 1” of “Alaska Statute, Title 8”*) as a “Business” or a “Profession” that is “Licensed.” Such failure of the “Alaska State Legislature” to list “Attorneys” under the category of “Centralizing of Licensing” (*or any other “Statutory” listing of “Licensing”*) after listing “Attorneys” as a “Business” or a “Profession” under “Chapter 8” of “Title 8” of the “Alaska Statutes” brings about a “repugnancy” which “nullifies” any “classification” that may be made of an “Attorney.”

- **AS 22.05.070. Qualifications of Justices.**

“A justice of the supreme court shall be a citizen of the United States and of the state, a resident of the state for five years immediately preceding appointment, have been engaged for not less than eight years immediately preceding appointment in the active practice of law, and at the time of appointment be **licensed to practice law** in the state.” The **active practice of law** includes (1) sitting as a **judge** in a **state** or territorial **court**;”
[*Emphasis added*]

- **AS 22.07.040. Qualifications of Judges.**

“A judge of the court of appeals shall be a citizen of the United States and of the state, a resident of the state for five years immediately preceding appointment, have been engaged for not less than eight years immediately preceding appointment in the active practice of law, and at the time of appointment be **licensed to practice law** in the state. For purposes of this section, the **active practice of law** is the same as defined for the justices of the supreme court in AS 22.05.070.”

- **AS 22.10.090. Qualifications of Judges.**

“A judge of the superior court shall be a citizen of the United States and of the state, a resident of the state for five years immediately preceding appointment, have been engaged for not less than five years immediately preceding appointment in the active practice of law, and at the time of appointment be **licensed to practice law** in the state. The **active practice of law** shall be as defined for justices of the supreme court in AS 22.05.070.”

Alaska BAR By Laws

There are no “Sections” in the “Alaska BAR By Laws” that address “Licenses” to “Practice Law.”

Alaska BAR Rules

- The following appears in the “Rules” of the “Alaska BAR Association”:

- **“Rule 2. Eligibility for Admission.”**

“Section 2.

“(a) An applicant who meets the requirements of (a) through (e) of Section 1 of this Rule and

“(2) has engaged in the active practice of law in one or more states, territories or the District of Columbia for five of the seven years immediately preceding the date of his or her application, may, upon motion be admitted to the Alaska Bar Association without taking the bar examination. The motion shall be served on the executive director of the Alaska Bar Association. An applicant will be excused from taking the bar examination upon compliance with the conditions above, and payment of a non-refundable fee to be set by the Board for applicants seeking admission on motion. For the purposes of this section, “reciprocal state, territory or district” shall mean a jurisdiction which offers admission without bar examination to attorneys **licensed to practice law** in Alaska, upon their compliance with specific conditions detailed by that jurisdiction, providing the conditions are not more demanding than those set forth in this Rule.”

“(b) An applicant is not eligible for admission under this section if

“(3) serving as counsel for a non-governmental corporation, entity or person and performing legal services of a nature requiring a **license to practice law** in the jurisdiction(s) in which performed;

“(6) employed by a Legal Services Corporation program or a not-for-profit law firm, performing legal services of a nature requiring a **license to practice law** in the jurisdiction(s) in which performed.

“Section 3.

“(a) An individual who has not graduated from a law school accredited or approved by the Council of Legal Education of the American Bar Association or the Association of American Law Schools shall be eligible to take the bar examination as a general applicant if he/she (1) has been **licensed to practice law** in one or more jurisdictions in the United States for five of the seven years immediately preceding the date of his/her first or subsequent applications for admission to the practice of law in Alaska, (2) was engaged in the active practice of law for five of those seven years, and (3) meets the requirements of (a), (c), and (d) of Section 1 of this Rule.

“(d) An individual eligible to take the bar examination as a general applicant under (a) through (c) of this section shall request that: (1) certified proof of graduation and/or attendance be sent directly from the law school(s) attended to the Alaska Bar Association, and (2) where applicable under Section 3(c)(2)(b), a certificate of good standing from the Bar of the state, territory, or District of Columbia where he/she is **licensed to practice law** be sent directly to the Alaska Bar Association. Proof of attendance and/or graduation and the certificate of good standing must be received prior to the date of the examination.”

