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April 20, 2005

Chief Judge John W. Sedwick  
222 West 7<sup>th</sup> Avenue, Suite 32  
Anchorage, Alaska 99513-7591

Re: Josef F. Boehm

Dear Judge Sedwick:

The purpose of this letter is to allow me to speak on behalf of Joe Boehm. I will be out of town on April 27<sup>th</sup>, so I thought it best to write this letter.

I have been counsel in various commercial transactions over the years where Joe was a party. Initially, I did not represent him, however, in subsequent transactions, I have been his counsel. While my representation has been transaction specific, I have been involved in at least four such transactions over the last 8 to 10 years. As such, I have seen Joe before, during and after his addiction.

When I first met Joe, he was the President of Alaska Industrial Hardware, a company which he built virtually from nothing. Joe was in the process of acquiring Joe Bielawski's property on Commercial Drive. At that time Joe was very much involved in the business of his Company. The transaction was successfully completed.

I next dealt with Joe in late 2001. It was clear to me at that time that this Joe Boehm was a very different man than the Joe Boehm I had met in the Bielawski transaction. On this occasion, he was engaged in a commercial transaction involving an individual of low repute. Unlike the previous transaction, Joe was not focused on the deal. He was difficult to contact. He missed meetings. He didn't return phone calls. Fortunately, for a variety of reasons, this

transaction did not close.

Subsequently, I was again engaged in a transaction on Joe's behalf. Again, the people he was dealing with were not, in my mind, reputable. Once again, Joe's strange behavior manifested itself. It was at this time that I learned that Joe was in the grip of his addiction. Again, this transaction did not close.

Finally, in 2003 I was again hired to assist in another transaction. This time, Joe's associates were reputable local business people with whom Joe had numerous dealings in the past. Joe was involved based on his financial strength, not his business acumen. The other parties were aware of and very concerned about his drug usage, but since his role was to be limited, they continued with the transaction. This transaction was successfully concluded and Anchorage has a new national restaurant as a result. Subsequently, Joe was arrested on the charges which bring him before you. As a result, he is no longer involved with the restaurant as his partner bought him out.

What I observed in the last three transactions was a man who could not make a business decision. At times, he appeared alert, attentive and clear minded, but most of the time he was not. I am not familiar with the manifestations of cocaine addiction, but it was very clear that Joe was not the business man I first met years earlier. His behavior was, to say the least, bizarre. In two of the transactions, he appeared to be in the thrall of less than honorable people. In the one legitimate transaction, he was very hard to contact; he was less than focused and attentive when he was present; and he showed none of the business mind I had observed when I first met him.

Since his arrest, I have handled all of Joe's civil matters. I was first hired about a year ago shortly after his arrest. At that time, I believe Joe was just beginning to escape from the clutches of his addiction. He was certainly more lucid than I had seen in years, but he was really not able to focus on any business matters which he needed to address.

Over the last few months, I have seen a return of the Joe Boehm I first met in the Bielawski transaction. He is back "on his game" as a businessman. Further, his concerns for his Company, his concerns for his employees, his concerns for his family have all been manifest over the last few months. Finally, he has come to the realization that his behavior, while driven by drugs, has put all that he has worked for in jeopardy.

Because he is no longer using cocaine, Joe's mind has cleared. During the period Joe has been in jail, he has worked with his

attorneys to settle a major lawsuit against AIH, its ESOP and him personally. He has sold property in order to be able to put up the \$1,200,000.00 for the "victims" trust fund. He has deeded a small condominium to his step son. He has re-written his Will. He has been engaged, as much as possible, in the affairs of his Company. In short, the Joe Boehm I now visit in jail, is much like the Joe I first met and the man who built Alaska Industrial Hardware into the multi-million dollar company it is today.

In sentencing Joe, I urge you to consider that the driving force behind all of Joe's problems was an addiction to cocaine. Here was a man who worked hard for years building a successful business, but who has a common human frailty; the predisposition to addiction. Joe is an addict. He needs, first and foremost, treatment for that addiction.

I also urge you to consider those who preyed on Joe during the course of his addiction. Look at those who are now blaming Joe for all the bad things that happened to them. If you do, I doubt you will find that any of them have made any contributions to our community. Joe has. He built a company which employs hundreds. These people who now point fingers at Joe, have never built anything. They were vultures who saw Joe's addiction as a way to get to his wealth and they were all over him with their drugs and the other inducements.

None of this is intended to excuse Joe's conduct. He broke the law. The question of punishment is now before you. In choosing the appropriate punishment, I ask only that you consider Joe's addiction and his need for treatment, his past contributions to our community, his remorse as demonstrated by his willingness to put up a 1.2 million dollar trust fund and his age.

In conclusion, having known you for many years, I have no doubt that you will see your way clear to a just sentence. In writing this letter, I wanted you to have my perspective on this man and to perhaps, in some way, assist you in your decision making process. Thank you for taking the time to read this letter.

Sincerely yours,

  
Dan K. Coffey