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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

1. That approval be and hereby is given to the Attorney General to grant a salary increase to Mark W. Dell'Orfano, Position #9U288 (Appropriation #02-20-20-201010-2620-013-500132), from a salary level of \$84,000 to a salary level of \$93,000, **retroactive** to July 1, 2023, upon Governor and Executive Council approval as authorized by 2001 NH Laws Chapter 158, Section 101 and 2021 NH Laws Chapter 91.
2. That upon approval of paragraph 1, that further approval be and hereby is given to the Attorney General to appoint Mark W. Dell'Orfano, Position #9U288 (Appropriation #02-20-20-201010-2620-013-500132) as an Assistant Attorney General at a salary level of \$93,000, effective upon Governor and Executive Council approval or July 28, 2023, whichever is later, for a term ending September 1, 2023.

EXPLANATION

Requested Action 1 seeks your approval to implement a salary increase for Attorney Mark W. Dell'Orfano of \$9,000, from \$84,000 to \$93,000. The proposed increase was calculated based upon a merit-based system established by the Legislature in 2001 and is **retroactive** to the effective date of the 2024-2025 biennial budget when funds for the salary increase became available.

Requested Action 2 asks approval to appoint Mark W. Dell'Orfano as an Assistant Attorney General. Mr. Dell'Orfano, a Bedford resident, earned his Bachelor of Science from Purdue University (1977), Master's in Business Administration from Babson College (2003), and Juris Doctor from the Massachusetts School of Law (2011). He served as Senior Vice

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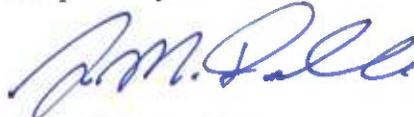
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President of Business and Legal Affairs and General Counsel at Sector Capital Group, LLC, from 2003 to 2019. He was Of Counsel to the Environment and Energy practice at Sheehan Phinney Bass and Green, PA, from 2019 to 2022. In that capacity he advised public and private companies—including energy developers, electric cooperatives, energy brokers, non-governmental organizations, and private equity funds—on general corporate and transactional matters. He is admitted to practice law in New Hampshire and Massachusetts. He joined the Department in November 2022 and has been assigned to the Civil Law Bureau's Client Counseling Unit. I plan to continue his current assignment. A copy of his resume is attached.

RSA 94:1-a(1)(c)(3) provides 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 am pleased to offer Mr. Dell'Orfano's appointment as an Assistant Attorney General at the above-referenced salary for your approval and respectfully urge your favorable consideration. Thank you.

Respectfully submitted,



John M. Formella
Attorney General

Mark W. Dell'Orfano

SUMMARY

Government Attorney with twenty-five years of combined legal and business experience handling complex commercial, corporate, financial, litigation, real estate, and tax matters. Before joining the New Hampshire Department of Justice, Mark was a member of the Environment and Energy Practice at Sheehan Phinney Bass & Green, P.A., where he represented clients on a wide range of corporate, litigation, regulatory, and transactional matters. Prior to joining Sheehan Phinney, Mark served as General Counsel at Sector Capital Group for the last eight of his sixteen years with the firm. Mark is a graduate of Purdue University (B.Sc.). He earned his M.B.A. from the F.W. Olin Graduate School of Business at Babson College and his J.D. from the Massachusetts School of Law. Mark is admitted to practice law in New Hampshire and Massachusetts.

WORK EXPERIENCE

New Hampshire Department of Justice | Concord, NH
Attorney, November 2022 – Present.

Provides legal counsel and practical advice on a wide range of commercial, litigation, regulatory, and statutory matters to several New Hampshire executive branch agency clients, including the Banking Commission, the New Hampshire Environmental Councils, the Department of Business and Economic Affairs, the Department of Military Affairs and Veterans Services, and the Department of Revenue Administration.

Sheehan Phinney Bass & Green, PA | Manchester, NH
Of Counsel, 2019 – 2022.

Advised clients on conventional and renewable energy transactions, including acquisitions and divestitures of energy assets and companies. Counseled clients on various aspects of energy, infrastructure, and natural resource projects, including project siting and land use matters, Federal, state, and local permitting, complex project and tax-equity financing, and Federal and state agency regulatory matters. Advised clients participating in Federal and state agency rulemaking and policy proceedings involving competition, pricing, energy efficiency, electric net metering, licensing, and market access. Represented clients in contested administrative and litigation matters.

Sector Capital Group, LLC | Manchester, NH
Sr. Vice President and General Counsel, 2003 – 2019.

Provided legal counsel to the company and its fourteen domestic and three international affiliates on corporate, litigation, regulatory, and transactional matters primarily involving energy and natural resource businesses and projects, infrastructure projects, taxation matters, and secured and venture finance. Represented the firm and its portfolio companies in several administrative and litigation matters, including the SIPA Liquidation of M.F. Global, Inc.

Southern New Hampshire University | Manchester, NH.
Adjunct Professor – Mergers and Acquisitions: Business Law, 2015 – 2019.

GENUITY/General Telephone (GTE) | Burlington, MA.
Product Manager, 1999 – 2002

PricewaterhouseCoopers, LLP | Chicago, IL; Boston, MA.
Management Consultant, Utilities Practice, 1997 – 1999.

BAR ADMISSIONS

Massachusetts – BBO # 683561

New Hampshire – NHBA # 19962

U.S. District Court,
District of Massachusetts

U.S. District Court,
District of New Hampshire

U.S. District Court,
Northern District of Texas

U.S. Tax Court

U.S. Court of Appeals, District of
Columbia Circuit

U.S. Court of Appeals, Federal Circuit

U.S. Court of Appeals, First Circuit

EDUCATION

Massachusetts School of Law,
Andover, MA – *J.D.*

Babson College,
F.W. Olin Graduate School of Business
Babson Park, MA – *M.B.A.*

Purdue University,
W. Lafayette, IN – *B.Sc.*

COMMUNITY ENGAGEMENT

American Heart Association
of New Hampshire – Chairperson, Board
of Directors, 2022 – 2024.

American Bar Association.

Energy Bar Association.

New Hampshire Bar Association

– Member, Standing Committee on
Ethics, 2017 – Present.

– Vice Chair, Environmental & Natural
Resources Section, 2022 – 2023.