

**Citizens for Maintaining Our Rural Environment ("CMORE")**

**Request for Intervenor Funds Application Stage**

Application of Eight Point Wind, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a Wind Energy Facility.

Case No. 16-F-0062: Eight Point Wind, LLC

**Exhibit 3**

Qualifications of  
The Zoghlin Group PLLC and its Attorneys

## ABOUT US

### THE ZOGHLIN GROUP, PLLC

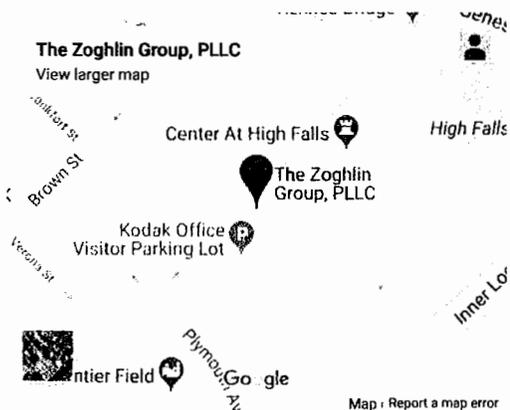
#### CONTACT INFO

300 State Street, Suite 502  
Rochester, NY 14614  
T: 585-434-0790  
F: 585-563-7432

#### ATTORNEY & STAFF CONTACT INFO

#### MAP & DIRECTIONS

Parking available in the High Falls Garage



The Zoghlin Group was formed in 2016 by Mindy L. Zoghlin, Esq., who, after nearly thirty years of practicing law, decided to build her own firm with a legal team focused on the areas of law where they most enjoy working and are best able to contribute. Since its founding, The Zoghlin Group has successfully grown to a team of six attorneys, an office manager, a litigation legal assistant, a land use and energy legal assistant, and an administrative assistant.

The Zoghlin Group uses a team approach and specially tailored legal case management techniques to assign the most capable team member to each task and provide efficient, client-focused legal services. While certain legal issues recur with some frequency in our cases, we realize that each matter is unique, and each client has their own needs, interests, and values. Our team members are dedicated to our firm's practice areas, and we work hard to best use our skills and experience for each client.

## OUR ATTORNEYS & STAFF



**MINDY L. ZOGHLIN, ESQ.**

### Contact Info

Phone: 585-434-0790  
Fax: 585-563-7432  
Email: [mindy@zoglaw.com](mailto:mindy@zoglaw.com)

### Admissions

- > New York State
- > Pennsylvania
- > United States Supreme Court
- > United States Court of Appeals for the Second Circuit
- > United States District Court for the Western District of New York
- > United States District Court for the Northern District of New York

### Practice Areas

## About Mindy

Mindy founded The Zoghlin Group, PLLC in 2016. She previously practiced with a Rochester law firm and the Pennsylvania Department of Environmental Resources.

Mindy represents individuals, small businesses, developers, citizens' groups, and municipalities in a wide range of environmental and land use matters including toxic tort and property damage cases, Article 78 proceedings, and zoning and regulatory permitting proceedings. She also has substantial experience in a variety of other personal and commercial civil cases. Mindy's practice includes litigating in state and federal courts and counseling clients on ways to minimize and/or avoid litigation risks.

In 2018 she received The Daily Record's Excellence in Law/ Top Women in Law award.

Mindy is an avid yogi, holds a fifth degree black belt in Isshin-Ryu karate and is an amateur home wine maker.

## Professional Associations

- > Co-Chair of the Monroe County Bar Association Municipal Law Section Membership Committee
- > Co-Chair of the Monroe County Bar Association Environmental Law Committee
- > Member of the Greater Rochester Association of Women Attorneys,
- > Member of the Monroe County, New York State, and American Bar Associations
- > Member of the Board of Trustees of the Monroe County Bar Association
- > President and Board Member of the Greece Chamber of Commerce

## Reported Cases

- > Environmental
- > Zoning
- > Municipal
- > Historic Preservation
- > Energy

## Education

- > Bachelor Of Arts in Sociology , Brandeis University
- > Juris Doctorate, University of Buffalo

- > Cleere & Collins v. Frost Ridge Campground, LLC (2017 WL 5506531) (Court upheld ZBA decision that concerts were a pre-existing nonconforming use of campground).
- > Chart v. Town of Parma, 2014 WL 4923166 (WDNY 2014)(Court found that pesticide contaminated topsoil relocated from a former apple orchard to town park was solid waste under RCRA).
- > JWW Industries, Inc. v. Oswego County, 795 F.Supp.2d 211 (NDNY 2011) (Court struck county Flow Control Law as unconstitutionally vague).
- > Oldfield v. Village of Dansville, 583 F.Supp.2d 440 (WDNY 2008) (Rental property owners sufficiently alleged retaliation claim against municipal code enforcement officer).
- > Citizens for Aquifer Protection Et Employment v. Town of Cortlandville, 16 Misc. 3d 1121A (SC 2007) (Challenge to Town decision to accept SEQRA Findings Statement for construction of proposed Walmart Super Center).
- > Matter of Cerame v. Town of Perinton Zoning Bd. of Appeals, 27 A.D.3d 1191 (4th Dept. 2006) (Challenge to Town ZBA decision to issue a negative declaration of environmental significance under SEQRA).
- > Cerame Irrevocable Family Trust v. Town of Perinton Zoning Bd. of Appeals (In re Concetta T.), 6 A.D.3d 1091 (4th Dept. 2006) (Challenge to ZBA administrative appeal).
- > Matter of Mari Properties, LLC v. Town of Parma Zoning Bd. of Appeals, 21 A.D.3d 1381 (4th Dept. 2005) (Challenge to Town ZBA decision to deny variance applications).
- > Gilmore v. Planning Bd. of Ogden, 16 A.D.3d 1074 (4th Dept. 2005) (Challenge to Town Planning Board decision granting site plan approval).
- > Landmark Society of Western New York v. Monroe County, 4 A.D.3d 871 (4th Dept. 2004) (Challenge to County's decision to accept SEQRA Findings Statement for the Seneca Park Zoo expansion).
- > Wilcove v. Town of Pittsford Zoning Bd. of Appeals, 306 A.D.2d 900 (4th Dept. 2003) (Challenge to ZBA decision to grant variances).
- > Wilcove v. Town of Pittsford Zoning Bd. of Appeals, 306 A.D.2d 898 (4th Dept. 2003) (Challenge to ZBA decision to grant variances).
- > Noslen Corp. v. Ontario Co. Bd. of Supervisors, 659, CA 02-00002, 295 A.D.2d 924 (4th Dept. 2002)(Challenge to County's SEQRA review related to proposed jail expansion).
- > Bergen Swamp Preservation Society v. Village of Bergen, 294 A.D.2d 827 (4th Dept. 2002) (Challenge to Village decision to exercise eminent domain).
- > Tulley v. Bayfront North, Ltd., 286 A.D.2d 873 (4th Dept. 2001) (Action to establish the existence of an easement).
- > Lamendola v. Warner, 181 Misc. 2d 1024 (SC, 1999) (Proceeding to challenge Town referendum petition).
- > Cleveland v. International Paper Co., U.S. Dist. LEXIS 15557, September 30, 1998, Decided, September 30, 1998. (Gender discrimination lawsuit).
- > Cleveland v. International Paper Co.,1997 U.S. Dist. LEXIS 8109; (Gender discrimination lawsuit).
- > Henning v. Rando Mach. Corp., 207 A.D.2d 106 (4th Dept. 1994) (Action seeking damages for diminution in property value caused by contamination from an adjacent property).

## Seminars

- > 2018 NYSBA State & Local Government Section Annual Meeting. Topic: "Municipal Sign Ordinances After Reed v. Town of Gilbert."
- > 2017 Advanced Legal Issues Affecting Local Governments and Municipalities Seminar sponsored by NBI. Topic: "Drones: What Local Governments and Municipalities Need to Know Now."