A. MISCONDUCT

○ “Rule 9. General Principles and Jurisdiction.

“(a) **License.** The **license to practice law** in Alaska is a continuing proclamation by the supreme court of the State of Alaska ^{6/} (hereinafter the “Court”) that the holder ^{7/} is fit to be entrusted with professional and judicial matters and to aid in

^{6/} The phrase “*The license to practice law in Alaska is a continuing proclamation by the supreme court of the State of Alaska*” is a statement that a “physical license” is in the making and does not exist at this time. This provision of the “Rules” of the “Alaska BAR Association” is the only location where a “**license to practice law**” is identified. Be advised that “Proclamations” may proclaim the bringing forth of “Licenses” into existence, but they are not “Licenses” in and of themselves. [*Emphasis added*].

^{7/} The word “Holder,” as used in this statement, designates the existence of a “Physical License” (*which none has been located*).

the administration of justice as an attorney and counselor, and to act as an officer of the courts. As a condition of the **privilege** to practice law, it is the **duty of every member of the Bar of this State to act at all times in conformity** ⁸ with the **standards imposed upon members of the Alaska Bar Association** (hereinafter the “Bar”). These standards include, **but are not limited to**, the **Rules of Professional Conduct and the Code of Judicial Conduct** that have been or may hereafter be adopted or recognized by the Court, and **Ethics Opinions** that have been or may hereafter be adopted by the Board of Governors of the Bar.” [Emphasis added].

- **Rule 44. Legal Interns.**

“Section 8. Practice of Law Under Statutory Authority.

“To be eligible to **practice law without a license** under the provisions of AS 08.08.210(d), a person must meet the eligibility requirements for obtaining a legal permit listed in Section 3(c)(1), (2), and (3) of this rule. Persons practicing under AS 08.08.210(d) must obtain a **license to practice law** in Alaska no later than 10 months following commencement of their employment. The authority for those persons to practice law terminates upon the failure of that person to pass any bar examination administered by Alaska or any other state of the United States or the District of Columbia.” [Emphasis added].

Alaska Administrative Code

As Alaska Statute “AS 08.08.100” declares that “***the bylaws and regulations adopted by the board or the members of the Alaska Bar under this chapter*** [“Chapter 8” {Attorneys}]

⁸/ The sentence: “It is the ***‘duty’*** of every ***‘member’*** of the ***‘Bar’*** of this ***‘State’*** ***to act at all times in ‘conformity’*** with the ***‘standards imposed upon members’*** of the ***‘Alaska Bar Association’***” as used in “Alaska BAR Rule 9” says it all. The moment an “***Individual***” becomes a “***Member***” of the “***Alaska BAR Association***,” that “***Individual’s Allegiance***” is with the “***Alaska BAR Association***,” not with the “***People***” of the “***State of Alaska***.” That “***Individual***” ceases to have unlimited “***Rights***” of his / her own, but has surrender “***himself***” / “***herself***” to the “***Demands***” and “***Commandments***” of the “***BAR***” and of the “***Courts***” which must be observed “***Twenty-Four (24) Hours***” each Day, “***Seven (7) Days***” each Week, “***Three-Hundred and Sixty-Five (365) Days***” each Year. An “***Attorney-at-Law***” represents and serves the “***BAR***” and “***Courts***” at all hours of the day. [Emphasis added].

of “Title 8” of the “Alaska Statutes”] **are not subject to “AS 44.62”** [“Alaska Administrative Procedure Act”],” there are no references to “Licenses” for the “Practicing of Law” to be found in the “Alaska Administrative Code” (“AAC”).

License to Practice Law - Closing Statement

A “Repugnancy” occurs when the “Alaska State Legislature” declares that an “Attorney” is a “Business” or a “Profession” without providing the means of “Licensing” of those “Businesses” and “Professions” and with the “Pennsylvania State Legislature” declaring that an “Attorney-at-Law” is an “Office.” /⁹ This “Repugnancy” leaves the status of “Attorney” in a state of “nullity” as all “BAR Associations” / “BAR Instrumentalities” of the “States” are subsidiary “Corporations” to the incorporated “American BAR Association” (“ABA”) of “Chicago, Illinois.” This “Conflict” (“Repugnancy”) of “Definitions” of an “Attorney” by two (2) “States” of the “Union” brings forth a “Constitutional Question” as to which only the “U.S. Supreme Court” /¹⁰ may resolve.

