

Court of King's Bench of Alberta

Citation: R v Ayyazi, 2022 ABKB 836

Date: 20221216
Docket: 200085314Q1
Registry: Calgary

Between:

His Majesty the King

Crown

- and -

Ali Mohamed Ayyazi

Accused

**Memorandum of Decision
of the
Associate Chief Justice
J.D. Rooke**

I. Introduction

[1] On May 31, 2022, the Calgary Alberta Court of Queen's (now King's) Bench Criminal Clerks of the Court received a package of materials that had been notarized by Alberta lawyer, Grace George Akpan [Ms. Akpan], and where Ms. Akpan's signature and seal was validated by apostille from the Deputy Provincial Secretary's office [Notarized Package]. These documents relate to and/or were signed by Ali Mohamed Ayyazi [Mr. Ayyazi], a person who is currently facing criminal trial and is accused of cocaine trafficking. The Crown has elected to proceed by indictment against Mr. Ayyazi, in a matter now assigned Alberta Court of King's Bench Docket

200085314Q1. Mr. Ayyazi's trial was set for a jury trial on the last week of February, 2022, however those dates were vacated on November 12, 2021, because Mr. Ayyazi had repeatedly not appeared for his court hearings. An arrest warrant for Mr. Ayyazi followed.

[2] The keystone document in this package is titled "Notice of Interest, in trust", dated May 17, 2022 ["Notice"], which is reproduced below in Appendix "A". In a Decision reported as *R v Ayyazi*, 2022 ABQB 412 [*Ayyazi #1*], I examined that document in some detail, and concluded the "Notice" was an illegal and spurious "get out jail free card" that purported to defeat an arrest warrant issued by the Alberta Court of King's (then Queen's) Bench, and, additionally, purported to unilaterally terminate criminal proceedings against Mr. Ayyazi: *Ayyazi #1* at paras 8-22. The Notice is an example of "pseudolaw", a collection of legal-sounding concepts that use law-like language, but are false, "not-law". In Canada these pseudolaw strategies are grouped as Organized Pseudolegal Commercial Argument [OPCA] concepts: *Meads v Meads*, 2012 ABQB 571. Pseudolaw is typically applied to evade income tax, as a "get out of jail free card", to attack government and institutional actors, or as a way to purportedly nullify debts and get "money for nothing": *Unrau v National Dental Examining Board*, 2019 ABQB 283 at para 178 [*Unrau #2*]. No court in any jurisdiction has accepted the stereotypic conspiratorial not-law concepts that make up pseudolaw. Employing pseudolaw is always an abuse of court processes, and warrants immediate court response: *Unrau #2* at paras 180, 670-671.

[3] In *Ayyazi #1*, I explained that Mr. Ayyazi's "Notice", and other affiliated materials, had no legal effect: *Ayyazi #1* at para 15. Instead, this obnoxious document purports to foist duties upon and threaten an employee and official of an Alberta Court: *Ayyazi #1* at para 15. The strategies used by Mr. Ayyazi are so notoriously false, that him simply bringing up these concepts creates the presumption that Mr. Ayyazi created and submitted these documents with this Court for illegal, bad faith, ulterior purposes: *Ayyazi #1* at paras 16-17. The "Notice" is a potentially aggravating factor, if Mr. Ayyazi is convicted (*Ayyazi #1* at para 20) and can be classified as both criminal and civil contempt of court (*Ayyazi #1* at para 21). In *Ayyazi #1*, I stressed that by using these pseudolaw "get out of jail free" and "counterattack" strategies, Mr. Ayyazi was placing himself in legal jeopardy, and very strongly recommended Mr. Ayyazi immediately retain certified and qualified defence counsel: *Ayyazi #1* at para 22.

[4] I next turned to the issue that Ms. Akpan had notarized Mr. Ayyazi's OPCA materials. This incident was part of a larger pattern where, time and again, despite this Court's clear instructions, and Law Society admonition, lawyers were notarizing pseudolaw documents: *Ayyazi #1* at paras 23-28. Since this information is important to appreciate the context of Ms. Akpan's response, I made these observations, statements, and findings:

1. The Alberta Court of King's Bench, the Alberta Court of Appeal, and the Law Society of Alberta [LSA] had instructed Alberta lawyers to not take steps that formalize OPCA documents, including notarizing those materials: *Ayyazi #1* at para 23.
2. Notarizing pseudolaw documents is particularly troublesome because pseudolaw users believe notaries have extraordinary authority as judges, and or as superior to judges: *Ayyazi #1* at para 24. Pseudolaw's users then act on those extraordinary (but illusionary) rights. That leads to illegal and potentially violent conduct that harms others and themselves: *Ayyazi #1* at para 24.

3. By notarizing documents in the Notarized Package, Ms. Akpan had “... facilitated an illegal scheme ...”, so that Mr. Ayyazi purported to be outside the jurisdiction of the Canadian criminal system: *Ayyazi #1* at para 25. The Ayyazi documents were obviously contrary to Canadian law on multiple bases, and included false and illegal claims that are universally denounced by legitimate legal authorities, such as Strawman Theory concepts: *Ayyazi #1* at para 27. I concluded, at para 26:

Everyone is presumed to know the law, but lawyers are *trained* and *certified* to be knowledgeable and competent in legal subjects. I conclude, on a balance of probabilities, that Ms. Akpan has no excuse for her actions. I have previously commented on the absurd claims in the “Notice”. Ms. Akpan could not possibly be unaware that her client, Mr. Ayyazi, is the subject of an arrest warrant issued by a justice of the Alberta Court of Queen’s Bench. If she has even briefly reviewed the “Notice”, it would be obvious what she was endorsing purported to terminate and/or negate that Court arrest warrant. That is Ms. Akpan participating in a scheme that illegally attempts to usurp the authority of Canadian courts to review an Order of the Court. [Emphasis in original.]

