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ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
 CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
 ATTORNEY GENERAL



JANE E. YOUNG
 DEPUTY ATTORNEY GENERAL

April 22, 2019

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 reappoint K. Allen Brooks (Position #9U042, Appropriation #02-20-20-200510-2613-013-500132) as an Assistant Attorney General, at a salary level of \$95,344.22 effective upon Governor and Executive Council approval or July 5, 2019, whichever is the latter. Mr. Brooks will be occupying a position that expires on June 30, 2024.

EXPLANATION

Mr. Brooks is a resident of Hopkinton and is a member of the New Hampshire Bar. He received his law degree from Southern Illinois University School of Law in 1999. Prior to joining the Department, he worked as a Coastal Program Analyst with the State of California, San Francisco Bay Conservation and Development Commission from 2000 to 2004. Mr. Brooks joined the Department in the Environmental Protection Bureau in 2004 and was appointed an Assistant Attorney General in October, 2004. He was appointed as a Senior Assistant Attorney General and the Environmental Protection Bureau Chief in October, 2008. I plan to continue his assignment in the Environmental Protection Bureau. His salary as a Senior Assistant Attorney General is \$95,344.22 and will remain the same. A copy of his resume is attached.

RSA 94:1-a(I)(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.

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I am very pleased to offer Mr. Brooks for this reappointment as an Assistant Attorney General at the above-referenced salary amount and respectfully urge your favorable consideration. Thank you.

Respectfully submitted,



Gordon J. MacDonald
Attorney General

#2339388

K. ALLEN BROOKS, ESQ.
33 CAPITOL STREET
CONCORD, N.H. 03301
603-271-3679

EXPERIENCE

N.H. Department of Justice, Office of the Attorney General

- **Senior Assistant Attorney General, Environmental Protection Bureau Chief (2008 – Present)**
- **Assistant Attorney General, Environmental Protection Bureau (2004 – 2008)**
- **Attorney, Environmental Protection Bureau (2004 – 2004)**

- Supervise five attorneys and two administrative staff as Chief of the N.H. Dept. of Justice (N.H. DOJ) Environmental Protection Bureau (EPB). Provide legal counsel and litigation services to numerous State entities including the N.H. Dept. of Env. Services, the N.H. Fish and Game Dept., the N.H. Public Utilities Comm., the N.H. Office of Strategic Initiatives, the Council on Resources and Development, LCHIP, and various other boards and commissions with additional assistance provided to the Governor and Executive Council when needed. The EPB also houses N.H. DOJ's debt collection unit.
- Oversaw and participated in litigation against most of the world's major oil companies for MtBE contamination of groundwater in what is now captioned *State v. Exxon, et al.* resulting in \$135 million in settlements and a judgment of \$340 million. Successfully defended the judgment before the N.H. Supreme Court and the U.S. Supreme Court.
- Counsel to the N.H. Drinking Water and Groundwater Trust Fund. Lead attorney on the Southern Interconnect project which will connect infrastructure through seven municipalities in order to provide safe, reliable drinking water to the southern tier.
- Led New Hampshire's effort, in coordination with 46 other states, with respect to Volkswagen's illegal "defeat devices" resulting in tens of millions of dollars to New Hampshire including several hundred thousand dollars for the EPB's role on the national executive committee.
- Reached settlement in *State v. St. Gobain* requiring \$32 million in remediation.
- Participated in the largest settlement related to stationary sources in the history of the Clean Air Act (*U.S., et al. v. American Electric Power, et al.*) resulting in the imposition of billions of dollars in environmental controls, emission caps, and tens of millions of dollars in penalties and environmental projects.
- Negotiated settlement with NextEra on the relicensing of the Seabrook Nuclear Facility.
- Testified before Congress and before numerous State legislative committees and working groups.
- Served as Counsel for the Public on behalf of the Attorney General in several energy projects before the N.H. Site Evaluation Committee.
- Litigated and reviewed real estate transactions for thousands of acres of conservation land, hundreds of State contracts, and various conservation activities.

- Prevailed at trial in cases related to unlawful asbestos removal, unlawful septage disposal, unlawful construction of a structure, ownership of real property, and the constitutionality of State fees. Prevailed summarily in dozens of other cases.
- Briefed and/or argued twenty-two cases before the N.H. Supreme Court on a range of topics including environmental, tax, criminal, and civil issues.
- Settled dozens of other cases totaling millions of dollars in penalties, remediation, and other damages related to hazardous waste, solid waste, air emissions, wetlands damage, clean water, insurance claims, and lease payments from hydroelectric facilities.

State of California, San Francisco Bay Conservation and Development Commission

○ Coastal Program Analyst (2000-2004)

- Responsible for over one hundred enforcement actions in San Francisco Bay and its shoreline related to dredging, filling, public access, and preservation of the public trust. Participated in the planning and development of the region.
- Rewrote California Code of Regulations §11386 dealing with enforcement.
- Participated as technical staff with blue ribbon panel that performed scientific review of proposed \$6 billion expansion of S.F. International Airport.
- Participated in planning and prevention of navigation-related oil spills in San Francisco Bay.

EDUCATION

1996 – B.S. Geology; University of Massachusetts, Amherst

1999 – J.D. Southern Illinois University, School of Law

PUBLICATIONS, AWARDS, AND CLINICAL EXPERIENCE

- *California Oil Spill Laws in the Wake of United States v. Locke*; 12 U. S. F. Mar. L. J. 227 (1999-2000), cited as authority by the U.S. Court of Appeals for the First Circuit (493 F.3d 1), the Suffolk U. Law Rev., and the Villanova Env. Law Journal
- *San Francisco Bay Conservation and Development Commission: Oil Spill Handbook*
- N.H. Dept. of Env. Services, Above and Beyond Award (Southern N.H. PFOA) – 2016
- Public Justice, Trial Lawyer of the Year Finalist – 2014
- N.H. Dept. of Env. Services, Commissioner's Partnership Award (MtBE) – 2013
- Order of Barristers Award – 1999
- Court-appointed mediator (Jackson County Illinois) – 1999
- Best Brief, August A. Rendigs National Products Liability Moot Court Competition – 1998