- > 2015 Learning from Environmental Horror Stories Seminar sponsored by the Monroe County Bar Association. Topic: "Perils & Pitfalls of Environmental Practice."
- > 2015 NYSBA Environmental Law Section 6th Annual Spill Symposium. Facilitator: "Site Management Plans and Oil Spill Cleanups."
- > 2012 Joint meeting of the American Society of Safety Engineers, Genesee Valley Chapter and the Finger Lakes Chapter of the Academy of Certified Hazardous Materials Managers. Topic: "Vapor Intrusion Case Studies."
- > 2010 Toxic Torts Seminar sponsored by the Monroe County Bar Association. Topic: "Causes of Action, Affirmative Defenses, Pleadings, Case Evaluation and Practice Tips."
- > 2005 Zoning, Subdivision Et Land Development Law Seminar, sponsored by Lorman Educational Services. Topic: "Suing Public Entities."
- > 2004 Zoning Et Land Use in New York Seminar, sponsored by Lorman Educational Services. Topics: "State Environmental Quality Review Act (SEQRA)" and "Land Uses of Particular Environmental Concerns."
- > 2002 Basic Administration Et Enforcement of Land Use Controls Seminar, sponsored by the New York State Bar Association. Topic: "Statutory Basis of Municipal Land Use Control."
- > 2002 Land Use Decision-Making Training Program, sponsored by the Monroe County Department of Planning Et Development. Topic: "The Planning Et Zoning Process."
- > 2001 Land Use Decision-Making Training Program, sponsored by the Monroe County Department of Planning Et Development. Topic: "The Planning Process."
- > 1999 Making Deals Happen Seminar, sponsored by the Monroe County Bar Association, Program Chair
- > 1996 Toxic Torts Seminar, sponsored by the New York State Bar Association. Topic: "Toxic Tort Remedies in New York."
- > 1996 Environmental Law Survey Course, sponsored by the Center for Environmental Information. Topic: "Toxic Torts."
- > 1995 Environmental Law Survey Course, sponsored by the Center for Environmental Information. Topic: "New York State Superfund Law."
- > 1993 Environmental Law Survey Course, sponsored by the Center for Environmental Information. Topic: "New York State Superfund Law."
- > 1992 Environmental Law Survey Course, sponsored by the Center for Environmental Information. Topic: "Federal Superfund Law."
- > 1991 Environmental Law Survey Course, sponsored by the Center for Environmental Information. Topic: "Environmental Considerations in Real Estate and Business Transactions."

# Mindy L. Zoghlin

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111 Moul Road, Hilton, NY 14468 • (585) 392-4066 (home)  
Mindy@Zoglaw.com • (585) 434-0790 • 300 State Street, Suite 502 • Rochester, NY 14614 (work)

## BAR MEMBERSHIP

New York State Bar, 1984  
United States District Court for the Western District of New York, 1992  
United States District Court for the Northern District of New York, 1996  
United States Court of Appeals for the Second Circuit, 2009  
United States Supreme Court, 2010

## EXPERIENCE

**The Zoghlin Group PLLC**, Rochester, NY  
*Sole Member and Senior Attorney*, July 2016 - Present  
**Bansbach Zoghlin P.C.**, Rochester, NY  
*Member and Senior Attorney*, April 1990 – June 2016  
**Lacy, Katzen, Ryen & Mittleman**, Rochester, NY  
Associate Attorney, 1987-1990

## EDUCATION

**SUNY Buffalo Law School**, Buffalo, NY  
Juris Doctor, February 1984  
▪ *Certificate of Specialization in State and Local Government*  
▪ *Baldy Fellowship in Law and Social Policy*  
**Brandeis University**, Waltham, MA  
B.S., Sociology, *Cum Laude with Highest Honors in Sociology*

## AWARDS

**40 Under 40**, Rochester Business Journal, 1998

## COMMUNITY INVOLVEMENT

- Member of the Monroe County, New York State and American Bar Associations.
- American Diabetes Association 2013 Tour de Cure Executive Committee.
- Served on the Board of Trustees of the Monroe County Bar Association, was past chair of the Monroe County Bar Association Environmental Law Committee currently co-chairs the Monroe County Bar Association Environmental Law Committee, past President and Board Member of the Greece Chamber of Commerce.

## SPEAKING ENGAGEMENTS

- 2017. Advanced Legal Issues Affecting Local Governments and Municipalities. Topic: "Drone Law."

- 2015 Learning from Environmental Horror Stories. Topic: "Perils & Pitfalls of Environmental Practice."
- 2015 NYSBA Environmental Law Section 6<sup>th</sup> Annual Spill Symposium. Facilitator: "Site Management Plans and Oil Spill Cleanups."
- 2012 Joint meeting of the American Society of Safety Engineers, Genesee Valley Chapter and the Finger Lakes Chapter of the Academy of Certified Hazardous Materials Managers. Topic: "Vapor Intrusion Case Studies"
- 2010 Toxic Torts Seminar sponsored by the Monroe County Bar Association. Topic: "Causes of Action, Affirmative Defenses, Pleadings, Case Evaluation and Practice Tips"
- 2005 Zoning, Subdivision Et Land Development Law Seminar, sponsored by Lorman Educational Services. Topic: "Suing Public Entities"
- 2004 Zoning and Land Use in New York Seminar, sponsored by Lorman Educational Services. Topics: "State Environmental Quality Review Act (SEQRA)" and "Land Uses of Particular Environmental Concerns"
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- 2002 Land Use Decision-Making Training Program, sponsored by the Monroe County Department of Planning and Development. Topic: "The Planning Et Zoning Process"
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- 1993 Environmental Law Survey Course, sponsored by the Center for Environmental Information. Topic: "New York State Superfund Law"
- 1992 Environmental Law Survey Course, sponsored by the Center for Environmental Information. Topic: "Federal Superfund Law"
- 1991 Environmental Law Survey Course, sponsored by the Center for Environmental Information. Topic: "Environmental Considerations in Real Estate and Business Transactions"

#### REPORTED CASES

- *Chart v. Town of Parma*, 2014 WL 4923166 (WDNY 2014) (Court found that pesticide contaminated topsoil relocated from a former apple orchard to town park was solid waste under RCRA).
- *JWJ Industries, Inc. v. Oswego County*, 795 F.Supp.2d 211 (NDNY 2011) (Court struck county Flow Control Law as unconstitutionally vague).

- *Oldfield v. Village of Dansville*, 583 F.Supp.2d 440 (WDNY 2008) (Rental property owners sufficiently alleged retaliation claim against municipal code enforcement officer).
- *Cleveland v. International Paper Co.*, 1997 U.S. Dist. LEXIS 8109; (Gender discrimination lawsuit).
- *Town of Ellery v. NYS DEC et ano*, 54 Misc. 3d 482 (Chautauqua Co. S.C. 2016) (Proposed expansion of solid waste management facility complied with substantive requirements of SEQRA).
- *Kindred v. Monroe County*, 119 AD2d 1347 (4<sup>th</sup> Dept. 2014) (Plaintiffs failed to establish standing to challenge County decision to relocate Fair).
- *Citizens for Aquifer Protection and Employment v. Town of Cortlandville*, 16 Misc. 3d 1121A (SC 2007) (Challenge to Town decision to accept SEQRA Findings Statement for construction of proposed Walmart Super Center).
- *Matter of Cerame v. Town of Perinton Zoning Bd. of Appeals*, 27 A.D.3d 1191 (4th Dept. 2006) (Challenge to Town ZBA decision to issue a negative declaration of environmental significance under SEQRA).
- *Cerame Irrevocable Family Trust v. Town of Perinton Zoning Bd. of Appeals (In re Concetta T.)*, 6 A.D.3d 1091 (4th Dept. 2006) (Challenge to ZBA administrative appeal).
- *Matter of Mari Properties, LLC v. Town of Parma Zoning Bd. of Appeals*, 21 A.D.3d 1381 (4th Dept. 2005) (Challenge to Town ZBA decision to deny variance applications).
- *Gilmore v. Planning Bd. of Ogden*, 16 A.D.3d 1074 (4th Dept. 2005) (Challenge to Town Planning Board decision granting site plan approval).
- *Landmark Society of Western New York v. Monroe County*, 4 A.D.3d 871 (4th Dept. 2004) (Challenge to County's decision to accept SEQRA Findings Statement for the Seneca Park Zoo expansion).
- *Wilcove v. Town of Pittsford Zoning Bd. of Appeals*, 306 A.D.2d 900 (4th Dept. 2003) (Challenge to ZBA decision to grant variances).
- *Wilcove v. Town of Pittsford Zoning Bd. of Appeals*, 306 A.D.2d 898 (4th Dept. 2003) (Challenge to ZBA decision to grant variances).
- *Noslen Corp. v. Ontario Co. Bd. of Supervisors*, 659, CA 02-00002, 295 A.D.2d 924 (4th Dept. 2002) (Challenge to County's SEQRA review related to proposed jail expansion).
- *Bergen Swamp Preservation Society v. Village of Bergen*, 294 A.D.2d 827 (4th Dept. 2002) (Challenge to Village decision to exercise eminent domain).
- *Tulley v. Bayfront North, Ltd.*, 286 A.D.2d 873 (4th Dept. 2001) (Action to establish the existence of an easement).
- *Lamendola v. Warner*, 181 Misc. 2d 1024 (SC, 1999) (Proceeding to challenge Town referendum petition).

