



Ed Martin Jr. Doesn't take NO for an Answer

Description

Grand Jury At the Kenai Courthouse Aug. 3: Bring it on!



David Haeg and Ed Martin outside of Kenai Courthouse

Unintimidated by bureaucrats of the **Alaska Court System**, **Ed Martin, Jr.** continues to press for compliance with liberties guaranteed by our **Alaska Constitution**. The latest standoff with court security staff and protestors in Kenai Wednesday, August 3, 2022, represents a flashpoint that could have statewide repercussions.

A sixth Kenai Grand Jury is being asked to hear local citizens' charges of government wrongdoing. Court bureaucrats think their permission and participation is required to provide

information of public wrongdoing to a seated Grand Jury.

[Kenai Court Judges Jennifer K. Wells & William F. Morse: “Never Mind the Alaska Constitution...”](#)

The court is expected to again demand subservience, but now some speculate that even if Haeg presentation of facts of wrongdoing to the Grand Jury were allowed, it would likely be done in secret.

*I was there this morning as I will always be there to peaceably assemble under the First Amendment, Martin told radio host **Bob Bird** on **KSRM Radio’s Talk of the Kenai** Wednesday afternoon. I do not believe any protesters in the parking lot of the Kenai Court are trespassing. We are not making a lot of noise and people doing business with the court are coming and going freely.*

In typical bully fashion on July 21, 2022 the court administrator issued **Administration Bulletin 97** in an apparent attempt to intimidate protestors by implying their mere presence might be a **Prohibited Activity**. Of course, the idea that these Alaskans are trying to interfere with routine business of the court; illegally publishing, posting or distributing materials detrimental to the court functions, or interfering with persons performing jury service, is patently absurd. In this writer’s personal past observations all protestors have complied with Law Enforcement and security of the court explicitly.

[Administrative Bulletin 97: Expressive Activity on Court Grounds](#)

Address	COMPANY NAME Phone Link Email
<div>default watermark</div>	

Powered By EmbedPress

Martin explained the scene that morning at the organized protest. As usual the locals served by this State agency parked their cars in the court lot as they have been doing, and assembled out of the main entryway thoroughfare with protest signs.

No other media has bothered to cover this on-going challenge of the State bureaucracy although protests have also occurred in other courthouse locations.

The Clerk of the Court came out and handed all the same document as they gave me last week when I was the last person to leave, said Martin. I believe the new Chief of Security was with her—I watched this from a distance. I didn't hear what was said back and forth, but I assume it was the same explained to me the previous Wednesday. There was conversation for at least 15 minutes. Then I saw a trooper come out by the flagpole with the court officers, and they stood there. They didn't cross over where everybody else was. Then the clerk and that Chief of Security walked back over to the troopers, while all of the protesters were lined up in front of the flag. So I headed over there, and as I walked by the troopers and the court people, I said: "I hope that you all understand the First Amendment right, to peaceably assemble. and I'd like you to acknowledge that". They did. And then I joined in for a picture with of all the other protesters.

KSRM Host Bird responded: *Well, perhaps civil disobedience is here in the offing with the ongoing saga of the grand jury story—which applies statewide. It's just coming to a head right here on the Kenai Peninsula. That's why locals here, probably a lot of people, do understand the importance of this. But when it happens in your own back yard, I don't think most of the residents around here understand this has the potential to blow up the entire state government, because there is a long line of dominoes once that first one falls of the corruption that's been going on in the **David Haeg** case, but it will likely go into many different directions with many different people.*

The Next Shoe to Drop

Martin is in the que to ask the **Grand Jury** to investigate another matter of statewide importance:

Why are there no Public Official Surety Bonds for Alaska Government Officials?

Having been in the construction business since the 1960s when he helped his father in the Mat-Su Valley, Martin knows the protection against huckster building contractors is possible through requirement in state law to be licensed, insured and bonded. A similar requirement in **Alaska Law** is likewise meant to protect **We the People** from huckster politicians, but it has long been ignored and may contribute to many of our elected officials blithely saying one thing when campaigning in district but quite another once teamed up with other politician co-conspirators at the capital in Backwater Juneau.

Special Interests hold sway in Juneau, you know.

