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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



4E

August 23, 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 appoint Jon-Daniel Lavallee to Position Number 9U697 (Appropriation No. 02-20-20-201010-2620-013-500132) as an Assistant Attorney General, at a salary level of \$96,000, effective upon Governor and Executive Council approval, for a term ending July 1, 2028.

EXPLANATION

Mr. Lavallee is a resident of Henniker. He received his law degree from the University of Colorado Law School in May 2013. From January through June 2014, he worked as an energy policy intern at the New Hampshire Nature Conservancy. He was commissioned as an officer United States Coast Guard in July 2014 and served on active duty until September 2018. Mr. Lavallee joined the Department of Justice in December 2018 and served in both the Civil Bureau's Client Counseling Unit and the Criminal Justice Bureau's Environmental Protection Bureau. He was appointed as an Assistant Attorney General in December 2019. Mr. Lavallee, a Lieutenant Commander in the United States Coast Guard Reserves, was activated for extended active duty in the Coast Guard from October 2021 to November 2022. In accordance with the Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. §§4301-4335, and New Hampshire's policy of support for the National Guard and Reserves, he was welcomed back to the Department at the conclusion of his military service and was assigned to the Client Counseling Unit. The only vacant position available at that time, Position Number 9U697, was a "temporary" position that did not include a commission. The Department was able to have the position designated "permanent" during the most recent budget process so that it is attached to a five-year commission that began running on July 1, 2023. Mr. Lavallee's position number, assignment, and salary will all remain the same. His resume his attached.

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RSA 21-M:3 and 94:1-a 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.

I am very pleased to offer Mr. Lavalley'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,

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

John M. Formella
Attorney General

#4143792

Jon-Daniel Lavallee

PROFESSIONAL EXPERIENCE

N.H. Department of Justice, Concord, NH

December 2018 – Present

Assistant Attorney General, Office of the Attorney General

- Assigned to Client Counseling Unit, Civil Bureau.
- Provide legal advice and opinions to executive branch agencies, boards, councils, and commissions.

United States Coast Guard Reserve, Boston, MA

October 2018 – Present

Lieutenant, Coast Guard Sector Boston

- Supervise 10 enlisted reserve marine science technicians who support active-duty counterparts in responding to pollution threats in the marine environment and train to deploy in national emergencies.

United States Coast Guard, Boston, MA

July 2014 – September 2018

Lieutenant, First Coast Guard District

- Assigned as an assistant staff judge advocate (staff attorney) responsible for providing legal advice to the district commander as well as to subordinate units and partner commands across an eight-state region.
- Stood routine watch to provide 24/7 legal advice on urgent maritime law enforcement, pollution response, marine investigations, and other various criminal and civil matters.
- Served as the primary attorney-advisor on agency regulatory authorities and waterways management matters, including review of local and regional agency rulemaking and the permitting of bridges.
- Collaborated with Coast Guard Investigative Service agents and preliminary inquiry officers to investigate allegations of criminal behavior and administrative misconduct.
- Served as trial counsel in courts-martial and government counsel in administrative hearings.
- Advised on government ethics and information law, supervised seasonal interns.

The Nature Conservancy, Concord, NH

January – June 2014

Energy Policy Intern

- Researched a variety of state and regional energy policies pertinent to the state energy planning process, including the Regional Greenhouse Gas Initiative and the siting of electric generating facilities.
- Produced reports and analysis on energy issues to guide and inform The Nature Conservancy's policy development within New Hampshire and beyond.

University of Colorado Law School, Boulder, CO

January 2012 – July 2013

Student Attorney, Getches-Green Natural Resources & Environmental Law Clinic

- Conducted legal research, drafted memoranda and motions, and advised clients regarding a federal district court challenge to federal coal leasing in Wyoming.
- Drafted portions of an Endangered Species Act listing petition.

Senator Mike Johnston's Office, Denver, CO

January – April 2013

Legislative Aide

- Researched proposed legislation and authored external fact sheets on pending bills.
- Communicated with legislators, state agency liaisons, lobbyists, local organizations, and the general public on behalf of Senator Johnston.

Resume of Jon-Daniel Lavallee

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Conservation Law Foundation, Concord, NH

May – August 2012

Legal Intern

- Researched electricity ratemaking procedures and prepared public comments on Clean Water Act compliance in New Hampshire's Great Bay Estuary.
- Researched and drafted legal memoranda in support of Clean Water Act litigation.

University of Colorado Law School, Boulder, CO

May – December 2011

Research Assistant, Professor Sarah Krakoff

- Co-authored textbook chapter on Native Americans' natural resources in *CLIMATE CHANGE, INDIGENOUS PEOPLES AND THE SEARCH FOR LEGAL REMEDIES* (Edward Elgar Publishing, 2013).
- Researched and drafted memoranda for scholarly works.

University of Colorado Law School, Boulder, CO

May – November 2011

Research Assistant, Getches-Wilkinson Center for Natural Resources, Energy, and the Environment

- Researched and edited an article on public interest considerations in prior-appropriation water allocation.
- Researched environmental laws and policies on Native American lands for Red Lodge Clearinghouse, a one-stop shop for interested citizens to learn, discuss, and participate in environmental policy decisions.

American Public Power Association, Washington, D.C.

June – July 2009

Publication Intern

- Wrote and edited articles for publication in national daily and weekly newsletters to Association members.
- Researched the American Recovery & Reinvestment Act as it pertains to municipally owned utilities.

EDUCATION

University of Colorado Law School, Boulder, CO

May 2013

Juris Doctor, Natural Resources Law & Policy Certificate

GPA: 3.67; Rank: 30/187 (Top 20%)

Georgetown University, Washington, D.C.

August 2009

The Fund for American Studies Program – Institute on Political Journalism

Gordon College, Wenham, MA

May 2009

Bachelor of Arts, *magna cum laude*, Communication Arts; Minor in Pre-Law

BAR ADMISSIONS

- U.S. District Court for the District of New Hampshire
- State of New Hampshire
- Commonwealth of Massachusetts

PERSONAL

- Avid runner, completed 2013 & 2014 Boston Marathons, 2012 Clarence DeMar Marathon, and numerous half-marathons.
- Hiked 45 of New Hampshire's 48 4000-foot mountains.