- *Hunter's Crossing Neighborhood Association v. Maul*, 267 AD2d 1036 (4<sup>th</sup> Dept. 1999) (Nearby homeowners lacked standing to challenge suitability of proposed group home site).
- *Allens Creek/ Corbett's Glen Preservation Group v. Town of Penfield Planning Board*, 249 AD2d 921 (4<sup>th</sup> Dept. 1998) (Letter "Notice of determination" from town planning board to developer was not a "decision" on site plan approval and did not trigger statute of limitations).
- *Cleveland v. International Paper Co.*, U.S. Dist. LEXIS 15557, September 30, 1998, Decided, September 30, 1998. (Gender discrimination lawsuit).
- *Edgewood Estates Homeowners' Association, Inc. v. Mark IV Construction Co., Inc.*, 221 AD2d 984 (4<sup>th</sup> Dept. 1995) (Homeowners' Association's payment of attorneys' fees in settlement with individual homeowner was authorized expense).
- *Henning v. Rando Mach. Corp.*, 207 A.D.2d 106 (4<sup>th</sup> Dept. 1994) (Action seeking damages for diminution in property value caused by contamination from an adjacent property).
- *Brookview Homeowners' Association, Inc. v. Mark IV Construction Co., Inc.*, 178 AD2d 967 (4<sup>th</sup> Dept. 1991) (Construction company's obligation to pay maintenance assessments was limited by Declarations to any deficit in plaintiff's operating expenses).

## OUR ATTORNEYS & STAFF



**BENJAMIN WISNIEWSKI,  
ESQ.**

### Contact Info

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Email: [benjamin@zoglaw.com](mailto:benjamin@zoglaw.com)

### Admissions

- > New York State

### Practice Areas

- > Environmental
- > Zoning
- > Land Use
- > Municipal
- > Historic Preservation
- > Energy

## About Benjamin

Ben is an associate attorney in the Energy, Land Use, Municipal and Environmental practice groups at the Zoghlin Group. Ben and his family just recently returned to Rochester, but he graduated from Webster High School and has always considered Rochester to be his hometown. Ben attended Cornell University where he earned a bachelor's degree in Atmospheric Science, and after graduating from Cornell he served in the United States Navy for six years. The last two years of Ben's time in the Navy were spent as an embedded foreign exchange officer in the Royal Navy. After leaving the Navy Ben attended University at Buffalo Law School, where he earned his first law degree. Later, after being admitted to practice, Ben returned to the University at Buffalo and earned the school's first-ever L.L.M. in Environmental Law, with honors.

While residing in Buffalo, Ben worked in the Government Investigations practice group at a medium-sized firm, where he represented both private and government entities subject to civil, administrative, and criminal investigations.

Ben's prior work in the public and private sectors has helped him to build a thriving energy law practice at The Zoghlin Group. Ben currently represents municipal, individual, and public interest group clients participating in the administrative process for siting large power plants under Article 10 of the New York State Public Service Law. Ben's work involves everything from helping concerned local citizens participate in complicated siting proceedings to drafting technically challenging local laws related to the siting of green energy projects.

Ben has represented or is currently representing clients in the following Article 10 proceedings:

1. > Application of Lighthouse Wind LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a 201 MW Wind Energy Facility;
2. > Horse Creek Wind Farm, LLC, Petition for a Certificate of Environmental Compatibility and Public Need Pursuant to PSL Article 10 for a Major Energy Generating Facility;
3. > Application of Atlantic Wind LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of the Deer River Wind Energy Project in Lewis and Jefferson Counties;
4. > Application of Canisteo Wind Energy LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to

## Education

- > LL.M. Environmental Law, SUNY Buffalo Law School
- > Juris Doctorate, SUNY Buffalo Law School
- > Bachelor of Science in Atmospheric Science, Cornell University

- Article 10 for Construction of a Wind Energy Project in Steuben County;
- 5. > Application of Eight Point Wind, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a Wind Energy Project;
- 6. > Application of Baron Winds, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a Wind Energy Facility;
- 7. > Application of Atlantic Wind LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of the Deer River Wind Energy Project in Lewis and Jefferson Counties;
- 8. > Application of Atlantic Wind LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law for the Mad River Wind Farm Project in the Towns of Redfield and Worth in Oswego and Jefferson Counties;
- 9. > Application of Number Three Wind LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of a Wind Project Located in Lewis County; and
- 10. > Application of Franklin Solar, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law for Construction of a Solar Electric Generating Facility Located in the Town of Malone, Franklin County.

## Professional Associations

- > Ben is a member of the Monroe County and New York State Bar Associations and is serving on the Monroe County Bar Association's Academy of Law 2018-2019.

## Seminars

2017 Meeting of the New York State Association of Towns. Topic: "Article 10: Essential Information for New York Towns."

# Benjamin E. Wisniewski, Esq.

300 State Street, Suite 502  
Rochester, New York 14614  
(585) 434-0790 • [bejamin@zoglaw.com](mailto:bejamin@zoglaw.com)

## EDUCATION

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- University at Buffalo Law School, The State University of New York** 2016-2017
- LL.M., With Honors, Environmental Law
  - Recipient of first Environmental Law LL.M conferred by Buffalo Law School
  - Continued practicing law full time while attending school
- University at Buffalo Law School, The State University of New York** 2011-2014
- J.D., *magna cum laude*
  - Order of the Coif
- Cornell University** 2001-2005
- B.S. in Earth and Atmospheric Science: Meteorology
  - Navy Reserve Officer Training Corps: *full scholarship recipient*

