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ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOHN M. FORMELLA
ATTORNEY GENERAL



JAMES T. BOFFETTI
DEPUTY ATTORNEY GENERAL

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July 5, 2023

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

Your Excellency and Members of the Council:

REQUESTED ACTION

That approval be and hereby is given to the Attorney General to grant a salary increase to Sean P. Gill, as an Assistant Attorney General (Position 9U049, Appropriation #02-20-20-200010-2601-013-500132) **retroactive** to July 14, 2023, from a salary of \$120,000 to a salary of \$132,000, upon Governor and Executive Council approval.

EXPLANATION

This item is **retroactive** to July 14, 2023, because fiscal year 2024 attorney raise funds became effective on July 1, 2023 and the July 19, 2023 Governor and Executive Council meeting is the first meeting in fiscal year 2024.

In accordance with 2001 N.H. Laws Chapter 158, Section 101, and 2023 N.H. Laws Chapter 79, Section 180, I request approval to grant a salary increase to Assistant Attorney General Sean P. Gill.

Mr. Gill is a resident of Derry and a member of the New Hampshire Bar. He received his law degree from Wake Forest University School of Law in 1984 with an undergraduate degree from Saint Anselm College. Prior to joining this office, Mr. Gill retired after serving 20 years in the United States Coast Guard in various positions including command and operational law advisor, courts-martial prosecutor; Naval Justice School Instructor; and Coast Guard Academy Staff Judge Advocate and Military Judge (both the trial and appellate bench). Mr. Gill was appointed as an Assistant Attorney General in May, 2016 and was assigned to the Criminal Bureau. On September 17, 2017, he became a Senior Assistant Attorney General and manager

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of the Medicaid Fraud Unit. In December, 2019, Mr. Gill was appointed to the position of Chief of Staff. In this position, he has managed the day-to-day staffing issues and is primarily responsible for the recruitment and retention efforts of the office. He was designated as an Associate Attorney General on November 5, 2020. His salary will increase by \$12,000, from \$120,000 to \$132,000. I will continue his assignment as Chief of Staff for the Department.

RSA 24-M:4 and 94:1-a(I)(c)(3) provide that designation of positions, salary levels, and salary increases for attorneys at the Department of Justice shall be determined by the Attorney General, subject to approval of the Governor and Council, within appropriations made to the Department of Justice.

I respectfully urge your favorable consideration of this request. Thank you.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "J.M. Formella", written in a cursive style.

John M. Formella
Attorney General

Sean P. Gill

RELEVANT LEGAL EXPERIENCE

ASSOCIATE ATTORNEY GENERAL, CHIEF OF STAFF, NH DEPARTMENT OF JUSTICE, CONCORD, NH (Dec. 2019 – present). Manage attorney and investigator human resource issues including hiring, retention, evaluations, and exit interviews. Conduct special projects as directed by the Attorney General.

DIRECTOR, MEDICAID FRAUD CONTROL UNIT, NH DEPARTMENT OF JUSTICE, CONCORD, NH (Sept 2017 – Dec. 2019). Director of eight-person unit responsible for investigating and prosecuting Medicaid provider fraud, false claims, and facility patient abuse. Attorney General's designated representative to Prescription Drug Monitoring Program Advisory Council and Opioid Prescribing Advisory Council.

ASSISTANT ATTORNEY GENERAL, CRIMINAL BUREAU, APPEALS UNIT, NH DEPARTMENT OF JUSTICE, CONCORD, NH (Oct. 2015 – Sept 2017). Brief and argue criminal appeals from the Circuit and Superior Courts to the New Hampshire Supreme Court on behalf of the state.

JUDGE, U. S. COAST GUARD COURT OF CRIMINAL APPEALS (May 2012 – Oct. 2015). Member of appellate court that adjudicates appeals from all Coast Guard general and special-courts martial; review records of trial, appellate briefs, lower court orders; conduct legal research; participate in oral arguments; draft and publish opinions. Judicial duties were collateral to primary assignment.

JUDGE, U. S. COAST GUARD TRIAL JUDICIARY (May 2008 – May 2012). Preside over trial of special courts-martial; docket cases; establish discovery and motions deadlines; schedule trials; write orders, findings of fact, and rulings of law as required; conduct trials; rule on evidentiary objections; instruct members (jurors); preside over sentencing of convicted members. Judicial duties were collateral to primary assignment.

STAFF JUDGE ADVOCATE, U. S. COAST GUARD ACADEMY, NEW LONDON, CT (July 2005 – July 2009). Principal legal advisor to Superintendent, Commandant of Cadets, Academic Dean; provide legal counsel for issues relating to military justice, standards of conduct, environmental law, labor/personnel law, claims, investigations, and contracting. Supervised two Judge Advocates assigned to prosecute high-visibility, court-martial against Cadet charged with multiple sex offenses. Assigned by other Coast Guard commands to preside over Article 32 investigations involving serious alleged offenses, summarize evidence, and make written recommendation regarding disposition.

