

Date of Action: 8/26/13	
Approved <input checked="" type="checkbox"/>	Denied <input type="checkbox"/>
By: <i>K. Rupright</i>	

## CITY COUNCIL ACTION MEMORANDUM

### AM No. 13-30: Confirmation of Joe Levesque as Administrative Hearing Officer

Originator: Mayor Verne E. Rupright

Date: 8/14/2013

Agenda of: 8/26/2013

Route to:	Department Head	Signature	Date
X	Finance Director	<i>[Signature]</i>	8-15-13
X	Deputy Administrator	<i>[Signature]</i>	8/14/13
X	City Clerk	<i>[Signature]</i>	8/15/13

Reviewed by Mayor Verne E. Rupright: *[Signature]*

Fiscal Impact:  yes or  no

Funds Available:  yes or  no

Account name/number/amount:

Attachments: Completed application for Joe Levesque (2 pages)

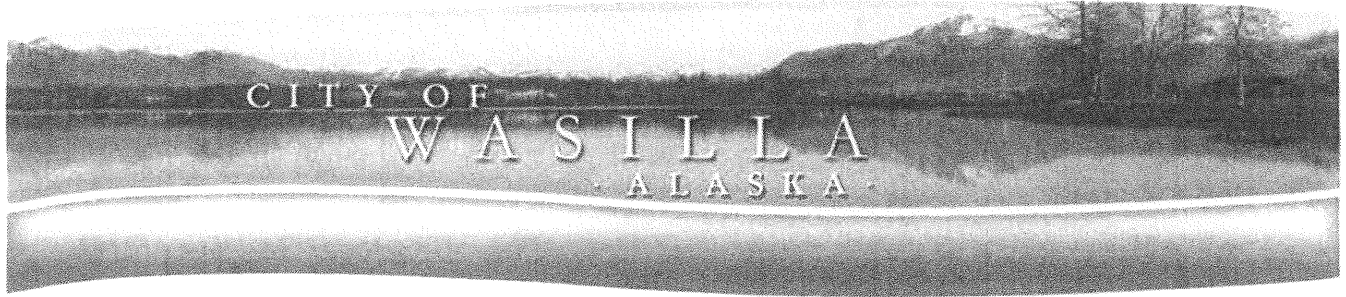
Application Cover Letter (1 page)

Resume for Joe Levesque (2 pages)

List of Public Entity Cases (4 pages)

**Summary Statement:** Mayor Rupright requests the appointment of Joe Levesque as Administrative Hearing Officer. Please confirm this appointment pursuant to Wasilla Municipal Code 2.44.030.

**Staff Recommendation:** Adopt AM No. 13-30.



CITY OF WASILLA • OFFICE OF THE CITY CLERK • 290 E. HERNING AVENUE • WASILLA, AK 99654  
PHONE: 907.373.9090 • FAX: 907.373.9092 • EMAIL: CLERK@CI.WASILLA.AK.US

### APPLICATION FOR APPOINTMENT AS AN ADMINISTRATIVE HEARING OFFICER

An Administrative Hearing Officer shall be an attorney duly licensed to practice law in the State of Alaska, or have training and experience in arbitration, mediation, contract law, and Title 7 and/or 16 of the Wasilla Municipal Code. An administrative hearing officer shall hold no other appointed or elected office or position with the City.

Administrative Hearing Officers are appointed by the Mayor and confirmed by the City Council. Applicant names may be published in the newspaper and the merits of the appointment may be discussed during a public forum. **Please return completed applications to the City Clerk.** For detailed information visit the City's website ([www.cityofwasilla.com](http://www.cityofwasilla.com)).