4. I concluded that Ms. Akpan had failed her primary duty as a notary - to confirm the identity of the person whose signature she witnessed - when Mr. Ayyazi signed his name in a notorious pseudolaw manner, and then claimed “all rights reserved”: *Ayyazi #1* at paras 29-30.
5. Ms. Akpan’s actions implicate her professional duties as set by the *Law Society of Alberta Code of Conduct*, but the Court would make no findings on that subject, since discipline of lawyers as regulated professionals is the exclusive jurisdiction of the LSA: *Ayyazi #1* at para 31-34.

[5] I concluded at *Ayyazi #1* at para 35:

I find, on a balance of probabilities, that Ms. Akpan has participated in OPCA schemes to foist illegal obligations on Court personnel, to unilaterally usurp Court authority and attempt to negate a binding Court Order, and to obtain a “get out of jail free” card so her client can (allegedly) ignore Canadian law, and not be subject to criminal prosecution, which denies the Crown’s unique authority to initiate and pursue criminal legal sanctions. I also find, on a balance of probabilities, that Ms. Akpan did so knowingly, or was willfully blind to the illegality that she participated in.

[6] Ms. Akpan was instructed to provide written submissions as to why she should not be personally liable for a monetary penalty pursuant to *Alberta Rules of Court*, Alta Reg 124/2010 *Rule* 10.49, or the under the Court’s inherent jurisdiction, for her breach of duties as an Officer of the Court. The Crown was also invited to make submissions on this point. The time period for those materials has passed. Submissions were received from Ms. Akpan. I now continue to evaluate the question of whether or not a penalty should be imposed by the Court in light of Ms. Akpan’s misconduct.

II. Ms. Akpan's Submissions

[7] Ms. Akpan provided a five-page submission with a number of attachments, that I will now review, and, in certain instances, immediately evaluate. Ms. Akpan's response globally rejects any responsibility for her actions. First, she denies that she should be responsible for costs pursuant to *Rule 10.47* of the *Alberta Rules of Court*. I note that is not the step that the Court had considered imposing in *Ayyazi #1*, but instead *Rule 10.49*, which states:

The Court may order a party, lawyer or other person to pay to the court clerk a penalty in an amount determined by the Court if

- (a) the party, lawyer or other person contravenes or fails to comply with these rules or a practice note or direction of the Court without adequate excuse, and
- (b) the contravention or failure to comply, in the Court's opinion, has interfered with or may interfere with the proper or efficient administration of justice.

[8] Ms. Akpan in her written submission expresses "... deep shock ..." at the "... weighty allegations of participation ..." and "... serious allegations ..." and being "... completely condemned in very strong language without being given any opportunity to be heard in my defence ...". I note that, by inviting Ms. Akpan's submissions, I have given her the opportunity to explain her actions, or identify an "adequate excuse" for what she has done. Ms. Akpan continues that she would never engage in criminal conduct, nor encourage that, nor participate in schemes with the effect of Mr. Ayyazi's documents.

[9] The crux of Ms. Akpan's argument is, whatever she did with Mr. Ayyazi, she was not his lawyer:

... I wish to state categorically that I was never at anytime retained by **Mr. Ayyazi** to act as his legal representative in any civil or criminal proceedings, neither have I participated in the alleged **Mr. Ayyazi's pseudolaw "get out of jail free" scheme** nor in any of **Mr. Ayyazi's "Strawman Theory-based pseudolaw scheme."** It is my honest belief that I did not misrepresent any information to the Court to defeat the cause of justice.

[10] Ms. Akpan continues to explain how she interacted with Mr. Akpan. She admits to notarizing Mr. Ayyazi's documents, but says her role was "... in my capacity as a Notary only, to ensure that **Mr. Ayyazi** was the actual person signing ..." [emphasis in original] those documents. Ms. Akpan says that was her only duty. She examined Mr. Ayyazi's identification. She verified who signed those materials, and she did so in "... honest belief and good faith that my role as a Notary was carefully performed ...". She compared signatures, and noted that Mr. Ayyazi's Driver's Licence included the suffix "ARR", so she did not think the way Mr. Ayyazi had signed his documents was unusual. Mr. Akpan says she believes that "Common Law ID" purportedly issued by the Canada Revenue Agency (see Appendix "B") is a genuine government identification document. Ms. Akpan then concludes that when she witnessed Mr. Akpan's materials, she was authorized to do so by *Notaries and Commissioners Act*, SA 2013, c N-5.5, s 4(1)(c).

[11] Ms. Akpan also clarifies that the documents provided by Mr. Ayyazi that she endorsed did not include four pages that were part of the package received by the Court. I appreciate and

accept that clarification, but note that still means that Ms. Akpan did see two court filings that she identified as “Exhibits”. One is titled “W A R R A N T F O R A R R E S T”, for “*AYYAZI* Ali, Mohamed”. The second page are Endorsements of the Alberta Court of King’s Bench in Mr. Ayyazi’s criminal proceedings for cocaine trafficking.

[12] Ms. Akpan concludes that she did not provide Mr. Ayyazi any legal advice. She stresses the Code of Conduct for Alberta Notaries requires Ms. Akpan treat all persons equally and with respect. That meant she was required to treat Mr. Ayyazi in that manner. What Ms. Akpan did was only to witness and confirm Mr. Ayyazi’s signature. She should not be subject to negative steps for having done that.

III. Analysis

[13] I believe it is fair to say that Ms. Akpan’s argument is that she did nothing wrong because what she did is what notaries do. Here, she was not a lawyer. She was a notary. Someone came to her with unsigned documents. She witnessed that person sign those documents. What was in those documents was irrelevant.