## LEGAL EXPERIENCE

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- Senior Associate Attorney, The Zoghlin Group, PLLC, Rochester, NY** 2018-present
- Formed energy law and Article 10 representation practice group
  - Focus on representing municipal, individual, and public interest group parties wishing to participate in Article 10 Proceedings for siting of major power plants.
  - Currently representing or formerly represented clients in the following proceedings:
    - Application of *Lighthouse Wind* LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a 201 MW Wind Energy Facility;
    - Horse Creek Wind* Farm, LLC, Petition for a Certificate of Environmental Compatibility and Public Need Pursuant to PSL Article 10 for a Major Energy Generating Facility;
    - Application of Atlantic Wind LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of the *Deer River Wind* Energy Project in Lewis and Jefferson Counties;
    - Application of *Canisteo Wind* Energy LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of a Wind Energy Project in Steuben County;
    - Application of *Eight Point Wind*, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a Wind Energy Project;
    - Application of *Baron Winds*, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a Wind Energy Facility;
    - Application of Atlantic Wind LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of the *Deer River Wind* Energy Project in Lewis and Jefferson Counties;
    - Application of Atlantic Wind LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law for the *Mad River Wind* Farm Project in the Towns of Redfield and Worth in Oswego and Jefferson Counties;
    - Application of *Number Three Wind* LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for Construction of a Wind Project Located in Lewis County;
    - Application of *Heritage Wind*, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 for a Wind Energy Generating Facility in the Town of Barre, Orleans County, NY; and
    - Application of *Franklin Solar*, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 of the Public Service Law for Construction of a Solar Electric Generating Facility Located in the Town of Malone, Franklin County.
- Associate Attorney, Lippes Mathias Wexler Friedman LLP, Buffalo, NY** 2015-2018
- Admitted to practice in New York State supreme court. Primarily focused on representing multiple municipalities and public interest groups participating in the Article 10 power plant siting process. Currently representing parties in four separate wind

projects, with prospects for more. Other environmental, municipal, and energy law experience includes:

- drafting and challenging local laws relating to zoning, moratoria, and wind related issues;
- providing counsel to town and planning boards;
- conducting SEQRA review, and challenging SEQRA review;
- challenging municipal land use actions;
- article 78 proceedings and Declaratory Judgment actions;
- drafting op-ed pieces and press releases for government clients;
- forming and advising environmental public interest groups;
- zoning and land-use planning matters;
- Open Meetings Law and FOIL matters; and
- some experience with DEC and federal environmental enforcement actions.

•Practice also includes:

- commercial litigation,
- commercial lease review and abstracting; and
- experience in civil and criminal investigations as member of Government Investigations practice group. Experience includes responding to government subpoenas, negotiating settlements, and conducting parallel internal investigations.

•Proficient in use of Westlaw Next and Lexis Advance. Proficient in e-discovery matters.

**Jury Foreman, Buffalo, NY**

2017

- Served as juror and foreman of jury during 5 day civil trial in Erie County Supreme Court.

**Intensive Clerkship Program, University at Buffalo Law School; Buffalo, NY**

2013

- Intern/law clerk for NY Supreme Ct. Justice Paula Feroletto, Administrative Judge, 8<sup>th</sup> J.D. Drafted bench memoranda, observed civil and criminal trials, motion practice, and conferences. Reviewed case files and recommended disposition.

**Litigation Law Clerk, Lippes Mathias Wexler Friedman LLP; Buffalo, NY**

2012- 2015

- Experience in criminal, civil, and corporate litigation. Conducted legal research. Drafted and filed pleadings, motions, memoranda, orders, etc. Worked directly with OAG during settlement negotiations and managed e-discovery project as part of internet crimes investigation. Worked directly with clients.

**Command Legal Officer, USS NEW ORLEANS (LPD-18); San Diego, CA**

2007-2008

- Prepared over 150 Commanding Officer's Non-Judicial Punishment proceedings. Worked with JAG and federal prosecutors, NCIS, and local police. Drafted command appeal responses and conducted investigations. Processed administrative separations as Administrative Officer.

## **ADDITIONAL EXPERIENCE**

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**United States Navy: Surface Warfare Officer**

2005-2011

- *Assistant First Lieutenant*, USS DUBUQUE (LPD-8); San Diego, CA
  - Awarded *Navy Achievement Medal* : for exemplary watch standing and leadership during workups and deployment.
- *Electrical Engineering Officer*, USS NEW ORLEANS (LPD-18); New Orleans, LA, and San Diego, CA
  - Qualified as Engineering Officer of the Watch, responsible for running 40,000 hp diesel propulsion plant.
- *Navigator, Administrative Officer and Legal Officer*, USS NEW ORLEANS (LPD-18); San Diego, CA
  - Safely navigated ship through maiden deployment to the Middle East for counter-piracy and amphibious operations.
  - Awarded first *Navy and Marine Corps Commendation Medal*: Meritorious service as tactical action officer, navigator, legal officer, and officer of the deck throughout ship testing, training, and maiden deployment.

- *Foreign Exchange Officer, Deputy Operations Officer, HMS CORNWALL (F-99); Plymouth, United Kingdom*
  - Competitively selected for Navy Personnel Exchange Program Overseas Europe, embedded onboard Royal Navy Ship HMS CORNWALL based in Plymouth, United Kingdom.
  - Qualified as Royal Navy Officer of Watch to navigate ship and supervise ship-wide operations.
  - Deployed for counter piracy operations in the Gulf of Aden and Somali Basin from Oct 2010 to April 2011.
  - Awarded second *Navy and Marine Corps Commendation Medal*: Meritorious service for embedded service with Royal Navy and Operation CALASH Counter Piracy deployment.
- *Navy Individual Ready Reserve Officer, Buffalo, NY. Obligated reserve service through May 2013.*

## ADMISSIONS

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- New York

## OUR ATTORNEYS & STAFF



### BRIDGET O'TOOLE, ESQ.

#### Contact Info

Phone: 585-434-0790  
 Fax: 585-563-7432  
 Email: [bridget@zoglgroup.com](mailto:bridget@zoglgroup.com)

#### Admissions

- > New York State
- > United States Court of Appeals for the Second Circuit
- > United States District Court for the Western District of New York
- > United States District Court for the Northern District of New York

#### Practice Areas

- > Environmental
- > Zoning

## About Bridget

Bridget is a Senior Associate Attorney with the Zoghlin Group. She focuses primarily on environmental, municipal and land use litigation: representing individuals, businesses, municipalities and community groups in New York State and Federal Courts and before various municipal boards. Bridget's experience also includes appellate practice. Bridget is a Rochester native and an alumna of Nazareth Academy. Outside of the office, Bridget volunteers with the Rochester Teen Court as an attorney mediator. In 2016, she was recognized by the Daily Record as an Up & Coming Attorney.

## Professional Associations

- > Board Member of the Foundation of the Monroe County Bar Association
- > Former Co-Chair of the Monroe County Bar Association Environmental Law Committee
- > Former Treasurer of the Monroe County Bar Association Young Lawyer's Section
- > Member of the Greater Rochester Association of Women Attorneys
- > Member of the Monroe County, New York State, and American Bar Associations
- > Affiliate Member of the American Society of Civil Engineers
- > Served on the Monroe County Bar Association's Academy of Law

## Reported Cases

- > Chart v. Town of Parma, 2014 WL 4923166 (WDNY 2014)(Court found that pesticide contaminated topsoil relocated from a former apple orchard to town park was solid waste under RCRA).
- > Peelle v. Town of Irondequoit, 148 A.D.3d 1761 (4th Dep't 2017) (Court found that whether owner's action for inverse condemnation

- > Land Use
- > Municipal
- > Historic Preservation
- > Energy

by Town via intermittent flooding by stormwater could not be resolved on motion to dismiss).

## Education

- > Bachelor of Arts in History, University at Albany, State University of New York
- > Juris Doctorate, Albany Law School

## Seminars

- > 2018 NYSBA Basics of Environmental Law (Buffalo). Moderator and Local Program Chair.
- > 2018 Local Government Law from Start to Finish. Topic: "Navigating Nuisance Ordinance Legal Liabilities."
- > 2017 Hot Water: Topics in Water Law. Topic: "Stormwater Management"
- > 2016 Albany Law School Hot Topics in Law – Rochester Edition. Topic: "Using Social Media Ethically."
- > 2015 Learning from Environmental Horror Stories. Moderator: "Perils & Pitfalls of Environmental Practice."
- > 2015 Environmental Law for Non-Environmental Lawyers. Topic: "What is SEQRA & Who Does What?"

## Publications

- > Bridget O'Toole, Regulation of Pesticide Residue as Solid Waste under RCRA, Section of Environment, Energy, and Resources: The Year in Review 2015 at 95 (2016).

