

STATE OF NEW HAMPSHIRE

BALLOT LAW COMMISSION

Petition of:

Andy Martin, Petitioner re Bernie Sanders, Respondent

BL 2015- _____

Motion to Recuse Chairman Brad Cook

1. Factual Basis for Recusal

Chairman Cook's law firm attacked petitioner personally in a lawsuit seeking to undo a fraudulent sale of public trust property to two of Cook's firm's clients. Cook's firm represented two Mafia-style hucksters that gained control of public trust property on the fraudulent representation they were going to "reopen" the historic Balsams resort in Coos County. They never had any such intention.

Petitioner opposed Cook's client's scam, and Cook's law firm responded by trying to smear Petitioner personally. The attacks and responses are public records in the New Hampshire Supreme Court, see Martin v. Spellman, Docket Number 2012-867.

Cook is a former "President" of his law firm and is accountable for the actions and statements of his firm. That Cook harbors subliminal as well as actual bias against

Petitioner can be seen in his remarks to media that maybe "someone" will challenge Petitioner's standing in the current proceeding. Petitioner's standing is rock solid based on New Hampshire and federal law. Cook was obviously inviting harassment of the Petitioner to serve his associates in the New Hampshire Republican Party.

2. New Hampshire law

"It is well established that due process guarantees also apply to administrative agencies." Appeal of Lathrop, 444 A.2d 505, 122 N.H. 262, 265 (N.H. 1982). "The board may not abuse its discretion, even in matters of the manner and timing of a hearing...One element of this requirement is the opportunity to present one's case...before an impartial fact finder." Appeal of Morin, 669 A.2d 207, 140 N.H. 515, 518 (N.H. 1995) See also Petition of Sprague, 564 A.2d 829, 132 N.H. 250, 266 (N.H. 1989).

3. Conclusion

Given his law firm's history of making malicious and unfounded personal attacks on petitioner there is no way Brad Cook satisfies the appearance of justice to be a neutral and detached member of the BLC. The BLC is about to make one of the most constitutionally significant rulings in New Hampshire legal and political history. The result should not be undermined or

tainted by Chairman Cook's law firm's history of biased and malicious attacks towards petitioner.

Respectfully submitted,

Andy Martin, J.D.

Petitioner would appreciate all responses, communications and correspondence by fax or email as he is traveling on a nationwide basis in his own presidential campaign and regular mail takes time to catch up.

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