*I discovered this malfeasance when Gov. **Michael Dunleavy** appointed someone who was unqualified to be the Commissioner of Administration, by the name of **John Quick**, explained **Martin**.*

The legislature didn't confirm Quick based on his resume and qualifications. I reviewed the duties of the Commissioner of Administration, which are much broader than a lot of people might know, and I found out this law requiring bonding of public officials has not been followed for many years!

Black Letter Law:

TITLE 39. PUBLIC OFFICERS AND EMPLOYEES.

Sec. 39.05.020. Appointment of department heads.

The governor shall appoint the head of each principal executive department in the state government. Each appointment is subject to confirmation by a majority of the members of the legislature in joint session.

Sec. 39.05.040. Oaths for executive officers, boards.

The principal executive officer of each department and the member of each board within the state government shall take, sign, and file the oath of office required by the constitution before entering upon the duties of office.

Sec. 39.05.050. Surety bonds.

The principal executive officer of each department and subordinate officials shall furnish corporate surety bonds in the instance and amount required by law or determined by the governor upon recommendation of the commissioner of administration. The state shall pay the cost of the bond. The attorney general shall approve the form of the bond.

<https://www.akleg.gov/basis/statutes.asp#39.05.020>

Since discovery of oil and construction of the **Trans-Alaska Pipeline**, focus of Alaskans has been on money. This has attracted many people here for their *Alaskan Adventure* who leave little or nothing of value when they leave.

Today Alaskans need to know: Has our state government been running on Autopilot?

Background: Martin's business **KEE Construction, LLC** was busy helping with the **Swan Lake Fire** during the summer of 2019, when his surety bonds assured the **State of Alaska** would be protected from malfeasance or misfeasance in actions during this event. After the fire was out, Martin researched this same legal requirement for public surety bonds and contacted the new commissioner of Administration, **Kelly Tshibaka** to tell her of his concerns. She directed Martin to the State **Director of Risk Management**, who said the **State of Alaska** hasn't had bonds on public officials for a long time because they carry insurance.

A well-paid bureaucrat must have come up with that one.

What is the difference between surety bonds vs insurance?

Insurance is a form of risk management that functions like a contract between the person or business being insured and the insurance company. The insurance policy guarantees that the insurance company will compensate the insured when a covered loss occurs.

A surety bond is also a contract, but between three parties: the person doing the work (principal), the person requiring the work (obligee), and the surety company providing the bond (surety). The bond guarantees that the principal will fulfill the terms of the contract and, if they don't, the obligee can file a claim against the bond to recover their losses from the surety.

[Learn more](#)

I told the Director of Risk Management that is not correct, continued Martin. As a licensed, bonded and insured Alaska contractor I am fully aware of what protections surety bonds provide. I asked to see the bonds—and where the depository was for these public bonds required by law—and was told there were no bonds.

Our elected and appointed state officials work for *We the People* (principal). As the obligee, *We the People* expect state and local laws to be followed to the letter. When our representatives or appointed employees individually or in a conspiracy deny the law, we must have a way to hold them accountable. A surety bond is therefore in order and specifically called for in our *Alaska Constitution*.

Old Time Alaskans Want our State Laws Followed

Martin continued to research public official bonds, what they cost, who they bond and the purpose for them. He found they are required in many local governments in other states. Previously Martin ran for mayor of the ***Kenai Peninsula Borough*** and knew they were supposed to have six public official bonds for executive members of the local government, and the ***Kenai Peninsula Borough School District***.

Bonds are required in State Law to provide coverage to the citizens and the state for any infidelity in office, which would be malfeasance, misfeasance—and in many cases nonfeasance—where a public

*official had a duty to perform certain jobs and failed to do so, explained Martin. There have been offices vacated because of actions on a bond. And that's spelled out in statute. Every Alaskan under the current statutes—if statutes were followed in the **State of Alaska**—would be able to take an action on the bond for, let's say, violation of oath of office, violations of following the law, violating statutes, etcetera. A lot of our problems in this state have been compounded because of ignoring statutes.*

How do premiums work for surety bonds vs insurance?

Insurance premiums are designed to cover the potential losses a person or business might incur due to negligent acts, disasters, or other covered events.

Surety bond premiums are designed to guarantee that the principal fulfills his contractual obligations.

“Aw Shucks” vs. “Oh Shit!”