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 Law Firm Website

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# Bridget O'Toole

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## BAR MEMBERSHIP

New York State Bar, 2012  
United States Court of Appeals for the Second Circuit, 2013  
United States District Court for the Western District of New York, 2012  
United States District Court for the Eastern District of New York, 2012

## EDUCATION

**Albany Law School**, Albany, NY  
Juris Doctor, May 2011

- *Recipient*, The Joseph Rosch Prize, awarded for highest standing in Administrative Law; Founder's Scholarship
- *Teaching Fellow*, Spring 2010: Property; Applied Legal Reasoning
- *Research Assistant*, Dr. Paul Finkelman, 2009 – 2010

**University at Albany, State University of New York**, Albany, NY  
B.A., American History, Minor - Urban Planning, May 2008, *magna cum laude*

## AWARDS

**Up & Coming Attorney Award**, The New York Daily Record, 2016  
**Upstate Rising Star – Environmental Law**, Super Lawyers, 2016, 2017 and 2018  
**Emerging Bar Leader Award**, Monroe County Bar Association 2018

## EXPERIENCE

**The Zoghlin Group PLLC**, Rochester, NY  
*Senior Associate Attorney*, July 2016 - Present

- Practice environmental, land use, energy and municipal litigation.
- Manage litigated matters in New York and Federal Courts from intake through appeal and/or trial preparation.
- Review and Make applications to various administrative bodies on various municipal, energy and/or land use matters.
- Assist in management and professional development of junior associates and staff.

**Bansbach Zoghlin P.C.**, Rochester, NY  
*Associate Attorney*, June 2012 – July 2016

- Practiced in civil litigation, environmental, land use and municipal practice groups.
- Writing experience: drafted appellate briefs to the New York Court of Appeals, Appellate Division, Third and Fourth Departments, and Second Circuit Court of Appeals; drafted memoranda of law in support of motions pending in New York State Supreme Court and U.S. District Court for the Western and Northern Districts of New York.
- Oral advocacy: argued appeals before the Appellate Division Fourth Department, argued motions in New York State Supreme Courts, and represented my clients' interests before various administrative bodies.
- Case management and development skills: initial client interviews, researching potential claims, obtaining evidence through discovery and Freedom of Information Law requests, managing large document libraries and directing the review and production of discovery documents, developing case strategy and advising clients of potential outcomes.

**Thomas and Solomon, LLP**, Rochester, NY

*Contract Attorney*, August 2011 – December 2011

- Drafted internal memoranda concerning findings during discovery for use by Senior Litigation Attorneys
- Conducted document review for federal cases bringing claims under the FLSA
- Trained junior contract attorneys on proper document review protocol
- Communicated with Clients for the purpose of drafting affidavits and responding to interrogatories

**Tenant Foreclosure Protection Clinic**, Albany Law Clinic & Justice Center

*Legal Intern*, (Admitted to practice under the Student Practice Rule), January 2011 - May 2011

**New York Police Department - Civil Enforcement Unit**, New York, NY

*Legal Intern*, June 2010 – August 2010

**New York State Office of the Attorney General, Real Property Bureau**, Albany, NY

*Legal Intern*, (Field Placement: Albany Law Clinic & Justice Center), January 2010 – May 2010

**New York State Liquor Authority**, Albany, NY

*Legal Intern*, (Admitted to practice under the Student Practice Rule), June 2009 – December 2009

## COMMUNITY INVOLVEMENT

**Monroe County Bar Association**, Rochester, NY

*Environmental Law Committee*, 2012 - Present

- 2015 – 2018: Committee Co-Chair, responsible for planning and implementation of committee's social/networking programs, CLEs, membership recruitment and monthly "lunch and learn" meetings.
- 2012-2015: Committee Member, presented at committee sponsored CLE and attended monthly "lunch and learn" meetings.

*Foundation of the Monroe County Bar*, 2017 - Present

- 2017 – Present: Board Member of the charitable arm of the Monroe County Bar Association, supporting programs in Rochester and Monroe County through grants, education and fundraising.

*Young Lawyer's Section*, 2012 - 2017

- 2014 – 2017: Treasurer, responsible for monitoring and managing the section's funds, work with board members and Chair to determine the best and appropriate use of section funds.
- 2014 – 2017: Member of Young Lawyer's Section Silent Auction Benefitting Rochester Teen Court committee, responsible for soliciting auction donations and preparing items for auction.

*Academy of Law*, 2015 - 2016

- Served as liaison to Young Lawyers Section and Environmental Law Committee with regard to development of quality continuing legal education programming.
- Served on marketing sub-committee to increase attendance at CLEs and attract diverse speakers for CLE presentations.

**New York State Bar Association**, Albany, NY

*Environmental and Energy Law Section*, 2012 - Present

- 2018 – local program chair for full day CLE Basics of Environmental Law held in Buffalo on April 18, 2018, recruited and coordinated eight speakers from across western New York to share their knowledge and experience with new practitioners.

- 2016 – member of the Oil Spill Symposium committee organizing a half day symposium on issues relating to oil spill law across New York State.
- 2015 – attorney ambassador to students at Cornell Law School studying Environmental Law, spoke with students about practicing environmental law in a small-firm setting primarily representing plaintiffs.
- 2014, 2015, 2016, 2017 – attended annual section meeting.
- 2012, 2013, 2014, 2015, 2016 – attended annual Oil Spill Symposium.

*Local and State Government Section*, 2012 – Present

- 2017 and 2018 – attended annual meeting.

**Rochester Teen Court**, Rochester, NY

*Attorney Mediator*, 2012 - Present

- Mediate cases of first-time teen offenders with teen offender and jury of other teens using restorative justice to discuss offense and decide on a just punishment as an alternative to the traditional criminal justice system

**American Bar Association**, Chicago, IL

*Section of Environment, Energy and Resources*, 2015 - Present

- Environmental Litigation and Toxic Torts Committee
- Pesticides, Chemical Regulation and Right-to-Know Committee
- Superfund and Natural Resource Damages Litigation Committee
- Waste and Resource Recovery Committee
- Water Quality and Wetlands Committee
- Young Lawyers Environment, Energy & Resources Law Committee

**Greater Rochester Association of Women Attorneys**, Rochester, NY

*Member*, 2016 – Present

- Water Quality and Wetlands Committee

**Albany Law School National Alumni Association**, Albany, NY

*Board of Directors*, 2017 – Present

*Member*, 2011 - Present

**American Society of Civil Engineers**, Reston, VA

*Affiliate Member*, 2018 – Present

- Environment, Coasts, Oceans & Infrastructure Committee
- Environmental and Water Resources Institute

## **SPEAKING ENGAGEMENTS**

**Monroe County Bar Association**, Rochester, NY

*Continuing Legal Education*

- May 2017 – Hot Water: Hot Topics in Water Law: *Stormwater Management*
- April 2015 – Environmental Law for Non Environmental Lawyers: *What is SEQRA and Who Does What?*
- October 2015 – Learning from Environmental Horror Stories, *Moderator*

**New York State Bar Association**, Albany, NY

*Continuing Legal Education*

- April 2018 – Basics of Environmental Law 2018 (Buffalo), *Moderator*

**National Business Institute**, Eau Claire, WI

*Continuing Legal Education*

- March 2018 Local Government Law From Start to Finish: *Navigating Nuisance Ordinance Legal Liabilities*

**Albany Law School National Alumni Association**, Albany, NY

*Continuing Legal Education*

- May 2016 Hot Topics – Rochester Edition: *Using Social Media Ethically*

#### **REPORTED CASES**

***Peelle v. Town of Irondequoit***, 148 A.D.3d 1761 (4<sup>th</sup> Dep't 2017)

- The New York State Supreme Court Appellate Division Fourth Department held that where a property owner alleges, in the alternative, causes of action for inverse condemnation and trespass arising out of the intermittent inundation of his property the action must be resolved at trial.

***Chart v. Town of Parma***, 2014 WL 4923166 (WDNY 2014)

- The U.S. District Court for the Western District of New York held, for the first time, that pesticide contaminated topsoil that had been relocated from a former apple orchard to a town park was classified as solid waste under the Resource Conservation and Recovery Act.