It is true that the “Alaska State Constitution” under “Article IV, Section 15” grants “Rule Making Powers” to the “Alaska Supreme Court” in its administration of the “Courts” of the “State,” but “Rules and Regulations” only “Regulate” something that has already been created or established by “Law,” whether the “Law” be by a “Constitution” or by an “enactment of Law” of the “Alaska State Legislature.” The “Rule making Power” does not of itself, authorize the creation or establishment of “Licenses.”

⁹/ **42 Pa.C.S. § 2521. Office of attorney at law.** – “Persons admitted to the bar of the courts of this Commonwealth and to practice law pursuant to general rules shall thereby **hold the office of attorney at law.**” [*Emphasis added*].

¹⁰/ **U.S. Constitution, Article III, Section 2, Clause 1** – “The judicial power shall extend to all cases, in law and equity, arising under this Constitution, **to controversies between two or more states,**” [*Emphasis added*].

The “Court” of “Citizens Coalition v. McAlpine, 810 P.2d 162 (1991)” stopped short in declaring that its “inherent judicial power” of the “State of Alaska” includes the power to create “Licenses”:

“One inherent judicial power that we have exercised repeatedly is the power to regulate the practice of law in the state. We have described the scope of this power generally in our decisions by striking down or disapproving statutes that conflict with attorney disciplinary rules we have promulgated. See In re MacKay, 416 P.2d 823, 829 (Alaska 1964) (*statute in conflict with court rule “was unconstitutional for being an invasion of the inherent power of the court to discipline and disbar members of the Alaska Bar Association”*), cert. denied, 384 U.S. 1003, 86 S. Ct. 1907, 16 L. Ed. 2d 1016 (1966). We also have recognized that the judicial power specifically vests us with authority to determine standards for admission to the practice of law in the state, e.g., In re Stephenson, 511 P.2d 136 (Alaska 1973), and to regulate the professional conduct of attorneys, e.g., Miller v. Paul, 615 P.2d 615 (Alaska 1980). And finally, in exercise of our inherent power, we have adopted rules that govern beyond the “administration ... practice and procedure” limitations of article IV, section 15, most notably the Alaska Bar Rules and the Code of Professional Responsibility.”

Citizens Coalition v. McAlpine, 810 P.2d 162 (1991)

We also have the problem with the mandate of “Judges” and “Justices” being required to be “Licensed” to “Practice Law” under “Article IV, Section 4” of the “Alaska State Constitution” while at the same time, “Alaska Constitution” at “Article IV, Section 14” declares that no “Judge” or “Justice” may “Practice Law” while holding “Office.” /¹¹ May we ask as to what is the purpose of the “Licensing” of “Judges” and “Justices” of the “Courts” if they are not to “Practice Law”?

If this “Repugnancy” of the “Constitution” is not bad enough, we have the “Alaska State Legislature” declaring that “Judges” are “Practicing Law” from within

^{11/} **Alaska Constitution, Article IV, Section 14** – “Supreme court justices and superior court judges while holding office **may not practice law**, hold office in a political party, or hold any other office or position of profit” [Emphasis added].

the “Courtroom” /¹² to which they are required to be “Licensed” /¹³ to do. Now we have “Repugnancies” not only with “Sections” of the “Alaska State Constitution,” but we now have “Repugnancies” between “Statutes” and the “Constitution” for the “State of Alaska.”

The sad conclusion is that there are no “Courts of Law or Equity” for the “State of Alaska” for want of “Office Qualifications” of a “Judge” or “Justice” to administer such “Courts.” What has taken place over the years has “Damaged” untold “Thousands” of our “citizens” of the “State of Alaska” by those who are without a “License” to “Practice Law” as “Judges” and “Justices” (*whom are “usurping” the “Office” of the “Courts” by exercising non-existent “Jurisdiction” of a “Judicial Officer”). They have taken “Property,” have “Altered or Destroyed Contracts,” and have “Incarcerated” our “Citizens” without any “Authority” or “Jurisdiction” of a “Judicial Officer” in violation*

^{12/} **AS 22.05.070. Qualifications of [Supreme Court] Justices.** - “The active practice of law includes (1) sitting as a judge in a state or territorial court; ...” [Emphasis added].