[14] Ms. Akpan looked at what she identified as government issued identification. Ms. Akpan was wrong in relation to the “Common Law ID”. That is clearly a fraudulent OPCA document. That misapprehension is of secondary impact for the purposes of this Decision. Ms. Akpan concluded that the person in this identification and the person with the documents was the same person. Ms. Akpan witnessed her customer’s materials. That was that. The transaction was complete.

[15] Ms. Akpan’s position, therefore, is that whatever Mr. Ayyazi signed is irrelevant. She is just the notary. She witnessed a signature. Anything else is not her fault, nor even her business. She was not operating as a lawyer.

[16] Ms. Akpan’s materials do not comment on her understanding of pseudolaw and the deleterious effects of that phenomenon to Canadian courts, government and society, and pseudolaw’s users, themselves. Ms. Akpan does not comment on her understanding of what she notarized, presumably because from her perspective that is irrelevant.

[17] Ms. Akpan does not respond to why she should not be presumed to have acted in bad faith and for an abusive, ulterior purpose, when she participated in a scheme that applied Strawman Theory: *Fiander v Mills*, 2015 NLCA 31 at paras 37-40; *Rothweiler v Payette*, 2018 ABQB 288 at paras 6-21; *Unrau #2* at para 180.

[18] In *Ayyazi #1*, I pointed out to Ms. Akpan that multiple court and professional authorities have stated what Ms. Akpan did was prohibited. Ms. Akpan did not respond to any of those identified rules and authorities.

[19] I also note that Ms. Akpan did not explain the inconsistency in the signature she witnessed. The identification she was provided was for a “Ayyazi, Ali”, or “Ali Mohamed Ayyazi”, but the actual signature witnessed was “Per: Ayyazi-Estate Trust - grantee [illegible] ARR”. To be fair to Ms. Akpan, I had already concluded in *Ayyazi #1* at paras 29-30 that in doing so she had breached her duties as a notary.

[20] I previously concluded in *Ayyazi #1* that Ms. Akpan had acted illegally. Her written submissions have not altered my conclusion for the following reasons.

A. Grace Akpan, Notary

[21] As I understand the core of Ms. Akpan's submissions, her position is that it really is not the Court's business what she has and has not notarized. Her notary activities are unrelated to law, the legal practice, and operation of the Court. This Court has no more authority to criticize her notarial functions, than to criticize her baking, if Ms. Akpan were also professional pastry chef. Her lawyer and notary functions are separate. Whatever she does as a notary cannot have any bearing on her status, duties, and obligations as a lawyer to the profession, public, and courts.

[22] I reject that argument. Ms. Akpan is a notary in Alberta *because she is a lawyer*. In Alberta, notary status is authorized by legislation, the *Notaries and Commissioners Act*, SA 2013, c N-5.5 [NACA]. That legislation creates two paths to notary status. First, persons may apply to be appointed a notary: NACA s 8. Second, NACA s 3(1) grants certain persons notary status "by virtue of office or status":

- 3(1) The following persons are notaries public by virtue of their office or status:
- (a) a judge;
 - (b) a lawyer and a student-at-law;
 - (c) a political representative.

A person who no longer has these offices or status ceases to be a notary: NACA s 3(2).

[23] So, Ms. Akpan is not a notary as a free-standing, independent status. Ms. Akpan is a notary *because she is a lawyer*. If she were no longer a lawyer, then she would not be a notary. Furthermore, that linkage is reinforced by NACA s 10, that if a notary authorized under the NACA is not complying with that legislation, then the Minister may "issue written directions", and, if the notary is a lawyer, communicate that direction and information to the LSA, "... if the notary public is a lawyer or student-at-law ...": NACA s 11(2)(c).

[24] And even if Ms. Akpan's notary status is a free-floating, independent function and role, unrelated to the practice of law, and her interactions with Alberta courts, then Ms. Akpan is still in breach of her obligations *as a notary*. The NACA s 6 and *Notaries Public Regulation*, Alta Reg 220/2014 [NPR] s 2 create a code of conduct [Code], that is a Schedule to the NPR. Some of the relevant passages of the Code are:

- NPR Code clause 1(e)(iii) - A notary public must ... comply with ... any other law or directives that govern the conduct of notaries public in the discharge of their responsibilities ...
- NPR Code clause 1(g) - A notary public must ... maintain up-to-date knowledge of the law and directives governing the duties and conduct of notaries public ...
- NPR Code clauses 2(b) - A notary public must not ... notarize or participate in the preparation or delivery of any document that is false, incomplete, misleading, deceptive or fraudulent;
- NPR Code clauses 2(c) - A notary public must not ... notarize or participate in the preparation or delivery of any document that

- (i) has the appearance of being validly issued by a court or other legitimate authority but is not,
- (ii) is intended to or has the effect of deceiving any person, or
- (iii) is otherwise lacking valid legal effect.

[Emphasis added.]

[25] Ms. Akpan notarized a document that purports to:

1. “privately” override and eliminate an arrest warrant issued by the Court of Queen’s (now King’s) Bench,
2. terminate a criminal proceeding, unilaterally, conducted by the Crown Prosecutors, on the basis of a payment from an imaginary pseudolaw trust,
3. unilaterally appoint an officer of an Alberta Court as Mr. Ayyazi’s “Fiduciary and Trustee”, and
4. threaten that Officer of the Court.

[26] I find as fact and law, and beyond a reasonable doubt, that Ms. Akpan has breached the terms of the Alberta code of conduct for notaries, clauses 2(b) and 2(c). If Ms. Akpan purports that she has no idea she did anything wrong because she does not understand the nature and character of OPCA documents, then she breached clause 1(g) as well.

