In the Supreme Court of the State of Alaska

Mark N. Wayson, Appellant, v. **William E. Stevenson,** Appellee.	Supreme Court No. **S-17874** **Order** Motion Requesting That Justice Peter Maassen Recuse Himself Date of Order: **November 2, 2020**

Trial Court Case No. **3AN-17-05729CI**

On October 29, 2020, Appellant Mark N. Wayson requested my recusal from this appeal "for the same reasons [I] recused [my]self from Supreme Court Case No. S-17829 on July 16, 2020." Wayson summarizes these reasons as "flow[ing] from Justice Maassen's role in a scheme, shortly before he was appointed to the Supreme Court by the Governor, where the Dept. of Revenue and the Governor's Office offered Wayson a 'deal' to pay less than legally required child support in Germany because Wayson in an Alaskan." Wayson's letter requesting my recusal in Case No. S-17829 expands on this allegation somewhat, alleging that I "played a pivotal ABA role in the cover-up of" the alleged scheme and implying that Governor Parnell appointed me to the Supreme Court because I "swept the last bit of perjury, and involvement of the Governor's office in the child support embezzlement scheme under the rug."

Wayson's original application in Case No. S-17829 asked the Supreme Court to order a criminal investigation of an attorney. It was unclear to me whether Wayson intended that the investigation he was demanding encompass the allegations against me, and I recused myself in an abundance of caution.

As judges, we have both ethical and statutory obligations to recuse ourselves from cases in which our impartiality may reasonably be questioned.[1] At the same time, however, we have an obligation to hear cases when there is no basis for disqualification.[2] Whether there is an appearance of bias requiring disqualification "is assessed under an objective standard."[3]

Wayson's claim against me is apparently that, in my role as a member of the Alaska Bar Association's Board of Governors in 2012, I was involved in — or at least helped cover up — a "child support embezzlement scheme" perpetrated by the governor's office. I have no knowledge of such a scheme, nor do I recall the issue of child support ever coming up for discussion during my tenure on the Board. Wayson does not explain what the Bar Association's involvement in such a scheme might have been. As far as I can tell, his allegations are completely without factual basis.

I conclude that Wayson's claim that I have a disqualifying bias against him based on the alleged embezzlement scheme is objectively unreasonable, and I therefore decline to recuse myself. This decision is reviewable by the other members of the court pursuant to AS 22.20.020(c).

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[1] Alaska Code of Judicial Conduct Canon 3(E); AS 22.20.020.

[2] *Grace L. v. State, Dep't of Health & Soc. Servs., Office of Children's Servs.*, 329 P.3d 980, 989 (Alaska 2014).

[3] *Mengisteab v. Oates*, 425 P.3d 80, 91 (Alaska 2018).

On consideration of the appellant's motion requesting that Justice Peter Maassen Recuse Himself filed by Mark Wayson on October 29, 2020, and the appellee's October 30, 2020 notice that he takes no position on the motion,

IT IS ORDERED: The motion is **DENIED**.

Entered at the direction of Justice Peter Maassen.

Clerk of the Appellate Courts

Beth A. Pechota, Deputy Clerk

cc: Supreme Court Justices

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