

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

KARSTEN RODVIK,)
)
 Plaintiff,)
)
 vs.)
)
 ALASKA INDUSTRIAL)
 DEVELOPMENT AND EXPORT)
 AUTHORITY, A PUBLIC)
 CORPORATION OF THE STATE OF)
 ALASKA,)
)
 Defendant.)

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Clerk of the Trial Courts

Case No.: 3AN-22-_____ Civil

COMPLAINT

COMES NOW Plaintiff, Karsten Rodvik (“Rodvik” or “Plaintiff”), by and through counsel, and hereby alleges the following:

1. Karsten Rodvik is a resident of the State of Alaska.
2. Alaska Industrial Development and Export Authority (AIDEA) is a public corporation of the State of Alaska with the capacity to sue and be sued pursuant to AS 44.88.080(1).
3. The principal place of business for AIDEA is at 813 West Northern Lights Boulevard in Anchorage, Alaska.
4. This Court has jurisdiction of this matter pursuant to AS 22.10.020.
5. Rodvik began working for AIDEA in 2007 in the position of “Project Manager – External Affairs.”

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6. Rodvik performed his job duties satisfactorily and was promoted to the position of “External Affairs Officer” in 2014. In that position he was responsible for managing communications, media, and public relations for AIDEA consistent with AIDEA’s mission, among other duties.

7. After completing the probationary periods applied to his employment, Rodvik had a reasonable expectation, and constitutional right, to continued employment and was not subject to dismissal except for good cause shown.

8. Rodvik performed excellent work in the role of External Affairs Officer. In his March 2019 Performance Evaluation Report”, he was rated as “Outstanding” in every category, and he was awarded a pay increase. The narrative comments to Rodvik’s Performance Evaluation report were glowing, including the following comments:

PERFORMANCE: “Karsten has a well-developed intuitive sense of how to respond to media and stakeholder requests and his counsel is extremely valuable”

WORK HABITS: “Karsten’s work habits are superior, and he is always available to work on urgent and sensitive matters”

INTERPERSONAL RELATIONSHIPS: “Karsten has developed a positive relationship with media representatives which has earned him the respect and confidence of his peers.”

9. On August 5, 2020, AIDEA promoted Alan Weitzner to be its new

Executive Director.

10. On September 21, 2020, with no warning or consultation, Rodvik received a written "Layoff" notice from Mr. Weitzner, informing Rodvik that "in consultation with the Board, AIDEA is eliminating the position of External Affairs Officer." Rodvik's employment was terminated immediately and he was provided two weeks of pay in lieu of prior notice of his termination. No other cause or justification for the termination of Rodvik's employment was offered.

11. On September 21, 2020, Rodvik was 66 years of age and in a protected category under AS 18.80.220. Mr. Weitzner made disparaging comments to and about Rodvik, questioning his aptitude with recent computer technology and social media, giving the impression that Weitzner's opinion of Rodvik was tainted by age related bias.

12. As of September 21, 2020, Rodvik still had a child in college and had no intention of retiring any time in the near future.

13. The personnel action request form terminating Rodvik's employment was signed by Executive Director Weitzner on September 18, 2020.

14. Two days prior to Weitzner's signing the personnel action form terminating Rodvik's employment, the AIDEA Board held a regular meeting on September 16, 2020. A line item on the Agenda for that meeting was "AIDEA and AEA Organization Chart, Quarterly Update 09.08.20." The "FY2021 Org Chart as of 9/8/2020" provided no indication that the position, or Rodvik's employment, would be ended; rather, Rodvik was listed as "External Affairs Officer PCN 08-0223."

15. The purported elimination of Rodvik's position was a pretextual sham designed to terminate Rodvik's employment when there was no good cause or rational, lawful reason, to do so. There was no bona fide reorganization of AIDEA's structure, and Rodvik was the only person terminated as a result of the purported reorganization. The job duties of his former position were transferred to the newly created, virtually identical, "Communications Director" position that was offered to a substantially younger, less experienced, replacement shortly after Rodvik was terminated.

16. The purported RIF lacked any basis in fact and was unsupported by any organizational need or planning, and was made without consulting the person in the position being eliminated. The decision to end Rodvik's employment on that basis was arbitrary, irrational, and capricious.

17. Rodvik's employment carried with it substantial wages and benefits, including but not limited to health care and a PERS retirement benefit that would have increased substantially in value with continued employment, as Rodvik planned.

18. Following Rodvik's termination, many other AIDEA employees resigned in the face of improper threats of termination, or due to the toxic work environment and mismanagement of current AIDEA leadership.

**COUNT I
WRONGFUL DISCHARGE**

19. Plaintiff incorporates paragraphs 1 through 18 in this Count.

20. AIDEA discharged Rodvik from Employment.

21. In every employment contract in Alaska, even at will employment relationships, there is implied a covenant of good faith and fair dealing.

22. In connection with the termination of Rodvik's employment, AIDEA behaved in an arbitrary and irrational manner, breaching both the subjective and objective components of good faith and fair dealing, thereby wrongfully discharging Rodvik, even if Rodvik were deemed to be an at-will employee.

23. Rodvik has suffered damages as a result of the wrongful discharge.

**COUNT II
WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

24. Plaintiff incorporates paragraphs 1 through 23 in this Count.

25. AIDEA terminated Rodvik. This termination was in violation of AIDEA's own equal employment opportunity rules and policy, and the state constitution, and was therefore wrongful.

26. As a result of the wrongful discharge, Rodvik has suffered damages.

**COUNT III
VIOLATION OF AS.18.80.220**

27. Plaintiff incorporates paragraphs 1 through 26 in this Count.

28. AIDEA discriminated against Rodvik on the basis of age when it terminated him and replaced him with another, younger, less qualified, or no more qualified, employee performing the same job duties.

29. As a result of AIDEA's actions, Rodvik has suffered damages.

**COUNT IV
VIOLATION OF STATE DUE PROCESS RIGHTS**

30. Plaintiff incorporates paragraphs 1 through 29 in this Count.

31. Rodvik had a property interest in his continued employment with AIDEA.

32. Under the State Constitution, AIDEA is required to provide persons with an opportunity for due process in order to protect their interests in property rights.

33. AIDEA acted in violation of the State constitution by implementing the RIF and terminating his employment without notice or an opportunity for Rodvik to be heard.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays for relief as follows:

1. A judgment for compensatory damages for back pay, lost future earnings, employment benefits, and retirement benefits, in an amount to be demonstrated at trial, exceeding \$1,000,000.00.
2. Costs, interest, and attorney's fees.
3. Such other relief as the Court deems appropriate.

Attorneys for Karsten Rodvik:
ASHBURN & MASON, P.C.

DATED: 9/19/22

By: s/Thomas V. Wang
Thomas V. Wang
Alaska Bar No. 9806035

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