[27] Worse, Ms. Akpan - as a notary - has been instructed not to do exactly what she did. The Alberta Government “Information and Instructions For Notaries Public” ((September 2015), online: <<https://open.alberta.ca/dataset/1eb6c08c-b457-46d5-b3de-885c5ff78fe3/resource/a75f0be2-a9e4-49ca-bde5-bcebfe77941/download/notariespublicbooklet.pdf>>), not only confirms that a notary is subject to the Code, but also states the responsibility of Alberta notaries to review documents for improper purposes and characteristics in this way:

Documents that are Legally Ineffective or Obviously Irregular

Before notarizing any document, a Notary Public must carefully review it to make sure that it is not legally ineffective or obviously irregular. Notarizing these documents could lead a person to believe that they have legal force when they in fact do not.

If you are a lay Notary Public and you have any concern that a document might be legally ineffective and/or obviously irregular, you should not notarize that document and the requesting party should be referred to a lawyer.

...

[Emphasis in original.]

[28] Ms. Akpan has obviously failed in that responsibility. I note that the additional responsibility that the “Information and Instructions” place on lawyers. They are presumed to know what is a legally ineffective and/or obviously irregular document. Ms. Akpan’s saying,

effectively, that “I just witness things - who cares what they say” is obviously and explicitly incompatible with both the Code and the specific instructions made to her, as a notary, by the Government of Alberta.

[29] But that is not the end of Ms. Akpan’s breach of her obligations *as a notary*. This Court in *Meads v Meads* at paras 643-645 instructed that OPCA documents should not be notarized:

One duty is to not participate in or facilitate OPCA schemes. During preparation of these Reasons, I reviewed a large number of OPCA litigation files in our Court. I was very disturbed and profoundly disappointed to see the number of occasions where an OPCA document was notarized by a practicing lawyer.

... that this kind of action is inappropriate for an officer of the court. It assists implementation of vexatious litigation strategies. In my view, a lawyer has a positive duty not to engage in a step that would ‘formalize’ (though typically in a legally irrelevant manner) an OPCA document. I have previously noted that certain OPCA gurus place a peculiar and mythical authority in a notary’s hands. A lawyer should not, directly or indirectly, reenforce, or support that purpose.

[30] Prior to that, the Alberta Court of Appeal in *Papadopoulos v Borg*, 2009 ABCA 201 at para 3 also instructed that OPCA documents should not be notarized, “... thereby lending them an aura of legitimacy that they do not deserve ...”, and that Alberta Justice had instructed “... lay notaries not to continue to notarize these obviously irregular documents.”

[31] Ms. Akpan - as a notary - had a duty and obligation under Code 1(g) to maintain and abide by the law of being a notary in Alberta. By notarizing and otherwise formalizing Mr. Ayyazi’s “Notice” document she has utterly failed in her responsibility - as a notary - to ensure she does not participate in and assist in fraudulent and illegal OPCA schemes. Worse, her activity was part of a scheme to subvert the authority of this Court, and to threaten an Officer of an Alberta court.

B. Grace Akpan, Lawyer

[32] Ms. Akpan says she was not acting as a lawyer when she notarized Mr. Ayyazi’s OPCA documents. She did not give advice. That ends her responsibilities.

[33] First, that is inconsistent with this Court’s instructions in *Meads v Meads*, as indicated above. Since then, this Court has repeatedly criticized and reported to the LSA lawyers who have notarized OPCA materials: e.g., *Servus Credit Union Ltd v Parlee*, 2015 ABQB 700 at para 81; *Potvin (Re)*, 2018 ABQB 652 at para 25; *Royal Bank of Canada v Anderson*, 2022 ABQB 354 at paras 54-68.

[34] Ms. Akpan is a lawyer licensed by the LSA. The LSA itself has been explicit on the obligations of lawyers in relation to OPCA schemes. For example, in an online resource titled “OPCA Litigants - The Phenomenon of Freeman on the Land” (online: <https://www.lawsociety.ab.ca/resource-centre/key-resources/substantive-legal-knowledge/opca-litigants-the-phenomenon-of-freemen-on-the-land/>), the LSA stated the obligations of lawyers in relation to pseudolaw litigation and litigants. This document specifically acknowledges and accepts this Court’s instruction in *Meads v Meads* that lawyers must not notarize OPCA documents, reproducing paragraph 645 of that Decision that explicitly and clearly prohibits a lawyer from formalizing OPCA documents. The LSA’s instruction also states:

As was the case in *Meads*, OPCA litigants often present documents that have no legal effect, or which are otherwise legal fictions, for notarization. The Law Society has cautioned lawyers on many previous occasions not to engage in notarizing such documents. All lawyers are officers of the court and are obliged not to participate in the preparation of a document that resembles a court document, or any other document intended to deceive the recipient.

Lawyers and students are often consulted to notarize and commission documents. Notaries public and commissioners for oaths in Alberta are governed by the Notaries and Commissioners Act and associated regulations.

Notaries and commissioners are also subject to a code of conduct, set forth in the regulations which have been passed under the Act. Of relevance, notaries and commissioners must not, among other things, notarize/commission or participate in the preparation or delivery of a document that is false, incomplete, misleading, deceptive or fraudulent. Additionally, they must not participate in the preparation of a document that has the false appearance of being issued by a court or other legitimate authority, or a document that is otherwise lacking valid legal effect. These documents may have the effect of deceiving others, and lawyers must not notarize or commission such documents as it lends a false appearance of authenticity or authority.