AS 22.07.040. Qualifications of [Court of Appeals] Judges. - “For purposes of this section, the active practice of law is the same as defined for the justices of the supreme court in AS 22.05.070. [Emphasis added].

AS 22.10.090. Qualifications of [Superior Court] Judges. - “The active practice of law shall be as defined for justices of the supreme court in AS 22.05.070.” [Emphasis added].

^{13/} **AS 08.08.210. Who May Practice Law.** - “(a) A person may not engage in the practice of law in the state unless the person is licensed to practice law in Alaska and is an active member of the Alaska Bar. A member of the bar in good standing in another jurisdiction may appear in the courts of the state under the rules the supreme court may adopt. [Emphasis added].

of Federal Law “42 USC 1981-1983” (“Deprivation of Rights”) /¹⁴ and Alaska Statute “AS 11.56.830” (“Impersonating a Public Servant”). /¹⁵

At minimum, the “Legislature” for the “State of Alaska” has a duty to call forth a “Constitutional Convention” /¹⁶ for the purpose of correcting the many “Defects” that are found throughout the “Constitution” for the “State of Alaska.” What is to be done with those who are “Incarcerated” in the “Prisons” of the “State of Alaska” without any authority of “Law” or “Jurisdiction” of the “Courts,” I don’t know. At best, these “Inmates” are entitled to “Writ of Habeas Corpus Hearings” under the authority of “Article I Section 13” of the “Constitution” for the “State of Alaska.” /¹⁷

^{14/} **Federal Law of 42 USC 1983** – “Every person who, **under color of any statute, ordinance, regulation, custom, or usage**, of any **State** or Territory or the District of Columbia, **subjects, or causes to be subjected**, any citizen of the United States or other person within the jurisdiction thereof **to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws**, shall be **liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress**, except that in any action brought against a judicial officer for an act or omission taken in such officer’s judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. [*Emphasis added*].

Federal Law 42 USC 1985 - “(3) **Depriving persons of rights or privileges** - **If two or more persons in any State or Territory** **conspire** or go in disguise on the highway or **on the premises of another**, **for the purpose of depriving**, either directly or indirectly, **any person** or class of persons **of the equal protection of the laws, or of equal privileges and immunities under the laws**; ... in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is **injured in his person or property**, or **deprived of having and exercising any right or privilege of a citizen of the United States**, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.” [*Emphasis added*].

^{15/} **AS 11.56.830. Impersonating a Public Servant.** – “(a) **A person commits the crime of impersonating a public servant if the person pretends to be a public servant and does any act in that capacity.** (d) Impersonating a public servant is a **class B misdemeanor.**” [*Emphasis added*].

^{16/} **Alaska Constitution, Article XIII, Section 1** – “The legislature may call constitutional conventions at any time.”

Alaska Constitution, Article XIII, Section 4 – “Constitutional Conventions shall have plenary power to amend or revise the Constitution, subject only to ratification by the people. No call for a Constitutional Convention shall limit those powers of the convention.”

^{17/} **Alaska Constitution, Article I, Section 13** – “The privilege of the writ of habeas corpus shall not be suspended, unless when in cases or rebellion or actual or imminent invasion, the public safety requires it.”

Please keep in mind that the “States” of “Alaska” and “Hawaii” appears to be the only “Two (2) States” of the “Union” that mandates their “Judges” to be “Licensed” to “Practice Law” and be “Members” of a “BAR Association.”

