

**STATE OF NEW HAMPSHIRE  
DEPARTMENT OF STATE  
BUREAU OF SECURITIES REGULATION**

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IN THE MATTER OF: )  
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Local Government Center, Inc.; Local )  
Government Center Real Estate, Inc.; )  
Local Government Center Health Trust, )  
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 )  

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**SUPPLEMENTAL BRIEF**

NOW COMES, counsel for the Intervenor and states as follows:

1. At hearing, undersigned counsel noted that objections to all of the clients referenced in the moving papers as potential intervenors had not been entered by any Respondent. In response to opposing counsel that this claim is made in error, undersigned counsel has again reviewed the record and states that there has been no objection filed by any Respondent to the request of the ‘original complainant’ and the class of retired public employees.

2. On September 6th, undersigned counsel filed a Motion to Intervene on behalf of three clients: the ‘original complainant’, a class of retired public employees, and the PFFNH. On September 21st, an amendment to that motion was filed adding certain additional Union intervenors.

3. Counsel for LGC filed an Objection to the request to intervene of the PFFNH and those clients referenced in the amended motion. Counsel for LGC did not raise an objection to (nor argue substantively against) the request to intervene filed by the ‘original complainant’ or the retirees.

4. Rather, counsel for LGC argued at hearing that the original complaint (LGC Exhibit 1) is from the President of the Professional Firefighters of Hampton and thus, somehow, the objection to the PFFNH suffices as an objection to the ‘original complainant’.

5. The hearing officer is urged to take ‘judicial notice’ of the fact that Professional Firefighters of Hampton (and its President) is not the PFFNH. (See, PELRB Certification of Professional Firefighters of Hampton [here](#).) Additionally, as the PELRB certification and LGC Exhibit 1 establishes, the Professional Firefighters of Hampton is affiliated with the IAFF and the AFL-CIO. The Professional Fire Fighters of Hampton is not PFFNH. As stated, the PFFNH is not the original complainant.

6. Further, counsel for LGC made no argument as to the claim that they filed no objection to the intervention request made by the class of retirees.

7. Counsel for John Andrews similarly has filed no objection to the ‘original complainant’ or class of retirees. Upon a close inspection of the pleadings, Counsel for John Andrews objects only to the request of certain Intervenors (named in its objection as the “Moving Parties”). The “Moving Parties”, as defined by counsel for John Andrews, does not include either the ‘original complainant’ or the class of retired employees.

8. Thus, the ‘original complainant’ and the class of retirees should be allowed intervenor status as no objection has been raised.

9. Finally, at hearing counsel argued that they would agree to any reasonable restrictions placed on their status as an intervening, interested party. There are ample examples in administrative settings that intervenors are permitted to participate under certain conditions and

constraints. See for example 17 CFR § 10.34 (2000) (Commodity Futures Trading Commission [CFTC], “Limited Participation”); 47 CFR § 1.223(b)(2000) (FCC); 17 CFR § 10.35 (2000) (CFTC, “Permission to state views”); 17 CFR § 201.210(c) (2000) (SEC: “Parties and limited participation”); 29 CFR § 2200.21(c) (2000) (Occupational Safety & Health Review Commission: “Intervention: appearance by non-parties” [“The Commission or Judge may grant a petition for intervention to such an extent and upon such terms as the Commission or Judge shall determine.”])). A stated, RSA 491-B:26-a expressly provides the hearing officer with such powers to manage these proceedings.

Respectfully submitted,  
MOLAN, MILNER & KRUPSKI, PLLC

October 21, 2011

/s/ Glenn R. Milner, Esq.  
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### **CERTIFICATION OF SERVICE**

I hereby certify that a copy of the foregoing was this same day forwarded via electronic mail to Earl Wingate, Esq., William Saturley, Esq., David Frydman, Esq., Brian M. Quirk, Esq., Peter Perroni, Esq., Michael D. Ramsdell, Esq., and Mark Howard, Esq.

/s/ Glenn R. Milner, Esq.  
Glenn R. Milner, Esq.