TRIAL COUNSEL, FIRST COAST GUARD DISTRICT, BOSTON, MA (July 2000 – July 2003). Senior attorney supervising four-person team supporting eight Coast Guard units in New England. Trial counsel (prosecutor) for all courts-martial arising from assigned units; prepared charging instruments; negotiated pre-trial agreements where government could obtain favorable terms; conducted pre-trial investigation, witness preparation, and record reviews; conducted direct and cross-examinations; presented opening, closing, and sentencing arguments to trier of fact; conducted post-trial record reviews and authentication.

TRIAL COUNSEL, MLC PACIFIC, ALAMEDA, CA (July 1996 – July 1998). Senior trial counsel (prosecutor) for all courts-martial arising from assigned units; prepared charging instruments; negotiated pre-trial agreements where government could obtain favorable terms; conducted pre-trial investigation, witness preparation, and record reviews; conducted direct and cross-examinations; presented opening, closing, and sentencing arguments to trier of fact; conducted post-trial record reviews and authentication.

TRIAL COUNSEL, ELEVENTH COAST GUARD DISTRICT, LONG BEACH, CA (Sept. 1994 – July 1996). Trial counsel; prepared charging instruments; negotiated pre-trial agreements where government could obtain favorable terms; conducted pre-trial investigation, witness preparation, and record reviews; conducted direct and cross-examinations; presented opening, closing, and sentencing arguments to trier of fact; conducted post-trial record reviews and authentication.

LITIGATION ASSOCIATE, CULLITY, KELLEY AND MCDOWELL, MANCHESTER, NH (1987 – 1991). Litigate civil, criminal, and administrative cases before state and federal courts and administrative bodies; extensive pre-trial discovery practice including medical records review, interrogatories, depositions and motions to compel; draft and respond to motions; participation in settlement negotiations; prepare for and participate in hearings and trials before New Hampshire District and Superior Courts, Department of Labor (workers compensation), Social Security Administration, Department of Safety; authored appellate briefs submitted to New Hampshire Supreme Court and First and Fourth Circuit Courts of Appeals.

PROSECUTOR, MANCHESTER DISTRICT COURT, MANCHESTER, NH (1986 – 1987). Responsible for the prosecution of misdemeanor cases to verdict and felony indictments through probable cause; extensive pre-trial and witness preparation; drafted motions and objections thereto; negotiate plea agreements where government could secure favorable terms.

OTHER PROFESSIONAL EXPERIENCE

CHIEF OF MISSION SUPPORT/COMMANDING OFFICER, MILITARY PERSONNEL, U. S. COAST GUARD ACADEMY, NEW LONDON, CT (July 2012 – Oct. 2015). Perform the duties and responsibilities of a base commander; led Engineering, Administrative, Personnel, Medical, IT, Comptroller, Police, and Recreation Divisions. Commanding Officer of ~300 enlisted personnel. Managed \$24.5M annual operating budget. Responsible for physical security of 100-acre federal reservation and waterfront. Member of Superintendent's Senior Leadership Team. Acting Assistant Superintendent (10 weeks).

LOGISTICS DEPT. HEAD/COMMANDING OFFICER, MILITARY PERSONNEL, U. S. COAST GUARD SECTOR LONG ISLAND SOUND, NEW HAVEN, CT (July 2009 – July 2012). Led Administrative, Personnel, Finance, Supply, Engineering, Medical and Galley Divisions servicing 13 Coast Guard units in Connecticut and Long Island, New York. Managed \$3.25M annual operating budget. Supervised investigations and special projects.

MILITARY JUSTICE DEPARTMENT HEAD, NAVAL JUSTICE SCHOOL (July 2003 – July 2005). Supervise and conduct training of Coast Guard, Navy, and Marine Corps Judge Advocates attending 10-week accession course. Instructed line officers and international military officers

attending Naval War College, Surface Warfare Officers School, USN Officer Indoctrination School, and Submarine Officers Advance Course. Managing Editor, "The Naval Law Review."

DECK WATCH OFFICER/SUPPORT SERVICES DEPT. HEAD, USCGC MUNRO (WHEC-724), ALAMEDA, CA (July 1998 – July 2000). Inport and underway Officer of the Deck. Responsible for safe navigation and operation of 378' high endurance cutter with crew of 165 operating throughout eastern Pacific and Bering Sea. Oversee Administrative, Finance, Supply, Medical, and Galley operations.

BAR MEMBERSHIPS

New Hampshire (since Sept. 1984)
(Bar ID No. 0930)

U. S. Supreme Court (since March 2006)

Massachusetts (since May 1993)
(Bar ID No. 563048)

Member in good standing with each

EDUCATION

Saint Anselm College
Manchester, New Hampshire
B.A., Political Science (1981)

Wake Forest University School of Law
Winston-Salem, North Carolina
J. D. (1984)

TRAINING

Candidate, National Judicial College
Certificate Program (General Jurisdiction)
Reno, Nevada

Military Judges' Indoctrination Course
U. S. Army JAG School
Charlottesville, Virginia