When persons present documents to be sworn under oath or requiring the signature of a notary or commissioner, notaries and commissioners must also be aware of the provisions of the *Judicature Act* and the *Criminal Code*. Section 55 of the *Judicature Act* includes a provision that any person using a court form or anything similar to it in a manner that is likely to deceive another person is guilty of an offence and is liable to a fine and/or up to 6 months imprisonment. Similarly, section 137 of the *Criminal Code* provides that any person who fabricates anything with the intent that it be used in a judicial proceeding, with intent to mislead, is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.

[Italics in original, underlining for emphasis.]

[35] I believe that it is clear from this document that the LSA has concluded that when its members act as notaries, they do so within the guidelines and obligations of lawyers. A notice of the LSA, dated October 9, 2018, and titled “Obligations of Notaries and Commissioners” (online: <https://www.lawsociety.ab.ca/obligations-of-notaries-and-commissioners/>), responds specifically to this Court having cautioned that lawyers should not notarize or commission OPCA documents. Here the LSA specifically endorsed this Court’s instructions concerning notarizing pseudolaw documents:

The court expressed its disapproval with two Alberta notaries who had notarized two different documents that had been included with Mr. Potvin’s written arguments. One of those notaries was a lawyer. The court found it disturbing that any notary would authenticate OPCA documents and stated it was a breach of a notary’s and a lawyer’s professional obligations to do so. Even if the notary or lawyer gives no legal advice, notarizing OPCA documents gives a false appearance of authenticity or authority. [Emphasis added.]

[36] The LSA then indicated that the Code applies to notaries - including lawyers - and prohibits "... notarizing, commissioning or participating in the preparation ..." of documents that are fraudulent, misleading, deceptive, purport to claim illegitimate authority, or otherwise lack legal effect. OPCA documents satisfy all those criteria.

[37] Thus, regardless of whether Ms. Akpan sincerely believes that, when she operated as a notary, she is not then subject to her professional lawyer obligations, and as an Officer of the Court, this Court, the Alberta Court of Appeal, and the LSA all clearly reject that. Whether she offered "legal advice" is, in this sense, irrelevant. Ms. Akpan's professional and obligations require her to know that, and, thus, at best, Ms. Akpan could only claim (she did not so claim) that she was negligent in her discharge of those obligations. I note that the LSA and this Court are not out of step but, instead, that other professional and legal authorities outside Alberta have equally condemned and rejected this conduct: Donald J Netolitzky, "Humdrum Becomes a Headache: Lawyers Notarizing Organized Pseudolegal Commercial Argument Documents" (2019) 49:3 *Advocates' Quarterly* 279 at 281-282 [Netolitzky, "Lawyers Notarizing"].

[38] The fact that Ms. Akpan was directed to these authorities in *Ayyazi #1*, and then, apparently, rejected them, is troubling. I reject that Ms. Akpan has any excuse to claim that she, as a lawyer, had no responsibility for her actions participated in and/or formalized an OPCA scheme. Ms. Akpan should have rejected any involvement with Mr. Ayyazi's documents. She did not. Ms. Akpan says that is because, though she is a lawyer, whatever she does as a notary exists in a separate operational compartment. Ms. Akpan is clearly wrong about that.

[39] I, therefore, conclude that Ms. Akpan acted in breach of this Court's clear instructions, that were adopted and reinforced by the LSA as expected conduct for a lawyer in Alberta. As I noted in *Ayyazi #1* at paras 31-34, I believe that Ms. Akpan's activities may be in breach of the *Law Society of Alberta Code of Conduct*, but that is a matter for the LSA and Ms. Akpan.

IV. The Bottom Line

[40] The preceding analysis is about professional and official responsibilities, and the Court's instructions. But there is a deeper, more fundamental issue. Pseudolaw and its users are dangerous. They believe they employ a higher law, and, on that basis, have superior rights. That can manifest in many forms: ignoring motor vehicle rules, regulations, and licencing; refusing to pay income tax; claiming debts are eliminated because of documentary technicalities or because money does not exist; up through to engaging in criminal conduct ranging from drug trafficking to sexual assault of children: *Unrau #2*. People who adopt and employ pseudolaw concepts place themselves above and beyond government, court, and law enforcement authority. They - falsely and illegally - make, impose, and enforce the supposed true law. They claim to make the rules.

[41] Mr. Ayyazi is one such individual. In the documents that Ms. Akpan notarized but otherwise apparently ignored, Mr. Ayyazi:

1. Unilaterally attempted to impose fiduciary status on a named Deputy Clerk of the Provincial Court of Alberta.
2. Claimed to have unilaterally, but legally, terminated the cocaine possession for trafficking criminal proceeding against him, because he has used a "... release form ..." and placed "...a (financing statement) lien ..." on this matter. He had allegedly done this by accepting his criminal prosecution as an "offer", and then

“... returned it for consideration for the charges to extinguished ...”. This claim is a quite commonplace OPCA concept that a criminal trial is a contract dispute, and the accused can unilaterally end it by paying a claim in some manner. While it is not exactly clear here what Mr. Ayyazi thinks he was doing, he probably was claiming he had paid for and terminated his criminal proceedings by accessing an imaginary bank account linked to his “Strawman” birth certificate, the “Ayyazi Estate Trust”.

3. (Purportedly) invalidated or nullified the arrest warrant for him not appearing at his criminal proceedings as a fraud.
4. Alleged the warrant against him established that the Crown Prosecutors are acting personally and without valid authority, thus harassing and harming him (though he also says he is a private third party).
5. Threatened ill-defined steps if the arrest warrant was used.

In effect, this document is a “get out of jail free” card. And Ms. Akpan affixed her notarial seal and stamp to this “Notice of Interest, in-trust”.

