

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.; )  
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 ) Case No.: C-2011000036  
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 A. Griffin; and John Andrews )  
)  
)  
RESPONDENTS )  
)  

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**PRE-HEARING ORDER ADDRESSING CERTAIN ADMINISTRATIVE AND  
PROCEDURAL ISSUES**

1. On Tuesday, October 4, 2011 a pre-hearing conference was conducted in the above captioned matter with all counsel present.
2. The presiding officer and counsel present at the conference introduced themselves on the record as an audio record was maintained. As required, the general nature of the proceedings was explained by the presiding officer and further, the file record updated to address issues of

named parties, recent appearances by counsel, accuracy of pending motions, certain logistical restrictions pertaining to space and administrative support to the proceedings, and also provided detailed information regarding the terms of his service to the state in this matter. He also provided personal background information in response to an inquiry of LGC counsel, concluding that upon review and reflection he did not believe he presently had or had had a personal or business relationship with any of the parties or proposed witnesses or representatives that would impede his ability to render an impartial decision on the issues at hand nor believed he was aware of any other reason he could not remain impartial during the proceedings. He solicited of counsel whether or not any had reservations in that regard or were, themselves, aware of any fact that they felt should be addressed further in that regard. None were offered during the pre-hearing conference.

3. Thereafter, discussion ensued among counsel and the presiding officer on various aspects of the forthcoming hearing including manner of filing, discovery issues, availability of counsel, scheduling issues and requested counsel to meet and confer on any and all aspects of the case for the purpose of attempting to reach agreements, stipulate to facts not in controversy, and streamline the issues remaining to be heard.
4. Counsel for the petitioning Bureau of Securities Regulation filed a motion to amend the initial petition by adding an additional Count which filing was confirmed by the administrative hearing clerk.
5. Counsel for the petitioning Bureau of Securities Regulation indicated that they may have an issue regarding representation of some counsel of multiple parties.
6. Counsel for the LGC and its affiliates and the present director of the LGC provided a proposed structuring schedule, with which counsel for several individual respondents joined and which the presiding officer advised would be taken under advisement.
7. Counsel for the LGC and its affiliates and the present director of the LGC represented that certain discovery matters had not been resolved among the parties.
8. Counsel for several of the individuals named as respondents underscored that their recent retention by their clients exacerbated their need for relevant discovery materials.

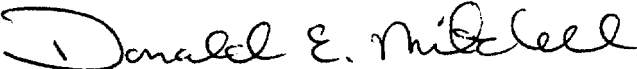
9. All counsel were reminded by the presiding officer that this proceeding was an administrative proceeding and not a judicial proceeding and therefore the pace of scheduling might appear to some litigators as being more expeditious than other judicial schedules of which they were familiar consistent with appropriate due process concerns.
10. Discussion also ensued regarding the pending motions to intervene and the objections thereto which are the subject of a separate order issue this same day.
11. The presiding officer adjourned the conference after soliciting comments and concluding there were no other issues to be presented by the parties.

**Therefore it is hereby ordered that:**

- A. The Petition of the Bureau of Securities Regulation is withdrawn by the BSR as to named Respondents Adriance and Bohenko.
- B. The proposed structuring order filed by LGC and its affiliates and Maura Carroll and other respondents that joined in that proposal and any responses to same are taken under advisement at this time. The subsequently amended and assented to structuring order filed earlier this day is also taken under advisement at this time.
- C. The BSR counsel shall file any motion regarding any challenge relating to representation of any and all respondents or of designation of counsel no later than 7:00 PM, Monday October 10, 2011. In which event, if filed, parties may respond by written response no later than 7:00 PM, Thursday, October 12, 2011.
- D. The presiding officer will consider an agreement by the parties to substitute an alternative means of accurately recording these proceedings, namely a certified court stenographer or equivalent who will provide a certified record transcript in a timely fashion to the presiding officer without charge and to non-contributing requesting parties at a reasonable charge. Said agreement by the parties shall be signed and shall be intended to meet and exceed the rights provided by RSA 421-B:26-a,XVI. At all times, the supervision and control of the recording or reporter and transcription distribution shall be the sole responsibility of the presiding officer or his designee. Counsel for the LGC shall act as ad hoc facilitator to attempt to reach said agreement.

- E. The petitioner and all respondents will produce documents requested by the other on or before November 4, 2011. All documents produced by the parties will be bates-stamped. Following a decision on the motions to intervene all documents produced by any party shall be provided to any intervenor granted status by said order.
  
- F. If following the exchange of documents there remains any disputes, the party requesting said document shall indicate, by motion, that it desires production of a document stating clearly what the document is and why it is to be produced on or before November 11, 2011 no later than 7:00 p.m. The party alleged to be in possession or control of said document or documents shall answer, by objection, indicating the reasons for their refusal to produce same.
  
- G. The presiding officer is available to participate at appropriate times with counsel in these endeavors, to monitor any transfer of information or to facilitate, within the provisions of the relevant statutes, settlement of issues.
  
- H. The parties and counsel involved in this matter are to adhere to any prior orders of any tribunal, administrative or judicial regarding the confidentiality of information. However, information exchanged previously by agreement between parties without the protection of any such order may be discoverable as determined by the presiding officer consistent with administrative law and the provisions of RSA 421-B:26-a.
  
- I. Counsel who have recently appeared for individual respondents are urged to immediately review all exhibits accompanying the initial BSR report.
  
- J. Any Motions for Recusal shall be filed no later than Monday, October 10, 2011 at 7:00 PM.

Issued this 6<sup>th</sup> day of October, 2011



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Donald E. Mitchell, Esq. Bar #1773  
Presiding Officer

## SERVICE LIST

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