#### **PUBLICATION**

- ***Bridget O'Toole, Regulation of Pesticide Residue as Solid Waste under RCRA***, Section of Environment, Energy, and Resources: The Year in Review 2015 at 95 (2016).

## OUR ATTORNEYS & STAFF



**KENNETH SMITH, ESQ.**

### Contact Info

Phone: 585-434-0790  
Fax: 585-563-7432  
Email: [Kenneth@zoglglaw.com](mailto:Kenneth@zoglglaw.com)

### Admissions

- > New York State

### Practice Areas

- > Environmental
- > Zoning
- > Land Use
- > Municipal
- > Historic Preservation
- > Toxic Torts
- > Energy

### About Ken

Ken concentrates his practice in the area of environmental, land use, and energy law as a member of The Zoghlin Group, PLLC. He represents clients in litigation involving regulatory violations, property damage, toxic torts, and contaminated property. He also assists clients in navigating a number of federal, state and local environmental and land use regulations, including the CERCLA, RCRA, Clean Water Act, Clean Air Act, NEPA, SEQR programs as well as brownfield redevelopment and local zoning. Ken also represents municipal, private and public interest group clients in the administrative process for siting large power plants under Article 10 of the New York Public Service Law.

Prior to joining The Zoghlin Group, Ken was Of Counsel to The Session Law Firm and ran his own practice in Kansas City, Missouri where he assisted clients with environmental and land use issues including litigation, due diligence associated with commercial real estate transactions, regulatory compliance and enforcement defense, zoning applications and recovering damages for timber trespass and other property damage. Ken also worked as an environmental enforcement attorney for the State of Vermont for a number of years where he prosecuted environmental and land use violations, and advised state officials on land use, water quality and other environmental matters. Ken brings years of experience as a criminal prosecutor where he has tried dozens of cases. Ken's extensive background in litigation offers clients significant courtroom experience.

Ken is an avid outdoorsman and award-winning homebrewer who enjoys skiing, camping and traveling with his wife and two boys.

### Professional Associations

- > Member of the Monroe County Bar Association Environmental Law Committee
- > Member of the Monroe County, New York State, and American Bar Associations
- > Former Co-Chair of the Kansas City Metropolitan Bar Association Environmental & Energy Law Committee

## Education

- > Master of Studies in Environmental Law, Vermont Law School
- > Juris Doctorate, Vermont Law School
- > Bachelor of Arts in Political Science, Vassar College

## Seminars

- > 2012, Corporate House Counsel Institute annual meeting. Topic: "Hydraulic Fracturing – Drilling into the Legal Issues."
- > 2010, Vermont Agricultural Fairs Association annual meeting. Topic: "Act 250 Land Use Issues for Fair Grounds."

## Publications

- > The Clean Water Act Permit Shield: Expanding, Shrinking, or Both?; ABA Section of Environment, Energy & Resources, In-House Counsel Committee Newsletter (July 2015)

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## KENNETH M. SMITH

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[ken@kmsmithlaw.com](mailto:ken@kmsmithlaw.com)

### LEGAL EXPERIENCE

---

- 11/18-present Of Counsel, **The Zoghlin Group, PLLC** Rochester, NY
- Litigating environmental and land use claims resulting from stormwater flooding
  - Drafting filings in Article 10 power plant proceedings
  - Assisting clients navigate wetland issues involving potential NRCS program violations
- 9/17-11/18 Assistant District Attorney, **Ontario County District Attorney's Office** Canandaigua, NY
- DWI bureau attorney responsible for prosecuting felony and misdemeanor DWI matters and handling the majority of DWI motion practice, discovery and screening for Ontario County
  - Handled significant "non-DWI" felony case load from case inception through trial
  - Responsible for regularly presenting DWI and non-DWI felonies to grand jury
  - Maintained significant misdemeanor case load as local prosecutor for four local courts
- 4/16-8/16 Contract Attorney, **Riverkeeper, Inc.** Ossining, NY
- Briefed SEQRA, NYSPDES and 401 water quality certification issues in major litigation involving Indian Point nuclear power plant relicensing
  - Drafted rebuttal regarding expert technical witness qualifications and testimony
- 5/14-1/17 Of Counsel, **The Session Law Firm, P.C.** Kansas City, MO
- 8/13-4/14 Contract Attorney, **The Session Law Firm, P.C.**
- Advised clients with regard to Environmental Site Assessments in commercial real estate transactions
  - Advised and represented corporate client in RCRA compliance investigation
  - Advised municipal and citizen group clients and drafted pleadings and memorandums for Clean Air Act litigation involving state regulatory failures and asphalt plant operating violations
  - Assisted in the investigation and resolution of significant Leaking Underground Storage Tank contamination and vapor intrusion issues affecting an entire neighborhood utilizing the Missouri Petroleum Storage Tank Insurance Fund, state, and federal funding resources
  - Drafted appellate pleadings for transfer of appeal to Missouri Supreme Court as well as in reply to writs of prohibition and mandamus in Clean Air Act litigation
  - Litigated timber trespass on behalf of plaintiff resulting in significant award to client for damages
  - Drafted access agreement to facilitate environmental cleanup of contaminated property
  - Researched and drafted memorandums on discreet CERCLA, Missouri groundwater, brownfield redevelopment, Leaking Underground Storage Tank, zoning, and Environmental Justice issues
  - Generated significant client base and law business
- 3/12-6/16 Attorney / Owner, **K M Smith Law Firm, LLC** Kansas City, MO
- Advised clients on a variety of environmental, land use, zoning and real estate issues
  - Represented Potentially Responsible Party in CERCLA action involving the Chemetco Superfund Site
  - Litigated environmental, land use, family, criminal, tort, personal injury and traffic law matters
  - Managed all aspects of a small firm including client development and relations and supervising staff
- 7/13-7/14 Contract Attorney, **Hostess Brands, Inc.** Kansas City, MO
- Reviewed contracts, service agreements and leases for potential rejection through bankruptcy process, assignment to new operating company or retention through the wind down of operations
  - Reviewed and completed requests for securities transfers
- 12/11-2/12 Contract Attorney, **McRoberts & Associates, P.C.** Kansas City, MO
- Conducted reviews of commercial lending agreements for the release of environmental escrow funds
  - Conducted commercial tenant lease reviews
- 1/07-6/11 Associate General Counsel, **Vermont Natural Resources Board** Montpelier, VT
- Enforcement Attorney for the Land Use Panel of the Natural Resources Board (NRB) responsible for prosecuting violations of Vermont's environmental and land use laws, and managing the NRB's civil enforcement docket
  - Advised the Land Use Panel and staff on enforcement related issues and proposed legislation
  - Testified to state legislative committee regarding Vermont's environmental enforcement
  - Advised the Water Resources Panel of the NRB (Vermont's water quality rulemaking authority) on proposed regulatory changes during Vermont's triennial review of its Water Quality Standards

- Co-chaired public stakeholder process focused on the possible revision of Vermont's Water Quality Standards with regards to the flow standards associated with hydro-electric projects
- Advised Water Resources Panel on hydro-electric licensing process and proposed stream alteration general permit
- Drafted and reviewed conservation easements
- Advised regional staff on the issuance of state land use permits

1/04-1/07      Assistant District Attorney, **Kennebec County District Attorney's Office**      Augusta, ME

- Represented the State in dozens of criminal, juvenile and civil cases in District and Superior Court
- Lead Juvenile Prosecutor, solely responsible for the management of dockets in two District Courts
- Successfully represented the State of Maine as lead counsel in both jury and bench trials

1/03-4/03      Law Clerk, **Vermont Natural Resources Council**      Montpelier, VT

- Drafted pleadings in a water quality certification appeal
- Drafted public comments on proposed legislation from the U.S. Forest Service

9/01-12/01      Legal Intern, **Trustees for Alaska**      Anchorage, AK

- Drafted brief and reply brief in support of pleadings in an Endangered Species Act listing case
- Conducted general research and writing on several Alaskan environmental issues