[42] Arguably, who cares? This document has no legal merit. What Mr. Ayyazi prepared and then sent to the Alberta Court of King’s Bench will have no effect on his criminal prosecution, and, if anything, will aggravate the sentence against him, if he is convicted at trial. Disposing of any argument based on this document is straight forward. Canada has very well-developed law that responds to and reject pseudolaw. So, what is the big deal with Ms. Akpan formalizing this document? After all, all she did was witness a signature, though in a delinquent way.

[43] The problem is that what Ms. Akpan did has a different meaning in the other and separate world where pseudolaw and its adherents live. In their world, a notary is a judge, if not a super-judge. The formalities that Ms. Akpan engaged in - according to their rules - created a legally binding document. In that illusionary world, Mr. Ayyazi can now allegedly take the document Ms. Akpan notarized, and act on it, with the law at his back.

[44] This idea, that notaries are judges, or judge-like, is nothing new. In 2012, I identified that false belief in *Meads v Meads* at paras 216, 273-274, 483-486, 643-645. I believe it is fair of me to take judicial notice that *Meads v Meads* is a broadly accepted and well-known authority in Canada and throughout the Commonwealth. So, the idea that pseudolaw adherents misconceive what notaries are is not an obscure fact. Netolitzky, “Lawyers Notarizing” at 284-289 presents a more detailed investigation of the history of this misconception. Netolitzky notes, for example that Robert Arthur Menard, the founder of the predominately criminal Freeman on the Land movement, wrote this about what notaries do:

[Notaries] are the joker of the deck and can do anything [a peace officer], a judge or a sheriff can do. They are all powerful when they choose to serve justice. They are the lawful witness to process and standards. Notary Publics ROCK

...

A notary public can be used to convene a proper court of law and be used to bring legal action against the existing courts, police and government actors.

...

We will be regularly using Notary Publics to operate courts and therein establish facts and truths binding on all and will establish lawful excuse to disobey any and all courts and status by way of a claim of right. If this does not happen, there will be either deadly stagnation or chaos and blood.

[45] Of course, that is not the actual authority of notaries in Canada, but for the purpose of this discussion, that is helpful to understand why in *Meads v Meads* and other decisions, this Court has repeatedly instructed that no notary, lawyer or layperson, should take steps that formalize, endorse, or validates a pseudolaw document. It does not matter that pseudolaw adherents incorrectly believe that notaries have extraordinary authority. The problem is these deceived (and/or deluded) people do have those beliefs, *and they act on them*.

[46] Netolitzky, “Lawyers Notarizing” at 282, 291, observes that pseudolaw’s users act on those false beliefs that a notary has extraordinary authority. That leads to a broad range of illegal conduct. Pseudolaw litigants who rely on extraordinary notary authority do not simply fail, but are personally penalized as a consequence: Netolitzky, “Lawyers Notarizing” at 297-298.

[47] What did Ms. Akpan do? She formalized a document that purported to eliminate or nullify a valid Court-issued arrest warrant for Mr. Ayyazi. Mr. Ayyazi’s OPCA document declares that Crown Prosecutors were illegally targeting and harassing Mr. Ayyazi, after he made his cocaine charges go away with a “lien”. The document threatens response if its authority is not accepted, and the named Deputy Clerk does not terminate the arrest warrant in some way, in seven days. Does Mr. Ayyazi believe this document has real authority? I know little of Mr. Ayyazi, other than he is quite committed to pseudolaw concepts, given his paperwork, fake ID, and seeking out a notary to empower his claim. Mr. Ayyazi then sent those documents straight to this Court. He clearly expected *some* kind of effect.

[48] I also note that Mr. Ayyazi did not simply have Ms. Akpan notarize his materials, but also took a further step, obtaining an “apostille”, a fancy looking Alberta Justice and Solicitor General document with a seal and ribbon that has no real utility inside Alberta. That step is used for international purposes to verify a notary is really a notary. I believe I can infer that Mr. Ayyazi put special meaning in that step, particularly since it makes no (real world) sense at all if Mr. Ayyazi was going to deliver his notarized package to the Alberta Court of King’s Bench.

[49] So now Mr. Ayyazi is armed with a document that he claims means the criminal proceedings against him are ended. He won. He has the authority of Notary Akpan behind him. The past two decades have shown us that when OPCA litigants “paper up” with their magical documents, that is a basis and precursor to act. So, what might Ayyazi do, based on his illusionary authority? One possibility is he will target the Crown Prosecutors and the Deputy Clerk with frivolous and abusive lawsuits and/or prosecutions in a real or vigilante pseudolaw court. I, too, am a plausible target, given I rejected Notary Akpan’s authority when I issued *Ayyazi #1*.

[50] But here is a most disturbing possibility. Mr. Ayyazi may believe he has eliminated the criminal proceeding and warrant against him. So, what happens if he is stopped by law enforcement, or becomes the subject of a search and attempted arrest? In his world, Mr. Ayyazi may see those government agents as “outlaws”. They are not authorized to interact against him, let alone stop and detain him. As outlaws, he can target them in justified self-defence - according to pseudolaw’s rules - and the “Notice” document and authority of Notary Akpan.

[51] Put bluntly, the document Ms. Akpan witnessed and empowered is a form of “licence to kill”. And make no mistake, pseudolaw’s believers often point to documents like what Ms. Akpan endorsed and empowered, and kill or attempt to kill on that basis. We, in Canada, are fortunate that these incidents are not common, but pseudolaw here has been linked to violence, including lethal violence: reviewed in Donald J Netolitzky, “Organized Pseudolegal Commercial Arguments [OPCA] in Canada; an Attack on the Legal System” (2016) 10 JPPL 137; Barbara Perry, David Hofmann & Ryan Scrivens, “Anti-Authority and Militia Movements in Canada” (2019) 1:3 J Intelligence, Conflict, and Warfare 1. Recently, Christine M. Sarteschi reviewed the record of violence by pseudolaw adherents in the US against law enforcement personnel: Christine M. Sarteschi, “Sovereign Citizens: A narrative review with implications of violence towards law enforcement” (2021) 60:1 Aggression and Violent Behavior 101509. Dr. Sarteschi identified 74 incidents of violence by pseudolaw actors towards law enforcement, that resulted in the death of 27 officers, and 65 officers wounded. She reports typically violence occurred at “... traffic stops, ambushes, courthouses, parking lots ...”. Dr. Sarteschi concludes her catalog of identified instances of violence is probably incomplete, and these values therefore understate the true extent of violence directed to law enforcement by persons who employ pseudolaw.