Duel Office Holding - Introduction

There are several “Complaints” which have been filed with the “Alaska Attorney General” and with the “Director of Elections” for the “Alaska Division of Elections.” These “Complaints” have identified the “Governor” and several “Members” of the “Alaska State Legislature” as being registered “Members” of the “Alaska BAR Association” which are holding “Duel Offices” in violation of the “Restriction Clauses” of the “Constitution” for the “State of Alaska.” /¹⁸

These “Complaints” presents “Arguments” that those “Individuals” of the “Office of the Governor” or of the “Alaska State Legislature” are holding “Other Offices” or they are holding a “Position of Profit” in violation of the “Restrictive Clauses” of the “Constitution” for the “State of Alaska.” As these “Complaints” have addressed the question of an “Attorney” being either an “Occupation” or “Profession” that may be “Licensed” as a “Position of Profit” or as an “Attorney” which is holding an “Office” of “Attorney-at-Law,” there is no need to rehash those “Legal Arguments” within this “Letter.” Let’s just say that if either of those “Positions” are true, a registered “BAR Attorney” is “Disqualified” from holding any “Office” with the “Executive” or “Legislative Branches” of “Government.”

^{18/} **Alaska Constitution, Article II, Section 5** – “No legislator may hold any other office or position of profit under the United States or the State. ...” [Emphasis added].

Alaska Constitution, Article III, Section 6 – “The governor shall not hold any other office or position of profit under the United States, the State, or its political subdivisions.” [Emphasis added].

Duel Office Holding - Closing Statement

With this letter, an additional "Legal Argument" is presented which is found within the "Rules" of the "Alaska BAR Association."

Looking to "Rule 9(a)" we see that registered "Attorneys" are bound by "Duty" ("Contract") of the "Alaska BAR Association" to "act at all times in conformity with the standards" as set forth ("but not limited to") in the "Rules of Professional Conduct" and in the "Code of Judicial Conduct" which said "Rules" and "Codes" does create "Obstructions" and "Conflicts" to the "Administration" of the "Offices of Trust" of the "Executive" and "Legislative Branches" of "Government" for the "State of Alaska."

"(a) License. The license to practice law in Alaska is a continuing proclamation by the supreme court of the State of Alaska (*hereinafter the "Court"*) that the holder is fit to be entrusted with professional and judicial matters and to aid in the administration of justice as an attorney and counselor, and to act as an officer of the courts. As a condition of the privilege to practice law, it is the duty of every member of the Bar of this State to act at all times in conformity with the standards imposed upon members of the Alaska Bar Association (*hereinafter the "Bar"*). These standards include, but are not limited to, the Rules of Professional Conduct and the Code of Judicial Conduct that have been or may hereafter be adopted or recognized by the Court, and Ethics Opinions that have been or may hereafter be adopted by the Board of Governors of the Bar." [*Emphasis added*].

"Rule 9(a)" of the "Alaska BAR Rules"

The same is said with "Rule 9(c)" in that "Attorneys" are always subject to the "Jurisdiction of the Court," and the "Disciplinary Board of the Alaska Bar Association," and the "Rules of Disciplinary Enforcement":

"(c) Attorney Jurisdiction. Any attorney admitted to the practice of law in Alaska, or any other attorney who appears, participates, or otherwise engages in the practice of law in this State, is subject to the jurisdiction of the Court,

the Disciplinary Board of the Alaska Bar Association, and these Rules of Disciplinary Enforcement (hereinafter “Rules”). ...” [Emphasis added].

“Rule 9(c)” of the “Alaska BAR Rules”

An “Attorney” (which holds an “Office of Trust” of the “Governor” or of the “Legislature”) is prevented from performing all the necessary “Duties” of the “Office of Trust” by the “Rules” of the “Alaska BAR Association.” When an “Individual” agrees to the provisions of “Rule 9(a)” and “Rule 9(c)” of the “Alaska BAR Rules,” that “Individual” voluntarily surrenders many “Rights” of “Citizenship” including the “Political Right” of holding a “Public Office of Trust.”

The issue is “Jurisdiction” for it is impossible for a registered “Attorney” to hold a “Public Office of Trust” for the “State of Alaska” and be subject to two (2) or more “Jurisdictions” of the “Three (3) Branches of Government” at the same time, being subject to the “Jurisdiction” to the “Governor” as the “Executive Officer” of the “Executive Branch of Government” or to the “Jurisdiction” of the “Speaker of the House” or the “Speaker of the Senate” as “Legislative Officers” of the “Alaska State Legislature” at the same time. The “Jurisdictions” are not compatible, and under the “Doctrine of Separation of Powers” of the “Three (3) Branches of Government,” a registered “Attorney” may only serve one “Master” at any one time.