## **EDUCATION**

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1998-2002      **Vermont Law School**      South Royalton, VT

- Juris Doctor, May 2001
- Master of Studies in Environmental Law, February 2002

1994-1998      **Vassar College**      Poughkeepsie, NY

- B.A. in the Department of Political Science, May 1998
- Minor in the Department of Economics, May 1998

## **PRESENTATIONS & PUBLICATIONS**

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- Publication: "The Clean Water Act Permit Shield: Expanding or Shrinking or Both?" – ABA Section of Environment, Energy and Resources, In-house Counsel Newsletter (July 2015)
- Speaker: "Hydraulic Fracturing - Drilling into the Legal Issues," Continuing Legal Education Presentation for Missouri Corporate House Counsel Institute (2012)
- Speaker: "Act 250 Issues for Fair Grounds," The Vermont Agricultural Fairs Association Annual Meeting (2010)

## **BAR MEMBERSHIP**

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**New York State Bar** - Admitted September, 2016      **Missouri State Bar** - Admitted December, 2011  
**Vermont State Bar** - Admitted December, 2003      **Massachusetts State Bar** - Admitted January, 2002  
**Maine State Bar** - Admitted January, 2002

## **OTHER EXPERIENCE & ACTIVITIES**

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- Member of Ontario County, Monroe County, New York State and American Bar Associations
- Member, Monroe County Bar Association, Environmental Law Committee, 2016 - present
- Chair, Kansas City Metropolitan Bar Association, Environment and Energy Law Committee, 2014 - 2016
- Board Member, Park Board, City of Riverside, Missouri, 2012 - 2016
- Trial Advocacy Advisory Board Competition, 2001
- Chapter Secretary, Trout Unlimited, Seth Green Chapter, Rochester, NY
- Fly Fishing Guide, Angle 45 Adventures, Hope, AK

## OUR ATTORNEYS & STAFF



**JACOB H. ZOGHLIN, ESQ.**

### Contact Info

Phone: 585-434-0790  
 Fax: 585-563-7432  
 Email: [jacob@zogl.com](mailto:jacob@zogl.com)

### Admissions

- > New York State
- > United States District Court for the Western District of New York
- > United States District Court for the Northern District of New York
- > Ohio State
- > United States District Court for the Northern District of Ohio
- > United States Court of Appeals for the Sixth Circuit

### About Jacob

Jacob is an Associate Attorney with the Zoghlin Group. His practice focuses on environmental, land use, and administrative law. He counsels individuals, businesses, and municipalities, and helps them resolve their legal issues by advocating, educating, advising, and, if necessary, litigating on their behalf.

As a law student, Jacob represented clients in a Human Rights Litigation Clinic, worked for the National Labor Relations Board, and interned for a Superior Court Judge in Washington, DC. He also previously worked with an employment litigation firm and a civil rights advocacy group in the Greater Washington, DC area.

Jacob was born and raised in the Rochester area and enjoys soup-making, skiing, and traveling with his wife and family.

### Professional Associations

- > Member of the Monroe County, New York State, and American Bar Associations
- > Member of the Cleveland Metropolitan, Ohio State, and Federal Bar Associations

### Seminars

- > 2018 Local Government Law from Start to Finish. Topic: "Open Meetings Law."

## Practice Areas

- > Environmental
- > Zoning
- > Land Use
- > Municipal
- > Historic Preservation
- > Energy

## Education

- > Juris Doctorate, American University  
Washington College of Law
- > Bachelor of Arts in Philosophy, Haverford  
College

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# Jacob H. Zoghlin, Esq.

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## EDUCATION

**AMERICAN UNIVERSITY, WASHINGTON COLLEGE OF LAW, J.D.**, May 2014

Honors: *Cum Laude*, Highest Grade in Election Law; Awarded Merit Scholarship (1L year)

Activities: UNROW Litigation Clinic; Journal of Gender, Social Policy, and the Law; Legislation and Policy Brief; Law and Government Society (Vice President); Equal Justice Foundation

Publications: *Punishments In Penal Institutions*, 21 No. 1 Hmn. Rts. Brief 24 (Winter 2014)

**HAVERFORD COLLEGE, B.A. in Philosophy; Political Science Minor (Bryn Mawr)**, May 2011

Honors: Philadelphia Philosophy Consortium Conference Presenter (2011); Miller Fellow (2010-11)

Study Abroad: Katholieke Universiteit Leuven, Belgium, Program in European Culture & Society, Fall 2009

## LEGAL EXPERIENCE

**THE ZOGHLIN GROUP PLLC**, Rochester, NY, *Associate Attorney* June 2016 – Present  
Civil litigation with extensive motions practice in environmental, land-use, municipal, zoning, admin, & energy law.

- Advise individuals, businesses, citizens groups, & municipal boards in administrative proceedings & litigation.
- Draft pleadings, conduct discovery, and brief and argue motions and appeals.
- Guide municipalities in conducting environmental reviews and adopting local laws and resolutions.
- Coordinate with environmental consultants and expert witnesses regarding affidavits and testimony.

**BANSBACH ZOGHLIN PC**, Rochester, NY, *Staff Attorney* August 2014 – June 2016

- Draft a variety of pleadings, petitions, motions, briefs, administrative applications, and administrative appeals.
- Author legal memoranda on federal and state environmental, administrative, and Constitutional law.
- Organize voluminous document review projects, prepare affirmative discovery motions and oppose same.

**SPIGGLE LAW FIRM**, Arlington, VA, *Law Clerk* As Needed January 2014 – May 2014

- Draft disclosures, review and index documents, and compose memoranda on diverse discovery issues.
- Research and draft legal memoranda on specific questions of substantive employment law.

**HUMAN RIGHTS IMPACT LITIGATION CLINIC**, Washington, DC, *Student Advocate* May 2012 – 2014

- Research and draft legal memoranda, complaints, motions, and briefs on diverse legal issues including human rights, immigration, Constitutional law, and the Freedom Of Information Act.
- Represent clients in administrative proceedings, help develop litigation strategies, and interview clients.
- Secure asylum for victim of gang-based violence, author submissions, and represent clients in hearings.

**NATIONAL LABOR RELATIONS BOARD**, Washington, DC, *Legal Intern* August – November 2013

- Research and draft legal memoranda analyzing various labor law issues for agency attorneys.
- Author internal legal memorandum on tactics for obtaining consent judgments throughout the country.
- Monitor labor law outcomes and track trends to help develop long-term litigation strategies.

**HONORABLE LAURA A. CORDERO, DC SUPERIOR COURT**, Washington DC, *Intern*, May – July 2013

- Conduct legal research and draft civil judicial orders on dispositive motions.
- Draft judicial opinions on appeals from administrative decisions.
- Observe and assist judge in courtroom proceedings, pretrial conferences, and hearing preparations.

**ANTI-DEFAMATION LEAGUE (ADL)**, Washington, DC, *Legislative Law Clerk* May – August 2012

- Write advocacy memoranda on civil rights advancement, counterterrorism, and the First Amendment.
- Monitor legislative developments, administrative regulations, judicial decisions, and nominations.

## ADDITIONAL INFORMATION

**BAR ADMISSIONS:** State Courts: NY & OH; US District Courts: Western District of NY & Northern Districts of NY & OH; and US Court of Appeals: 6<sup>th</sup> Circuit.

**AFFILIATIONS:** ABA; Federal Bar Assn; Monroe County Bar Association; Philadelphia Bar Assn; Phi Alpha Delta.

**COMMUNITY EXPERIENCE:** AmeriCorps (2009); Washington College of Law Pro-Bono Honors (75+hours).

**INTERESTS:** Skiing, soup-making, outdoor activities, family time, politics, philosophy, ropes courses (300+ hours).

## OUR ATTORNEYS & STAFF



**FRANCES KABAT, ESQ.**

### Contact Info

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 Fax: 585-563-7432  
 Email: [Frances@zoglaw.com](mailto:Frances@zoglaw.com)

### Admissions

- > New York State
- > United States District Court for the Western District of New York
- > United States District Court for the Northern District of New York

### Practice Areas

- > Environmental
- > Zoning
- > Land Use
- > Municipal

### About

Frances is an Associate Attorney with the Zoghlin Group. She focuses primarily on environmental, municipal, and land use litigation and represents individuals, businesses, municipalities and community groups before New York State courts and municipal boards.