*There's been a statute—it was on the books for years—which we all expected our government to follow, and it did follow it 40 years without flaw, continued Martin. Under that law the **Permanent Fund Dividend** is paid to Alaskans by a specific formula for a balance of the equity for the mineral rights that will never be transferred to citizens of the State of Alaska through ceded land rights. This violation hits the heart and pocketbook of all Alaskans, who are struggling with our elected officials and our executives and the courts, to recognize the established law.*

Martin explained: *Public Surety bonds are established for two reasons. First, to assure every elected or appointed official carries out the duties of their office consistent with the oath they have taken, and if they should embezzle money from **We the People**, or commit any unconstitutional act or violation of criminal law in their positions, we can initiate an action on the bond to hold them accountable.*

Second, if an action on the bond is sustained, that person's seat becomes vacant.

How are claims handled for surety bonds vs insurance?

Insurance companies will investigate what happened when a person or business makes a claim against their insurance policy. If the claim is found to be a covered loss as outlined in the policy, the insurance company will reimburse the insured. The insurance company has no expectation of reimbursement for what they pay to the insured for a covered loss claim.

Surety companies will work with the obligee and the principal when a claim is filed against the bond. If the surety concludes that the obligee's claim is legitimate, the surety will expect the principal to either respond to, resolve, or defend the claim. If the principal fails to do any of those things or does not satisfy the obligee's claim, then the surety may step in to resolve the situation in one of several ways based on the specific case. The surety company does expect the principal to reimburse them for all expenses incurred during the investigation and settlement of the claim.

*This is the other method—other than recall or denial of reelection—in which citizens can actually have some justice with regards to those that seem to run our government contrary to the will of **We the People**, said Martin. It's vitally important for our state to have bonded officers. Our founding fathers knew that accountability was critical; the Buck had to stop somewhere. Past history has proven that public corruption can exist, like the Bill Allen Veco scandal. This cannot be allowed to happen again in our future. Alaska holds in trust for its people a vast wealth of resources. We cannot allow public corruption to be repeated.*



Martin has sent letters to everyone who might be in a position to recognize their own oaths means a public surety bond is required for all who are expected to serve the public interest in elected and appointed positions. He has heard all the excuses but nobody seems to care about the fact *State Law* is being violated.

One of the duties of the **Commissioner of Administration**, is to determine this sufficient amount of those bonds for other elected and public officials, said Martin. The DOA Commissioner bond is currently by statute a minimal amount of \$10,000. I believe it should be much larger, and I believe the **Commissioner of Revenue, Commissioner of Natural Resources, Commissioner of Public Safety**, at a minimum all should be bonded, for the fidelity of their office—to assure consequences for not carrying out duties under statutory laws and the **Alaska Constitution**.

There are 140 boards and commissions in our state that take action through delegated authority from the legislature. They also should be bonded, according to Martin.

In semi-retirement now, Martin has had six stents put in his heart and his doctors advise him to slow down. That isn't easy for a guy who has been active in his community and played an important role in major construction projects in Alaska.



I mugged for the camera with Ed Martin in front of the large flag at his home entryway.

Looking back Martin sees it has been a good run.

*Growing up on the family homestead on the Kashwitna, I experienced Alaska after statehood (arriving in the mid-1960s), said Martin. Dad had begun clearing the land prior to statehood and created a subdivision on part of that homestead after he got patent to the land. Dad went on to become one of the first **Planning and Zoning Commission** members for the massive **Mat-Su Borough** and ultimately became a member of the **Mat-Su Borough Assembly**. Dad went on to work as a public works director in the mid-80s for the **City of Wasilla**.*

