

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF STATE  
BUREAU OF SECURITIES REGULATION  
c - 2011000036

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IN THE MATTER OF:

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  
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; Paula Adriance; John P. Bohenko; and  
John Andrews

RESPONDENTS

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MOTION TO INTERVENE OF THE NEW ENGLAND  
POLICE BENEVOLENT ASSOCIATION, INC.

Now comes the New England Police Benevolent Assoc., Inc., IUPA, AFL-CIO (NEPBA)  
and moves for leave to intervene as an “interested party” or “interested person” in this  
matter. As reason therefore, the NEPBA states as follows:

1. The NEPBA is a labor organization representing thousands of law enforcement professionals across New England. The NEPBA is headquartered in Chemsford, MA and is the certified bargaining representative of more than thirty (30) employee bargaining units representing

hundreds of publicly employed law enforcement personnel, and certain retirees from such positions, in the State of New Hampshire.

2. The vast majority of municipal employees represented by the NEPBA in New Hampshire are, or were, employed by municipalities which obtained products and services offered by the Respondents which were governed by RSA 5-B and RSA 421-B.
3. In addition, the NEPBA is also investigating the Respondent's use of monies paid on behalf of State employees represented by the NEPBA.
4. The products and services obtained from the Respondents were obtained by municipalities as a result of collective bargaining agreements negotiated and administered by the NEPBA.
5. The subject NEPBA member-employees have a property interest in the whole of the benefit and services - and any monies improperly withheld or diverted - procured by municipalities on their behalf. Indeed, very often during the period relevant to these proceedings municipalities did not seriously entertain proposals for increased salaries on the basis that healthcare costs were rising. Moreover, the value of healthcare has been relied upon by municipalities as part of the "employment package" of benefits provided to employees in lieu of salary.
6. This Staff Petition for Relief seeks, inter alia, to compel the Respondents to pay restitution and return illegally retained or wrongfully diverted monies "to member political subdivisions" and asks the Secretary to "take such other actions as necessary for the protection of New Hampshire political

subdivisions and enforcement of RSA 5-B and RSA 421-B (Staff Petition dated 9/2/11 at 54).<sup>1</sup>

7. The NEPBA has a clear, significant and pecuniary interest in this matter especially in order to assure that its members and retirees are properly represented with regard to disbursement and ownership of improperly withheld or diverted monies.
8. RSA 421-B:26 expressly provides for the active participation of “interested persons” and “interested parties” in the hearing process. The NEPBA on its own behalf and on behalf of its active and retired membership is an interested party and person to these proceedings.

**WHEREFORE**, the NEPBA respectfully requests that this motion be granted and that it be permitted to intervene and participate in these proceedings as an interested person and/or party.

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<sup>1</sup> The demand for restitution follows the findings set forth in the Bureau of Securities Regulation Report dated August 2, 2011 that, inter alia, LGC: (1) failed to return surplus monies as required by statute; (2) transferred a percentage of surplus to subsidize one pool at the expense of two others while also creating a “strategic plan” in violation of its statutory mandate to return surplus; (3) spent millions on items not authorized by statute; and (4) used improper tying agreements to force municipalities to buy into organizations not related to the statutory purpose of the Pools authorized by RSA 5-B.

Respectfully submitted,  
NEPBA, IUPA, AFL-CIO  
By its lawyer,

*/s/ Peter J. Perroni*  
Peter J. Perroni, Esq.  
Nolan Perroni Harrington, LLP  
133 Merrimack Street  
Lowell, MA 01852  
978-454-3800  
Bar No. 16259  
[peter@nphlegal.com](mailto:peter@nphlegal.com)

Dated: September 19, 2011

I have served the forgoing this day by electronic and regular mail on Glenn R. Milner, Esq., Earl Wingate, Esq., William C. Saturley, Esq., Brian M. Quirk, Esq. Donald Mitchell, Esq., and David Frydman, Esq. (regular mail only).

*/s/ Peter J. Perroni*