



Lindsey M. Stepp
Commissioner

State of New Hampshire Department of Revenue Administration

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Carolynn J. Lear
Assistant Commissioner

June 26, 2018

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

REQUESTED ACTION

In accordance with RSA 94:6, New Appointments, the Department of Revenue Administration (DRA) respectfully requests to place Attorney Derek E. Kline at the maximum step for the position of Field Audit Leader (Assistant Revenue Counsel) (9U152), unclassified salary grade DD, earning \$82,993.56 annually, effective upon G&C approval. Funding is 100% General funds.

EXPLANATION

The Assistant Revenue Counsel at the Department of Revenue Administration requires representation of the Department in adjudicative hearings before the Department's Hearings Bureau, in probate court and bankruptcy court proceedings. Additionally, this position assists the Attorney General's Office in the preparation of complex legal documents and arguments for tax cases appealed to the Superior Court or the New Hampshire Supreme Court.

Attorney Kline possesses a Juris Doctorate degree from Vermont Law School and has worked extensively with federal and state agencies as it relates to taxation, land management, leasing, infrastructure development and regulatory compliance. Additionally, Attorney Kline has provided legal counsel to the Department of Revenue in Montana on all tax matters, including enforcement, and negotiating revenue-sharing tax agreements with the State of Montana for the sale of alcohol, tobacco, gasoline, and oil/gas production. Attorney Kline has served as the lead counsel for all administrative functions of the Tribal Government necessary to support operations, including tax policy and legislative analysis, and has successfully litigated cases in federal, state and tribal courts. Attorney Kline is uniquely qualified in complex tax litigation, administrative operations of government and resolving disputes with the public.

Based upon Attorney Kline's extensive qualifications and experience with the DRA, I request Attorney Kline be placed into the Field Audit Leader (Assistant Revenue Counsel) position, unclassified salary grade DD, at the maximum step.

Sincerely,

Lindsey M. Stepp
Commissioner

TDD Access: Relay NH 1-800-735-2964

Individuals who need auxiliary aids for effective communication in programs and services of the Department of Revenue Administration are invited to make their needs and preferences known to the Department.

Derek E. Kline, Attorney-at-Law

Admitted to Practice in New Hampshire, Montana and the Blackfeet Nation
NH Bar No. 20649 | MT Bar No. 12134

PROFESSIONAL EXPERIENCE

BLACKFEET TRIBE | Browning, MT | August 29, 2011 – Present
Tribal Attorney – Blackfeet Legal Department

- Serve as managing attorney and provide counsel to the governing body of the Blackfeet Tribe and all Departments, Programs and Enterprises of the Tribal Government.
- Actively represent the sovereign Blackfeet Tribe and its agencies and employees before tribal, state and federal courts, including administrative tribunals.
- Provide legal counsel to the Department of Revenue on all tax matters, including enforcement.
- Negotiate revenue-sharing tax agreements with the State of Montana for the sale of alcohol, tobacco, gasoline, and oil/gas production to avoid dual taxation and promote the public interest.
- Meet with taxpayers and ratepayers to resolve disputes pertaining to taxation and fee assessments for goods and/or services within the exterior boundaries of the Reservation.
- Work extensively with federal and state agencies as it relates to taxation, land management, leasing, infrastructure development and regulatory compliance.
- Advise the Personnel Department on all human resource issues affecting Tribal Government, including hiring, discipline, benefits, appointments, pay (step) increases and grievances.
- Advise the Planning, Land and Procurement Departments on all contract and insurance issues, including management and facilitation of grants and leases.
- Advise the Utility Division on all administrative matters to ensure that essential government services are adequately provided in accordance with federal and tribal law.
- Actively contribute to the development and legislation of law and policy on all matters affecting the Tribe's agencies and exercise independent judgment and discretion in formulating responses to legal issues, often involving matters of first impression that implicate the tribal treasury and tribal resources.
- Interface with governmental officials, and attorneys from federal, state, and tribal governments to ensure compliance with the law, and negotiate and develop intergovernmental agreements to avoid conflict, improve relations and promote the public interest.
- Supervise all attorneys, paralegals and administrative assistants working for the Legal Department to efficiently operate a productive, efficient and effective law office.
- Timely produce and present legal memorandums to the governing body of the Blackfeet Tribe, the Blackfeet Tribal Business Council, to advise on all issues affecting the administration of the Tribal Government and its corporate business arm, Siyeh Corporation.

SEATTLE UNIVERSITY SCHOOL OF LAW | Seattle, WA | Summers, May 1, 2013 – Present
Supervising Attorney – Indian Law Center – Institute for Indian Estate Planning and Probate

- Mentor and teach law students about the law and policy of Indian estate planning and probate, including the acquisition and sale of trust lands, and the administration of Individual Indian Monies through the U.S. Department of Interior, Office of Special Trustee.
- Challenge law students to effectively and efficiently serve disadvantaged clients.

BLACKFEET TRIBAL COURT | Browning, MT | September 1, 2010 – December 18, 2010
Law Clerk to Chief Justice of the Blackfeet Tribal Court

- Draft Opinions, Orders and Memoranda for the Chief Judge on areas of complex civil litigation, such as land use, public housing, and regulatory compliance issues.
- Discuss legal issues involving the protection of tribal resources, often involving environmental and cultural resource protection.

MASSACHUSETTS DEPT. OF ENV'T'L PROTECTION | Boston, MA | June 1, 2009 – Aug. 15, 2009
Law Student Summer Internship Program

- Draft pleadings to the administrative tribunal on issues pertaining to residential and commercial development on wetlands protection.
- Attend Administrative hearings on issues pertaining to housing development and environmental compliance.

NITSCHKE ENGINEERING | Boston, MA | January 2007 – August 2007
Field Surveyor

- Provide field surveying services for construction and development projects.

EDUCATION

Vermont Law School | South Royalton, Vermont
Juris Doctor, May 2011
Master in Environmental Law and Policy, May 2008

St. Michael's College | Winooski, Vermont, May 2004
Bachelor of Arts, Fine Arts, Minor in Journalism
Richmond University in Florence, Study Abroad | Florence, Italy, Spring 2003

HONORS AND ACCOMPLISHMENTS

Montana Trial Lawyer Association | Trial Academy 2014
Featured Alumni in Vermont Law School's *The Loquitor* | Spring 2015 | Highlighting dedication to public service in underserved communities at Blackfeet.

ACTIVITIES

- Vice President of the Diane K. Kline Memorial Scholarship Fund which provides educational opportunities and scholarships to students attending schools in New Hampshire SAU Districts 2 and 45.