Prior to joining the Zoghlin Group, Frances worked at Rochester's Cornerstone Group, Ltd, a real estate developer focusing on affordable housing development in Western New York and the Finger Lakes. Her duties included obtaining local approvals, managing project logistics, assisting with site acquisition, and coordinating closings.

Frances also worked for over three years as an associate attorney at a large Western New York law firm where she represented lenders and services throughout New York State in foreclosure proceedings and facilitated loss mitigation activities.

Frances attended the University at Buffalo Law School where she studied land use, energy, and environmental law. In law school, Frances worked as a legal aide with the New York State Attorney General's Environmental Protection Bureau. Frances also interned with PUSH Buffalo's housing development arm, the Buffalo Neighborhood Stabilization Company.

Frances attended Aquinas College in Grand Rapids, MI, and double-majored in Environmental Studies and Political Science. Frances also received a certificate in Sustainable Business. In college, Frances interned with the Western New York Environmental Action Council (WMEAC), the Michigan Department of Environmental Quality (MDEQ), and the offices of United States Senators Debbie Stabenow and Carl Levin.

Frances is a 2017 recipient of the Monroe County Bar Association's Raymond J. Pauley Award, which recognizes service to the Academy of Law.

### Professional Associations

- > Historic Preservation
- > Energy

- > Member of the Young Lawyers' Section of the Monroe County Bar Association
- > Member of Environmental Law Section of the Monroe County Bar Association
- > Member of the Environmental and Energy Law Section of the New York State Bar Association
- > Member of the Greater Rochester Association for Women Attorneys

## Seminars

- > 2017, Organized and Moderated "Attorney Membership on Non-Profit Boards"(Monroe County Bar Association)

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# Frances M. Kabat, Esq.

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(585) 434-0790 • frances@zoglaw.com

## BAR ADMISSIONS

---

- *New York State (4<sup>th</sup> Department), 2011*
- *U.S. District Court, Western District of New York, 2015*
- *U.S. District Court, Northern District of New York, 2016*

## EDUCATION

---

### **State University of New York Law School**, Buffalo, NY

- *Juris Doctor, Cum Laude, 2010*
- *Relevant Coursework:* Zoning and Land Use, Administrative Law, New York State Administrative Law, Environmental Law, Contracts, Bankruptcy, Corporations, Secured Transactions, Historic Preservation, Oil and Gas Law, Renewable Energy Law and Policy, Discovery and Depositions, Complex Civil Litigation, Mediation, Private Sector ADR, Insurance Law, and Evidence

### **Aquinas College**, Grand Rapids, MI

- *Bachelor of Arts, Summa Cum Laude, 2006*
- *Majors in Political Science and Environmental Studies: Certificate in Sustainable Business*
- *Relevant Coursework:* Advanced Environmental Studies, Industrial Ecology, Sustainable Business Management, Sustainable Energy Systems, and Developing Sustainable Energy Sectors

## EXPERIENCE

---

### **The Zoghlin Group, PLLC**; Rochester, NY: September 2018 to Present

#### *Associate Attorney*

- Represent individuals, businesses, community groups, and municipalities before New York State courts and municipal boards
- Review and compile applications to municipal boards on matters related to zoning and site plan approval
- Research and draft legal memoranda regarding municipal, environmental, and land use matters

### **Rochester's Cornerstone Group, Ltd**; Rochester, NY: November 2016 to September 2018

#### *Real Estate Development Associate*

- Assisted with site acquisitions and oversaw submissions to planning boards to obtain site plan approvals
- Coordinated real estate closings
- Reviewed loan documents, purchase and sale agreements, entity formation documents, title abstracts, title commitments, environmental and engineering reports, insurance certificates, and as-built surveys
- Drafted purchase and sale agreements and loan documents

### **Woods Oviatt Gilman, LLP**; Rochester, NY: June 2013-October 2016

#### *Associate Attorney*

- Represented clients in settlement conferences, motions, and status conferences
- Assisted clients with the resolution of title issues, code violations, and loss mitigation/settlements
- Reviewed real estate and financial documents, including deeds, mortgages, notes, assignments, loan modifications, tax affidavits, and title curatives
- Drafted and edited sales documents (deeds, tax forms, and assignments of bid) and litigation documents (including motions for summary judgment and responsive pleadings, responses to discovery demands and interrogatories, and appellate briefs)

# Frances M. Kabat, Esq.

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(585) 434-0790 • frances@zoglaw.com

**Shapiro, DiCaro, and Barak, LLC;** Rochester, NY: February 2012-June 2013

*Associate Attorney*

- Represented clients at settlement conferences in Central and Western New York
- Assisted clients and firm loss mitigation department with settlement negotiations and agreements

**Buffalo Neighborhood Stabilization Co.;** Buffalo, NY: January-May 2010, January 2011-November 2011

*Legal Intern/Volunteer Attorney*

- Coordinated land banking activities, including communications with project stakeholders, drafted deeds and closing documents, obtained title curatives, cleared tax liens, handled residential real estate closings, and researched the process for obtaining real property tax exemptions

**Watson, Bennett, Colligan & Schechter, LLP;** Buffalo, NY: May 2009-December 2010

*Law Clerk*

- Developed pleadings and drafted memos pertaining mechanic's liens, contracts, alternative dispute resolution (arbitration), bankruptcy, employment law, tax, and real property matters

**State University of New York Law School Environment and Development Clinic;** Buffalo, NY: August 2009-May 2010

*Student Policy Analyst*

- Authored policy paper analyzing uncertainties posed by feed-in tariff policy models and proposed New York State legislation and presented findings to community group and industry experts

**New York State Attorney General's Office;** Buffalo, NY: May 2008-May 2009

*Legal Aide, Environmental Protection Bureau*

- Determined violations of law, evaluated procedural and administrative legal matters, and drafted memoranda analyzing violations of state and federal environmental laws, including SEQRA, NEPA, and CERCLA

## **GOVERNMENT EXPERIENCE**

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**Michigan Department of Environmental Quality (MDEQ);** Warren, MI: 2006-August 2007

*Intern/Volunteer, Environmental Sciences and Services Division*

- Drafted case studies outlining Michigan corporations' use of environmental management, energy efficiency, green building design/LEED certification, and stormwater management practices

**Office of U.S. Senator Carl Levin;** Washington, D.C.: June 2005-July 2005

*Intern*

- Researched legislation, drafted correspondence, data entry, and responded to constituent inquiries

## **MEMBERSHIPS, PROFESSIONAL ENRICHMENT ACTIVITIES, AND AWARDS**

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- Recipient, Raymond J. Pauley Award, Monroe County Bar Association, 2017
- Member, Monroe County Bar Association (Environmental Law and Young Lawyers Sections)
- Member, New York State Bar Association (Environmental and Energy Law and State and Local Government Law Sections)
- Completed Fundamentals of Accounting and Finance Certificate Program, UB School of Management
- Finalist, New York State Bar Association Prof. William Ginsberg Memorial Essay Contest
- Executive Editor, Buffalo Environmental Law Journal
- Published book review of Edward Christie's *Finding Solutions For Environmental Conflicts: Power and Negotiation* in the Buffalo Environmental Law Journal (Vol. 16, No. 1/2, 2008- 2009)
- President, SUNY Law School Alternative Dispute Resolution Association
- Organizer and Participant, Mediation Training, Center for Dispute Resolution and Justice, Buffalo, NY
- Aquinas College Outstanding Political Science and Environmental Studies Graduate Awards