Applying for jurisdiction over *(select one or more of the following)*:

- Appeals of a Planning Commission decision, pursuant to Title 16.
- Appeals of a Classification, forfeiture or written administrative order, pursuant to Title 7

NAME: Joseph N. Levesque, Esq. -- LEVESQUE LAW GROUP, LLC

MAILING ADDRESS: 3380 C Street, Suite 202, Anchorage, Ak 99503

RESIDENCE ADDRESS: 9644 Nulato Circle, Eagle River, AK 99577

E-MAIL: joe@levesquelawgroup.com

Do you regularly check your email? Yes  or No

HOME PHONE: 907-696-8835 WORK PHONE: 907-261-8935 CELL PHONE: 907-230-8126

OCCUPATION: Attorney

EMPLOYER: LEVESQUE LAW GROUP, LLC

- Do you reside within Wasilla City limits? Yes  or No  If so, for how long? \_\_\_\_\_

- Do you currently own or operate a business in the City of Wasilla? If so, what is the name and physical location of the business? No.
- Does your schedule permit you to attend required hearings? Yes  or  No
- Are you currently affiliated with the City of Wasilla in any way? (examples include: contractor, lease holder, employee) if so, please note the capacity: No.
- Do you currently have a direct or indirect financial or business interest with the City of Wasilla? If so, please note: None.
- Please provide a **one-page resume with cover letter** to include education and experience that would enhance your application.
- Describe your experience and involvement in city government that would qualify you for this position and examples of your work history dealing with appeals from a planning commission and/or an animal care and regulation appeal; this may be included in your cover letter.

See attached cover letter and list of Municipal entity cases attached.

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I understand that this is a voluntary, appointed position to be confirmed by the Wasilla City Council. I further understand that this application is public information and the merits of my appointment may be discussed at a public forum. In addition, my name may be published in a newspaper or other media outlet.

I have read Chapter 2.76 of the Wasilla Municipal Code defining conflict of interest and ex parte contacts. I agree to comply with the code and understand that my tenure as an Administrative Hearing Officer requires such compliance.

I certify that the information in this application is true and accurate.

Signature of Applicant: Joseph N. Levesque Date: August 14, 2013

Date Received: (date stamp below)	<b>FOR OFFICE USE ONLY</b>	
	Registered voter of the City: ___ yes ___ no	City Resident: ___ yes ___ no
	Resume Attached: ___ yes	Alaska Resident: ___ yes ___ no
	Date of Council Approval: _____ AM No.: _____	Date Applicant Notified: _____

# LEVESQUE LAW GROUP, LLC

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3380 C Street, Suite 202  
Anchorage, Alaska 99503

Phone: (907) 261-8935  
Fax: (206) 309-0667  
Email: [joe@levesquelawgroup.com](mailto:joe@levesquelawgroup.com)

August 14, 2013

## SENT VIA EMAIL

Verne Rupright, Mayor  
CITY OF WASILLA  
290 E. Herning Avenue  
Wasilla, AK 99654-7091

Re: Legal Services: Administrative Hearing Officer  
Planning & Zoning Commission Appeal

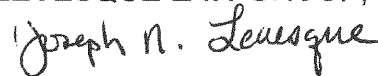
Dear Mayor Rupright:

Thank you for the opportunity to be considered as an Administrative Hearing Officer for Planning and Zoning Commission appeals of the City of Wasilla. As is reflected on my resume attached, I have more than 19 years' experience providing legal services to Alaskan entities on a wide array of legal issues, including serving as an administrative hearing officer for various administrative agency appeals. I have also attached a List of Municipal Entity cases in which I have been retained as legal counsel for your review. Also enclosed is a completed Application for Appointment as an Administrative Hearing Officer, as well as a sample engagement letter for your consideration in the event the City chooses to retain our services.

Again, thank you for the opportunity to be considered to serve as an Administrative Hearing Officer on behalf of the City. Please do not hesitate to contact me if you have any questions or require additional information.

Sincerely,

LEVESQUE LAW GROUP, LLC



Joseph N. Levesque

Enclosures: Application for Appointment as an Administrative Hearing Officer  
Resume of Joseph N. Levesque  
List of Municipal Entity Cases  
Levesque Law Group, LLC website pages

**JOSEPH N. LEVESQUE**

**LEVESQUE LAW GROUP, LLC**  
**3380 C STREET, SUITE 202**  
**ANCHORAGE, AK 99503**  
**(907) 261-8931/ FAX: (206) 309-0667**  
Email: [joe@levesquelawgroup.com](mailto:joe@levesquelawgroup.com)

**Education:** Seattle University School of Law, J.D., 1986  
University of Alaska, B.A., 1980

**Professional Experience:**

**Levesque Law Goup, LLC**  
May 2012 – Present  
General municipal law, litigation

**Walker and Levesque, LLC**  
December, 2000 - present  
General municipal law, commercial litigation.

**Foster Pepper Rubini & Reeves LLC**  
Anchorage, Alaska 99501-2226  
Of Counsel, 1999-2001  
General municipal law, commercial litigation.

