

**Tug Hill Alliance for Rural Preservation (THARP)
Request for Intervenor Funds Application Stage**

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.

Case No. 16-F-0328: Number Three Wind LLC

Exhibit C

Qualifications of:

Attorneys of The Zoghlin Group, PLLC

PRACTICE AREAS



Zoning & Land Use

(<https://thezoghlingroup.com/practice-areas/zoning/>)

Environmental

(<https://thezoghlingroup.com/practice-areas/environmental/>)

Article 10

(<https://thezoghlingroup.com/practice-areas/article-10/>)

Energy

(<https://thezoghlingroup.com/practice-areas/energy/>)

Government Investigations

(<https://thezoghlingroup.com/practice-areas/government-investigations/>)

Article 10

Article 10 of the Public Service Law

Representing Parties and Intervenors in the Article 10 Process

The Zoghlin Group's Article 10 Practice Group, led by Senior Associate Benjamin I. Wisniewski, Esq. (<https://thezoghlingroup.com/our-attorneys-staff/benjamin-wisniewski/>), focuses on helping individuals, interest groups, and towns participate in power plant siting proceedings under Article 10 of the New York State Public Service Law.

Whether you support a proposed project in your community, or whether you have concerns about potential impacts, The Zoghlin Group will help you navigate the complicated Article 10 administrative process.

Specific Article 10 Services to Parties and Intervenors:

The Zoghlin Group provides comprehensive representation to parties seeking to participate in an Article 10 Proceeding. Our services include:

- Guidance to towns or other municipalities with questions about the Article 10 process and the relationship between Article 10 and Home Rule;
- Guidance to public interest groups with concerns about project impacts;
- Guidance to individuals or businesses who have concerns about impacts on their property;
- Guidance to developers on how to promote meaningful public participation and address community concerns;
- Full representation of individuals, interest groups and towns in the Article 10 proceeding;
- Local party status requests;
- Intervenor fund requests;
- Assistance during stipulation and application scoping phase of Article 10 (the pre-application phase, also known as the stipulation phase);
- Assistance with identification and retention of subject matter experts;
- Assistance in drafting motions, information request, testimony, and briefs;
- Representation during cross-examination hearings;
- Settlement negotiations with developers and other State Agencies.

areas/government-investigations/)

Municipal
(<https://thezoghlingroup.com/practice-areas/municipal/>)

Historic Preservation
(<https://thezoghlingroup.com/practice-areas/historic-preservation/>)

The Zoghlin Group also advises towns regarding local wind and solar laws, and the scope of Article 10's preemption of local laws.

Experience:

The Zoghlin Group and its attorneys have participated, or are currently participating in the following Article 10 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 Energy 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.

Additional Information About Article 10:

If you have questions about Article 10, the status of a particular project, or how you can participate, please do not hesitate to contact Benjamin E. Wisniewski, Esq. (<https://thezoghlingroup.com/our-attorneys-staff/benjamin-wisniewski/>). for a free consultation. You can also find useful information on the Department of Public Service's Article 10 Website, available here (<http://www3.dps.ny.gov/W/PSCWeb.nsf/AII/1392EC6DD904BBC285257F4E005OpenDocument>) or download the following materials:

1. > Overview of Article 10 (excerpt from Article 10 of the New York State Public Service Law and the Concept of Home Rule, updated Jan. 24 2019) (https://thezoghlingroup.com/wp-content/uploads/2019/01/Wisniewski-10-EXCERPT_Jan-24-2019.pdf)

Article 10 Blog:

The following links provide access to interesting and informative articles related to Article 10 and available on the Zog-Blog:

- > 3,800 Acre Horseshoe Solar Energy Facility Proposed for Caledonia and Rush (<https://thezoghlingroup.com/2019/03/05/3800-acre-horseshoe-solar-energy-facility-proposed-for-caledonia-and-rush/>)(3/5/2019)

- > Galloo Island Application Withdrawn from Article 10 Review
(<https://thezoghlingroup.com/2019/03/01/galloo-island-application-withdraw-from-article-10-review/>) (3/1/2019)

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(<https://www.facebook.com/ZogLaw/>)



(<https://www.linkedin.com/company/11502442/>)

Attorney Advertising.
Prior results do not
guarantee a similar
outcome.

Mindy L. Zoghlin

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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 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 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"
- 2002 Basic Administration and 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 and Development. Topic: "The Planning Et Zoning Process"
- 2001 Land Use Decision-Making Training Program, sponsored by the Monroe County Department of Planning and 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"

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 (4th 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 (4th 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 (4th 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 (4th 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 (4th 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 (4th Dept. 1991) (Construction company's obligation to pay maintenance assessments was limited by Declarations to any deficit in plaintiff's operating expenses).

Benjamin E. Wisniewski, Esq.

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

EDUCATION

University at Buffalo Law School , The State University of New York	2016-2017
<ul style="list-style-type: none">• 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
<ul style="list-style-type: none">• J.D., <i>magna cum laude</i>• Order of the Coif	
Cornell University	2001-2005
<ul style="list-style-type: none">• B.S. in Earth and Atmospheric Science: Meteorology• Navy Reserve Officer Training Corps: <i>full scholarship recipient</i>	

LEGAL EXPERIENCE

Senior Associate Attorney, The Zoghlin Group, PLLC , Rochester, NY	2018-present
<ul style="list-style-type: none">• 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:<ul style="list-style-type: none">-Application of <i>Lighthouse Wind</i> LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a 201 MW Wind Energy Facility;-<i>Horse Creek Wind Farm</i>, 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 <i>Deer River Wind</i> Energy Project in Lewis and Jefferson Counties;-Application of <i>Canisteo Wind</i> 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 <i>Eight Point Wind</i>, LLC for a Certificate of Environmental Compatibility and Public Need Pursuant to Article 10 to Construct a Wind Energy Project;-Application of <i>Baron Winds</i>, 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 <i>Deer River Wind</i> 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 <i>Mad River Wind</i> Farm Project in the Towns of Redfield and Worth in Oswego and Jefferson Counties;-Application of <i>Number Three Wind</i> 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 <i>Heritage Wind</i>, 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 <i>Franklin Solar</i>, 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
<ul style="list-style-type: none">• 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, 8th 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

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

- New York

Bridget O'Toole

bridget@zoglaw.com • (585) 434-0790 • 300 State Street, Suite 502 • Rochester, NY 14614

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 (4th 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).

KENNETH M. SMITH

12 Evergreen Lane
Pittsford, NY 14618

Phone: (802)793-3393
ken@kmsmithlaw.com

LEGAL EXPERIENCE

- 11/18-present Of Counsel, **The Zoghlin Group, PLLC** Rochester, NY
- Litigating environmental, land use, and zoning claims and administrative decisions
 - Representing municipalities, interest groups and individuals 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

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

- 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

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

- 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

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: 6th 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).