[52] So that is the bottom line. What Ms. Akpan did, put her fellow Canadians at physical risk, particularly Crown personnel, judges, court staff, but most likely of all, law enforcement officers. I certainly hope that nothing of that kind occurs, but nevertheless, what we know is that Mr. Ayyazi may now, falsely, believe he has illusionary rights, and one of those rights could be to engage in violence when - from his perspective - he is interfered with.

[53] If this Decision comes to Mr. Ayyazi’s attention I stress he has no such extraordinary rights, and that he should, instead, immediately retain a legitimate certified and licenced lawyer, and listen carefully to what that lawyer tells him.

[54] I hope Ms. Akpan thinks very carefully about what she has done. If pseudolaw and its associated illegal and criminal conduct were a great unknown, I might have some sympathy for a claim that her action was, at worst, badly informed. But in Alberta, this Court have been pointing at and rejecting pseudolaw for decades. The LSA has clearly attempted to inform its members to not engage in this kind of conduct. And I would have hoped, that any lawyer, would look at a document that purports to nullify an arrest warrant that Ms. Akpan in her submissions says she thought was legitimate, and say “There’s a problem here.”

[55] But Ms. Akpan didn’t. And she still says nothing here is a problem. And she is wrong. But hopefully not “deadly wrong”. Time will tell on that point.

V. Lawyer Liability

[56] Netolitzky, “Lawyers Notarizing” at 297 observes that lawyers and layperson notaries who involve themselves with pseudolaw documents may become personally liable for the negative consequences of that action. For example:

... issuing a purportedly binding “Notary Protest” judgment or other document that unilaterally claims to defeat or limit court authority is almost certainly contempt of court.

“Paper terrorism” could be a basis for criminal sanctions. Netolitzky continues to note civil liability is also a genuine risk. For example, the target of a pseudolaw scheme where a notary or

lawyer “empowered” the OPCA litigant may plausibly have a cause of action against the lawyer or notary to recover litigation and other costs that resulted from the OPCA scheme.

[57] While I make no findings of fact or law in this instance, I believe it is fair to observe that Ms. Akpan has conducted herself in a manner that could be classified as, at least, extremely dangerous and negligent, both in relation to her lawyer and notary obligations. If Mr. Ayyazi were to engage in misconduct relying on Notary Akpan’s authority and his “Notice” document, there is a plausible basis for Ms. Akpan to be found personally liable in tort for having negligently exercised her duties, with the result contributing to harm caused by Mr. Ayyazi.

[58] Netolitzky, “Lawyers Notarizing” at 305 concludes:

Remember that a Freeman, Sovereign Citizen, Detaxer, or Moor who seeks to notarize an irregular, fraudulent, or illegal OPCA document is still your client. You have a professional duty to that client, and as an officer of the court, to refuse to take any step that has no legal merit. Furthering any OPCA scheme most certainly qualifies ...

I agree. That is a further potential basis for civil liability by lawyers and notaries who neglect and disregard their duties in that respect. By negligently or intentionally failing in their responsibility to not assist pseudolaw schemes, they are also potentially liable for the negative consequences to the persons who sought out their notaries’ stamp and seal.

VI. Conclusion

[59] This Court regularly encounters notarized OPCA documents. Few are notarized by layperson notaries. The usual offenders are lawyers, and that has gone on for over a decade since this Court made very explicit that should not happen, in *Meads v Meads*. But still it occurs, over and over.

[60] How many times have lawyers blithely notarized “money for nothing” OPCA scheme documents that their clients then unsuccessfully employed to, for example, miracle away a mortgage? No trivial number, that is for certain. Pseudolaw makes things worse, it aggravates the interface and interactions between stressed, criminal, and anti-social individuals and groups, and “mainstream” institutions like banks, police, government, and courts: Donald J Netolitzky, “A Revolting Itch: Pseudolaw as a Social Adjuvant” (2021) 22:2 Politics, Religion, and Ideology 164. Lawyers have been warned not to contribute to and facilitate that. Sadly, the message simply just does not appear to have been received. I hope this Decision will finally communicate to lawyers in Alberta that there will be consequences when they contribute to and facilitate pseudolaw schemes by notarizing or otherwise formalizing OPCA documents.

[61] Ms. Akpan clearly breached both her duties as a lawyer and as a notary. She has obviously and clearly disregarded a direction of this Court: *Rule* 10.49(1)(a). The fact that Ms. Akpan formalized a document that purports to cancel or terminate an Arrest Warrant of this Court obviously interferes “... the proper or efficient administration of justice.”: *Rule* 10.49(1)(b).

[62] Ms. Akpan has not provided any legitimate excuse or explanation for what she did. Instead, she sees nothing wrong in her actions. In taking that position, Ms. Akpan has implicitly rejected the authorities that were pointed out to her in *Ayyazi #1*. This Court has, over and over, instructed lawyers not to notarize pseudolaw documents. Here, I have once again explained why.