**North Slope Borough Law Department**  
Barrow, Alaska  
Borough Attorney, 1996-1999  
Responsible for all legal issues for the Borough and supervision of Assistant Borough Attorneys and staff.  
Assistant Borough Attorney, 1993-1996  
Provided legal advice to the Mayor, the Assembly and all assigned departments. Researched, drafted ordinances, resolutions, rules and regulations and other legal documentation as requested. Represented the Borough in litigation.

**Kenai District Attorney's Office**  
Kenai, Alaska  
Assistant District Attorney, 1990-1993  
Responsible for all misdemeanor cases prosecuted on the Kenai Peninsula. Experience in grand jury presentations; prosecution of felony cases; and Children in Need of Aid cases.

**United States Magistrate John D. Roberts**  
Federal Building U.S. Courthouse  
Anchorage, Alaska  
Judicial Law Clerk, 1989-1990

Researched, drafted memoranda, orders, reports, and recommendations for federal cases.

**Tugman & Clark**

Anchorage, Alaska

Associate, 1987-1989

Researched, investigated, and drafted pleadings, motions, and memoranda for commercial, business and family law cases.

**Staley, DeLisio, Cook & Sherry, Inc.**

Anchorage, Alaska

Law Clerk, 1986-1987

Researched and drafted pleadings, pre-trial motions and memoranda for civil cases.

**Professional Activities:**

Alaska Municipal Attorneys Association

Member, 1993-present

Barrow Restoration Advisory Board

Member, 1994-1999

Elmendorf Restoration Advisory Board

Member: 1999-present

National Association of Bond Lawyers

Member, 2004-present

**Admitted to Practice:**

Alaska, 1987

Washington, 2001

**Personal:**

Born, Augusta, Maine, raised in Alaska. Married with two children.

**Interests:**

Fishing, reading, hiking, and all outdoor activities.

3380 C Street, Suite 202  
Anchorage, Alaska 99503

Phone: (907) 261-8935  
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Email: joe@levesquelawgroup.com

**List of Public Entity Cases**

- Leavitt v. North Slope Borough* (premise liability slip and fall) 1995, Greg Olson
- Taranto v. North Slope Borough* (defamation) 1997, Marie Carroll
- Walther v. North Slope Borough* (civil rights) 1996 Greg Olson
- City of Seldovia v. Stokes* (condemnation purchase of property) 2001 Ronda Haynes
- City of Valdez v. Local Boundary Commission* (single city borough formation) 2005, Lisa Von Bargaen
- North Slope Borough v. Department of Defense* (Iodine 131 human rights) 1998, Todd Sherwood
- North Slope Borough v. Department of Defense* (borough land fill closure) 1998, Todd Sherwood
- Akootchook et al v. North Slope Borough, et al.* (recall election law) 1996, Benny Nageak
- In Re Recall Dorothy Smestad et al* (election law) 2002, Scott Brandt-Ericksen
- KGB v. Alaska Forest Creations, Inc.* (municipal loan guarantee) 2001, Scott Brandt-Ericksen
- Cook Inletkeeper v. City of Homer* (zoning permit violation appeal) 2005, Lane Chesley
- Stoneking v. City of Seldovia* (wrongful discharge) 2005, Teresa Fahning
- City of Seldovia v. Swanson* (enforcement of construction requirement ordinance enforcement) 2004, Ronda Haynes
- Horton v. North Slope Borough* (wrongful discharge) 1997, Gregg Olson

*Telephone Cooperative Tax Appeal* (municipal taxes) 2001, Jack Snodgrass, Mike Gatti