The “Master” of a registered “Attorney” is the “Alaska BAR Association” and the “Courts” of the “State of Alaska” which the “BAR” serves. Under the mandate of “AS 09.50.310,” those who are “Registered Members” of the “Alaska BAR Association” that are holding an “Office” of the “Governor” or the “Office” of “Legislator” should be removed from “Office” as a matter of “Law.”

If an “Attorney” would like to hold an “Office of Trust” of the “State of Alaska,” that “Attorney” must surrender himself / herself from the “Jurisdiction” of the “Alaska BAR Association” and the “Courts” of the “State of Alaska” which

the “BAR” serves by submitting an “Affidavit of Resignation” as mandated by “Article II, Section 7” of the “Alaska BAR By Laws.” /¹⁹

Sincerely Yours



Gordon Warren Epperly

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¹⁹/ **Alaska BAR By Laws, Section 7. Resignation.**

(a) Affidavit of Resignation. A member may resign from membership in the Association. A resignation is subject to acceptance by the Board, must be in affidavit form, and, as of the date of the affidavit, affirmatively must state:

- (1) the member does not now, and will not in the future, engage in the practice of law in Alaska;
- (2) the member has no cases pending before the courts of this State;
- (3) the member’s clients have been given proper notice of his or her intent to resign and that they have had sufficient opportunity to find substitute counsel without prejudice to their cases;
- (4) the member has no discipline, fee arbitration, or client security fund matters pending;
- (5) the member is current on all membership fee payments, applicable insurance premiums, and other financial commitments to the Bar; and
- (6) the member understands that his or her resignation is permanent and irrevocable and, should he or she at any time in the future desire to return to the practice of law in Alaska, that he or she would have to make application as a new admittee, subject to the provisions of Part 1 of the Alaska Bar Rules, including, if applicable, the requirement that he or she take and pass the Alaska Bar Examination.

VERIFICATION BY ASSEVERATION

In Witness, Knowing the Punishment for bearing false witness before Almighty God and Men, I solemnly aver, that I have read the annexed "*Open Letter in Regard to License to Practice Law and Dual Office Holding*" and know the contents thereof; that the same is true of My own knowledge, except to the matters which are therein stated in My information and belief, and as to those matters, I believe them to be true.

Seal



Gordon Warren Epperly

Gordon Warren Epperly - Affiant

cc: Attorney General Jahna Lindemuth
Alaska Supreme Court Justice, Joel H. Bolger
Alaska State Legislature
Office of the Governor
Director of Elections, Alaska Division of Elections
The Press

Certified Mail No. 7018 0040 0000 5607 6475

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Telephone (907) 789-5659

October 16, 2018

Elizabeth M. Bakalar
Assistant Attorney General
Alaska Department of Law
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Juneau, Alaska 99811

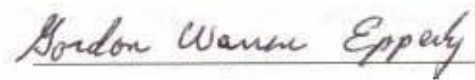
Honorable Elizabeth M. Bakalar

In our last letters, I made a request of you to produce "Photo-Copies" not only your "Credentials" of "Employment" with the "Alaska State Department of Law," but I also made a request of you for a "Photo-Copy" of the "Credentials" for Attorney General "Jahna Lindemuth." I made this request for the "Credentials" of "Jahna Lindemuth" to see how you would handle the question.

Unlike your position with the "Alaska State Department of Law," "Jahna Lindemuth" is not an "Employee," she is an "Officer" ("Official") of an "Executive Department" of the "Executive Branch of Government" for the "State of Alaska."

There are no provisions to be found within the "Alaska State Constitution" nor within the "Statutes" for the "State of Alaska" that mandates or authorizes any "Executive Officer" to be a "Member" of the "Alaska BAR Association" or to be "Licensed" to "Practice Law."

Sincerely Yours

A handwritten signature in cursive script that reads "Gordon Warren Epperly". The signature is written in black ink and is positioned above a thin horizontal line.

Gordon Warren Epperly

Proof of Mailing

Elizabeth M. Bakalar
Assistant Attorney General
Alaska Department of Law
P.O. Box 110300
Juneau, Alaska 99811

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