

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 and John Andrews

Case No: C-2011000036

RESPONDENT JOHN ANDREWS' ASSENTED-TO MOTION
FOR MODIFICATION OF ORDER ON BSR REQUEST
FOR ON-SITE EXAMINATION

Respondent John Andrews, by and through his counsel, Orr & Reno, P.A., moves for modification of the Order on BSR Request for On-Site Examination dated December 14, 2011, as follows:

1. On December 14, 2011, Presiding Officer Mitchell issued the Order on BSR Request for On-Site Examination (the "Order"). The Order followed a November 21, 2011 hearing related to its subject matter.
2. Commencing at the second paragraph on page 9, the Order includes a description of Presiding Officer Mitchell's opinion of the New Hampshire Bureau of Securities Regulation's (the "BSR") authority to "obtain information" pursuant to RSA

421-B. The Order states that “[t]his authority arises under the provisions of RSA 421-B:9 and applies in this matter because the LGC is alleged to have violated provisions of the ‘securities’ statute acting in the capacity of a ‘broker-dealer’ or ‘issuer-dealer’ or both as those terms are defined in RSA 421-B:2,III and XII(a), respectively.”

3. After acknowledging that the Local Government Center’s (the “LGC”) status as a “broker-dealer” or “issuer-dealer” is merely one of having been alleged so by the BSR, the next sentence undermines that proper recognition. The next sentence commences with the phrase, “[a]s a broker-dealer or issuer-dealer, LGC”

4. In fact, the LGC and the individual Respondents, including Mr. Andrews, deny that the LGC is a broker-dealer or issuer-dealer pursuant to New Hampshire law. Moreover, there has been no evidence on this contested issue presented during this adjudicatory proceeding.

5. Given the BSR’s allegation that Mr. Andrews was the LGC’s agent, a finding that the LGC is a broker-dealer or issuer-dealer would be prejudicial to him. 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 not only fair notice of the government’s claims, but also an opportunity to present evidence and to be heard on material contested issues. *See Petition of Kilton*, 156 N.H. 632, 638-39 (2007). No such opportunity has occurred in this matter, and therefore, the sentence on page 9 that commences with “[a]s a broker-dealer or issuer-dealer, LGC” should be modified to state as follows: “[i]f a broker-dealer or issuer-dealer, LGC”

6. All parties, through counsel, assent to the relief requested herein.

Prayer for Relief

Respondent John Andrews requests an Order modifying the third sentence of the second paragraph on page 9 of the Order on BSR Request for On-Site Examination dated December 14, 2011, by replacing the word, “[a]s” with the word, “[i]f.”

Respectfully Submitted,

JOHN ANDREWS

Date: 12/20/11

By:


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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.