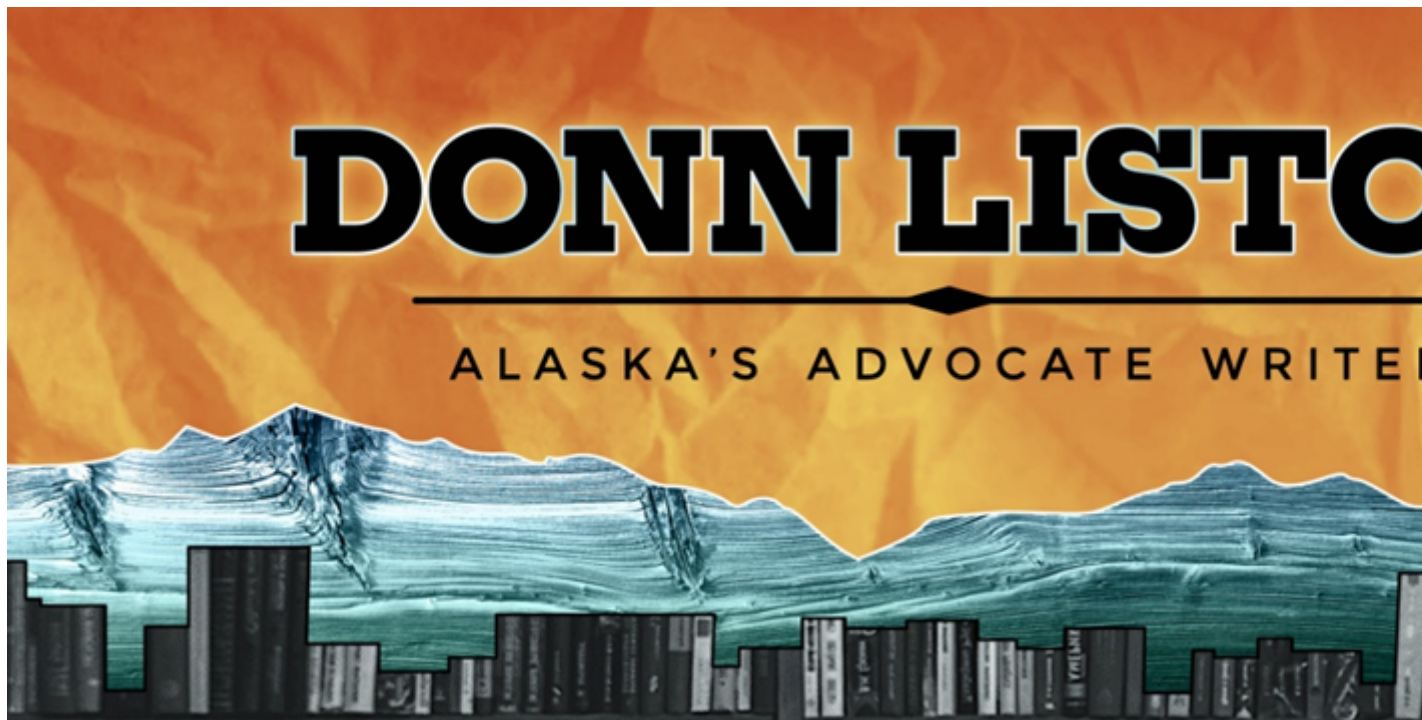
Martin and his family moved to the Kenai Peninsula in 1985.

*If you can remember 1985-86, we had a downturn in the economy and there was a mass exodus from our state, said Martin. That put pressure on a young family, so we bought some mining claims and moved to Cooper Landing. We raised our kids on those mining claims for several years and also ran the **Sunrise Inn Roadhouse** for a while.*

KEE Construction, LLC has been instrumental in fighting fires and building roads in the area. Martin has helped his son, **Edward Martin III** put the multiple pieces of heavy equipment owned by the company to work in an equipment operator training program in Sterling. **Alaska Driving Academy-Truck Driving Division** provides authorized instruction with a 160-hr course certified by the **Professional Truck Driver Institute**, also overseen by the **Alaska Division of Motor Vehicles** as a commercial driving school. The company was founded in 2017 by Martin III. As a member of the **Alaska Post Secondary Education Commission** this writer voted for **Renewal of Authorization** for availability of student loan funding for three more years during the **ACPE Fall Meeting**, October 20, 2021.

As a major company performing construction and training for Alaskans in the KPB, Martin understands requirements to be accountable and responsible for actions of his endeavors. This adds a great cost to doing business but it is the honorable thing to do.

Martin concludes: Shouldn't government officials also be responsible and accountable with the same bonding requirements as private enterprise endeavors? Local proper training combined with the vast resources Alaska holds in trust for **We the People should insure abundant jobs and opportunities in our future.**



Category

1. Alaska Courts

Date Created

August 6, 2022

Author

donn

default watermark