There are real consequences that flow from that step, including very serious negative outcomes, even the potential for violence. With the document that Ms. Akpan notarized, that latter result is a non-trivial possibility. Ms. Akpan formalized a licence for Mr. Ayyazi to engage in very dangerous, harmful steps - dangerous for Canadians, and for Mr. Ayyazi, too.

[63] In these circumstances, I conclude that Ms. Akpan should be subject to a \$10,000 *Rule* 10.49 penalty, that shall be paid to the Court, forthwith. The Court will prepare the Order giving effect to this Decision.

[64] I direct that a copy of this Decision and its corresponding Order are delivered to the LSA.

[65] Once again, I caution Alberta lawyers to not notarize or otherwise formalize OPCA documents. If those documents are received by the Alberta Court of King's Bench, the Court may respond with negative steps, such as the *Rule* 10.49 penalty imposed on Ms. Akpan.

Dated at the City of Calgary, Alberta this 16th day of December, 2022.

J.D. Rooke
A.C.J.C.K.B.A.

Appearances:

Grace G. Akpan
Self-represented Litigant.

Appendix “A” - “Notice of Interest, in-trust”

Ayyazi, Estate Trust
c/o Ali Mohamed, Ayyazi Association
351 Panton Ave
County of Rocky View, Non-Domestic

CLERK OF THE COURT (of Provincial Court)
PROVINCIAL COURT OF ALBERTA
Registry: Calgary
601 5 Street SW
Calgary, Alberta. T2P 5P7

CC:
Office of the Chief Justice
The Honourable Chief Justice

Bee: The Honourable Mary T. Moreau

Tuesday, May 17th, 2022

Notice of Interest, in-trust.

Generally, in all matters not particularly mentioned in this Notice in which there is any conflict or variance between the rules of equity and the rules of the common law with reference to the same matter, the rules of equity prevail.

Appointment of Fiduciary and Trustee: Christina Magee (Deputy Clerk of the Court)

Assignment: Settlement in Equity.

RE: Warrant

ARTICLE I:

NOTICE TO VACATE ANY AND ALL WARRANTS

I have reserved all of my rights on order of release form and placed a (financing statement) lien on Docket No. 200085314QI and all matters pertaining to docket No. 200085314Q have been vacated, which brings into question the Double Jeopardy rules. The Crown prosecutor(s) seems to be taking these matters personally and have crossed over to harassment and causing harm and injury to private third parties. The Warrant in question is herein attached. We believe the warrant is a question of fraud and wish for its immediate dismissal or removal from the public records.

I have accepted the offer and returned it for consideration for the charges to be extinguished, set-off or dismissed, this is made clear in my Affidavit For Ali Mohamed Ayyazi, that was filled into court in relation to my Criminal matters via the Civil Forfeiture court Dates filed Jul, 8, 2020.

ARTICLE II:

NOTICE OF DEMAND

I require the release of Warrant for Arrest (Form 7), for this Warrant for Arrest. The requirement is now placed as a demand on the trustee. The cause of action (demand) is due to the Warrant violating the Constitutionally protected rights of the estate and heir. I come as the heir. Where the trustee and the Court believes otherwise and that I am not being harmed and damaged, I require for my accounting in-trust.

- a. The proof of verification of Warrant is required and,
- b. An attachment of an Affidavit for the Warrant and,
- c. Oath of seizure and Certificate of the Bond that created the Warrant is required and,
- d. The full name of Judge or Justice of the Peace or the Deputy Clerk of the Court or the Chief Judge endorsed the warrant and I ask as duty to the Stinchcombe Disclosure.

ARTICLE III:

NOTICE OF ESTOPPEL

Where none of these requirements are met, The Trustee shall be held liable for Securities Fraud by creating a Bond by Usury of a Trademark Name which is property of a Trust. Trustees' good faith compliance and responsible is required within 7 business days.

ARTICLE VII:

NOTICE TO SETTLE PRIVATELY

We wish for peace and goodwill and ask for removal of the death issued warrant as it is harmful to our estate and livelihood and in good faith present notice to trustees' to steer the estate and heirs out of the line harm and danger.

Attachments:

1. Warrant(s)

cc: Office of the Chief Justice

The Honourable Chief Justice

Address: I A Sir Winston Churchill Square,
Edmonton, AB T5J 0R2

bcc: The Honourable Mary T. Moreau

[Akpan Notary Seal]

Per: Ayyazi-Estate Trust
-grantee

[Illegible handwritten signature]
ARR

[Akpan handwritten signature]

May 17, 2022

Grace G. Akpan

Barrister & Solicitor at Grace George Law
315 Evansborough Way NW Calgary
AB T3P0R1 Canada +1 (587) 965-1625

Where there is conflict between the common law and equity, the rules of equity shall prevail.

Appendix "B" - "Canada Revenue Agency Registrar Client - Details" "Common Law ID"

 **Government of Canada** **Gouvernement du Canada**

Canada Revenue Agency
Register Client - Details:

Business Number: 77740 3072

Legal Name: ALI MOHAMED AYYAZI

Operating Name: Ali Mohamed Ayyazi, Association

Ownership Type: Other

Operation: ASSOCIATION

Business Activity: Benevolent Services

Alberta
County of Rockyview

PG492 871 316CN -000 thru 999



Ayyazi® Estate Trust

N.G.O. Business Number: 77740 3072

Mailing Address: c/o: 361 panton way nw | County: Rockyview

Role Type: Administrator

Products: Charitable / Spiritual

Owner: Ayyazi® Estate Trust

Business Activity: Benevolent Services

Email: aalawsociety@protonmail.com

Beneficial Owner: Ali Ayyazi

Trust-ID: 

PG492 871 316CN -000 thru 999

UN-INCORPORATED

QR-Code: UCC-1
File No. - 2019-224-6383-0

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This Common Law ID is property of the Trust and Beneficial Owner