*Aleutians East Borough v. State of Alaska* (environmental contamination prospective purchase agreement) 2005, Bob Juettner

*Aleutians East Borough v. Peter Pan Seafoods, Inc.* (condemnation) 2005, Bob Juettner

*Malabed v. North Slope Borough* (hiring preference) 1999, Benny Nageak

*Stephens v. EPA* (Petition for review environmental rule making) 2005, Stan Stephens

*Prince William Sound Regional Citizens Advisory Council v. EPA* (petition for reconsideration environmental rule making) 2005, Donna Schantz

*Sweetsir v. City of Galena* (breach of contract) 2001, Marvin Yoder

*In Re Jean Krause* (respond to ethics violation complaints against board member and municipal employee) 2005, Michelle M. McGehee

Recalls for Mayor Williams & Assembly Member Superman, 2006, Sherry Biggs

City of Homer, Planning & Zoning Appeals, 2008-2011, Walt Wrede

City of Homer, Ethics Violations, 2010, Walt Wrede

City of Kenai, Referendum, 2009, Carol Freas

*Brown v. City of Kenai*, 2011 personnel board appeal, Rick Koch

*Brown v. City of Kenai*, 3KN-11-01052CI, Appeal to Kenai Superior Court of Decision of Personnel Board.

Regional Citizens' Advisory Council ("RCAC") -- Tug Escort Program, 2011 Donna Schantz

City of Bethel -- Review Ambulance Transfer Agreement, 2003, Bob Herron

City of Homer -- Frank Griswold, records request, 2010, Beth Wythe

City of Homer -- Refuge Chapel Appeal from Planning & Zoning Decision, 2010, Beth Wythe



Kenny Lake Community League, Inc. (Review USDA and Development Agreement)  
2007, Gay Wellman

City of Soldotna, Arbitration Hearing before Employee relations Board, 2009, Teresa  
Fahning

City of Wasilla, Hearing Officer, Planning & Zoning Appeal, Fred Meyers' Store, 2008,  
Kristi Smithers

Matanuska-Susitna Borough, Ethics Hearing Appeal, 2005-2006, Teresa Williams

*City of Valdez, Sea Hawk Seafoods v.*, Breach of Contract, 2005-2012, John Hozey

*Aleutians East Borough, Melvin Gillis v.*, declaratory judgment, property dispute, 2009,  
Sharon Boyette.

Aleutians East Borough, *In Re Redistricting*, 2002 and 2011.

Aleutians East Borough, Alaska Municipal League Joint Insurance Association,  
insurance coverage dispute, 2012

*Aleutians East Borough v. Bureau of Indian Affairs*, Land Dispute, 2012

*City of Seldovia v. Alaska Coastal Marine, et al.* – Harbor fee dispute, 2012

*City of Valdez v. Alaska Municipal League Joint Insurance Association*, insurance  
coverage dispute

Municipality of Anchorage, *Elvi Gray Jackson*, Ethics appeal

Municipality of Anchorage, Term limits issue, Barbara Gruenstein

Municipality of Anchorage, Ordinance review re: Union Contracts, Barbara Gruenstein,  
Bill Star

City of St. George, Removal of Fuel storage tanks, 2012.

Matanuska-Susitna Borough – Review of Historical Preservation Plan.

Matanuska-Susitna Borough – Review of oaths of office.

Aleutians East Borough – Conservation easement.

North Slope Borough – contract process review. Mayor Charlotte Brower.

2011 and 2012 - City of Kenai Board of Adjustment Appeals – Planning and Zoning.  
Rick Koch

2012 *Aleutians East Borough v. Alaska Municipal League Joint Insurance Association*,  
insurance coverage claim/dispute. Mayor Stanley Mack.

2012 Bristol Bay Borough Board of Adjustment Appeal. Tani R. W. Schoneman,  
Borough Clerk.

### **Presentations**

Mr. Levesque has presented to Alaska Municipal Attorneys, Clerks, Finance Directors and newly elected officials on a broad range of topics ranging from Open Meetings Act to Social Media for municipalities.