

STATE OF NEW HAMPSHIRE
DEPARTMENT OF STATE
BUREAU OF SECURITIES REGULATION

IN THE MATTER OF:

Local Government Center, Inc; Local
Government Center Real Estate, Inc.;
Local Government Center HealthTrust,
LLC; Local Government Center
Property-Liability Trust, LLC;
Health Trust, Inc; New Hampshire
Municipal Association Property-Liability
Trust, Inc.; LGC-HT, LLC; Local
Government Center Workers'
Compensation Trust, LLC; and the
following individuals: Maura Carroll,
Keith R. Burke, Stephen A. Moltenbrey,
Paul G. Beecher, Robert A. Berry,
Roderick MacDonald, Peter J. Curro,
April D. Whittaker, Timothy J. Ruehr,
Julia N. Griffin, Paula Adriance, John
P. Bohenko, and John Andrews

Case No: C-2011000036

**RESPONDENT JOHN ANDREWS' MOTION TO COMPEL PRODUCTION OF
BSR'S INTERVIEWS, STATEMENTS AND SUMMARIES OF SAME**

Respondent John Andrews, by and through his counsel, Orr & Reno, P.A., moves for an Order directing the Bureau of Securities Regulation (the "BSR") to produce copies of any reports of interviews, statements or summaries of interviews or statements obtained or generated by the BSR during the investigation that led to the above-captioned matter. In support of his objection, Mr. Andrews states the following:

1. The BSR has stated during this proceeding that its investigation that led to the Staff Petition lasted approximately two years. Between November 4 and 14, 2011, the BSR produced approximately 1,864 pages of discovery in response to Mr. Andrews' and other Respondents' discovery requests.

2. The BSR's document production does not include a single report of an interview, statement or summary of a interview or statement obtained from an individual by the BSR or generated by the BSR during the two year investigation. Respondent Andrews and other Respondents specifically requested this critical information in their requests for discovery.

3. At the "meet and confer" held on Wednesday, November 16, 2011, undersigned counsel inquired of the BSR about its lack of production of any interview, statement or summary of a witness interview or statement obtained or generated by the BSR during the two year investigation. The BSR responded that its files were devoid of any evidence of witness statements, interviews or summaries of either obtained or generated during the lengthy investigation.

4. Undersigned counsel inquired whether the lack of witness statements, interviews or summaries of either meant that the BSR had not conducted any interviews during the lengthy investigation or whether the BSR had conducted interviews but decided not to memorialize their content in any manner. The BSR expressed uncertainty in response to the inquiry.

5. The due process right ensured by the Fourteenth Amendment to the United States Constitution and Part I, Article 15 of the New Hampshire Constitution requires fair notice of the government's claims and the evidence the government intends to introduce in support of its claims. *See Petition of Kilton*, 156 N.H. 632, 638-39 (2007). The BSR's Preliminary Witness List includes the names of seventeen (17) individuals. It is incomprehensible that during the two year investigation the BSR did not interview its

prospective witnesses and others who the BSR chose not to list on its Preliminary Witness List.

6. Respondent Andrews seeks an Order compelling the BSR to produce copies of all of the interviews, statements and summaries of interviews or statements obtained or generated by the BSR during the two year investigation. If the BSR interviewed individuals during its investigation and chose not to memorialize any of the information obtained from the individuals, Respondent Andrews seeks an Order compelling the BSR to produce a summary of each interview. If in fact, the BSR did not interview a single person during its investigation, Respondent Andrews seeks an Order compelling the BSR to produce a summary of the information it intends to elicit from each of the witnesses listed on its Preliminary Witness List and any person subsequently added to the BSR's Witness List.

Prayer for Relief

Respondent John Andrews respectfully requests that Presiding Officer Mitchell grant Respondent John Andrews' Motion to Compel Production of BSR's Interviews, Statements and Summaries of Same, and thereby Order that the BSR:

1. produce copies of all of its interviews, statements and summaries of interviews or statements obtained by the BSR during the two year investigation; or
2. if interviews were conducted and no such documentation exists, produce a summary of each interview conducted by the BSR during the investigation; or
3. if no interviews were conducted during the investigation, produce a summary of the information the BSR intends to elicit from each of the witnesses listed on

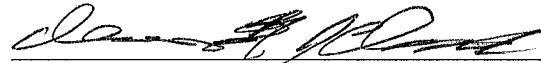
its Preliminary Witness List and any person subsequently added to the BSR's Witness List.

Respectfully Submitted,

JOHN ANDREWS

Date: 11/18/14

By:



Michael D. Ramsdell, Esq. (NH Bar #2096)

Joshua M. Pantesco (NH Bar # 18887)

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was forwarded this day via electronic mail to all counsel of record.



Michael D. Ramsdell, Esq.