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November 13, 2015

Hon. Brad Cook, Chairman
Terry Shumaker, Member
Ballot Law Commission
Sheehan Phinney
1000 Elm Street
Manchester, NH 03101
via email: bcook@sheehan.com,

cc:

info@sheehan.com,

tshumaker@bernsteinshur.com,

Re: Complaint challenging the legality of Bernie Sanders running
as a Democrat in New Hampshire

Dear Chairman Cook:

I received a response to my initial letter for a two-day adjournment (the other two days state government is closed), in which you stated you are required "by law" to schedule a hearing by a certain date...and the prompt preparation of ballots...

I have carefully read the governing statute, NH Stat Ch. 665 and I find no exact dates required anywhere except during "general election years." 2015 is not a general election year. It is obviously irrational to suggest that you met in a September hearing to bind litigants that were not even parties to a case until mid-November. There is no way I could have known months in advance that I would file a complaint.

While you claim a BLC order is a "public notice" I searched the web in vain for any public notice from the BLC. I have written the governor to find out why the agency is treated surreptitiously.

I find no urgency to "print a ballot" when I believe the date of the actual primary has not yet been announced.

I also need time to prepare. I have not yet received any opposition to my petition although a media check shows Bernie Sanders was worried enough about his eligibility to hire a local lawyer last summer. He has had months to prepare a response; I have not even seen it yet. I also need time to subpoena witnesses, but that is dependent on what witnesses Sanders himself will proffer.

I suggest the BLC conduct a pre-hearing conference later this week to iron out some of these latent procedural issues.

The statute clearly gives the Commission discretion; the failure to exercise discretion is itself an abuse of discretion. I have been an expert in complex administrative law matters at the state and federal level for over forty-five (45) years and I see no basis for you to deny me a two-day continuance.

If we are not able to resolve the hearing date issue before the close of business on November 17th I will cancel my reservation and hold you personally accountable in a lawsuit for the lost tickets and expenses. I am filing a formal motion with the Commission to reconsider and reschedule.

A more overriding problem, however, is that your law firm has previously trashed me in a case where your firm represented two

Mafia-style hucksters that stole 300 jobs from impoverished North Country workers, involving the Balsams hotel scam. There was no need for your firm to impugn me personally, or my motives, which were to rescue helpless workers from the maw of your law firm's rapacious clients.

As set forth in my formal motion to recuse you from hearing my complaint, I have a right to due process and an impartial administrator. Your statement to the media that possibly someone would challenge my standing smacks of King Henry's suggestion "Who will rid me of this troublesome priest." Any hearing conducted or presided over by you involving me would be a sham and mockery of justice.

You might use your firm's bad judgment, in previously attacking me, as a teachable moment; it is always unwise to attack a party when that attack can come back to haunt you in the future.

I am also concerned by your links to the New Hampshire Republican Party. The professional incompetents in that organization have announced their support for Bernie Sanders, while ignoring the actual procedural history of the Democratic Party's eligibility contests in the recent past.

Your lack of concern for the schedule conflict of a litigant at the BLC is disturbingly reminiscent of the "honest graft" "practiced" by New Hampshire insiders and recently highlighted in a Charles Arlinghaus column, <http://www.unionleader.com/Charles-Arlinghaus-As-for-states-integrity-dont-look-too-closely>.

If you want some free legal advice, I suggest you reschedule the hearing for the week of November 30th and recuse yourself from any further participation to avoid litigation involving your conflicts of interest and abuse of discretion. Please further be advised that I am currently considering new litigation against your clients ("The 'Two Dannys'") for their involvement in the ongoing Balsams scam in Coos County. I am awaiting information from persons in the local community before suing.

I would appreciate all responses/communication/correspondence by fax or email as I am traveling on a nationwide basis in my own presidential campaign and regular mail takes time to catch up. I hope the Commission will also try to accommodate my schedule.

Respectfully submitted,

ANDY MARTIN, J. D.

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