

## **CHRIS G. TRAPP**

Chris G. Trapp is an equity partner with the law firm of Greco Trapp, PLLC. While the firm is engaged in the general practice of law, Mr. Trapp concentrates his practice in municipal law, labor law, education law and civil litigation, including general commercial litigation.

He obtained his Bachelor of Science Degree in Labor Relations and Marketing from the School of Management at Syracuse University where he graduated in 1978, magna cum laude. He holds a Degree of Juris Doctor from the State University of New York at Buffalo, Faculty of Law and Jurisprudence (1981) and is admitted in both the State and Federal Trial and Appellate Courts throughout New York State, including the Second Circuit Court of Appeals. In 2010, he was admitted to the Bar of the United States Supreme Court. He was appointed by the County Executive for the County of Erie and approved by the Erie County Legislature to the Erie County Board of Ethics and is currently the Vice Chair of the Ethics Board.

Mr. Trapp is currently the Village Attorney for the Village of Alden representing the Village in a variety of capacities, including Village Prosecutor. He is also counsel to the Village Ethics Committee and the Village of Alden Local Development Corporation in addition to the Village of Alden Cable Television Committee. Prior to obtaining the post of Village Attorney in 1992, he acted as Deputy Village Attorney since 1982. He has been chief negotiator to engage in collective bargaining between the Village of Alden and the employees within the Department of Public Works, formerly CSEA, Local 1000, AFSCME AFL-CIO, now Teamsters Local 264. He also acts as labor counsel to other Villages and Towns in Western New York.

Beginning in 1994, he was appointed as a Hearing Officer for the Traffic Violations Office at the State University of New York College at Buffalo. He is currently one of the school attorneys for the Alden Central School District, Salamanca City Central School District, Cuba-Rushford Central School District, Tonawanda City School District, and Akron Central School District. He is also counsel to several volunteer fire companies with regard to a variety of matters which would affect fire companies ranging from equipment purchases to personnel matters and contractual issues.

As part of his practice, Mr. Trapp previously handled insurance coverage questions on behalf of a number of different insurance carriers in the State of New York and has argued over 150 appeals before the Appellate Division of the Supreme Court, the Court of Appeals in Albany, and the Second Circuit Court of Appeals.

Chris Trapp is a member of the American Bar Association (Section on State and Local Government Law), the New York State Bar Association (Labor and Employment Section and Local & State Government, where he currently serves as a co-chair of the Labor and Employment Subcommittee and as an Executive Board member), the Erie County Bar Association (Municipal Law Committee Chairperson, 1993-1996), Western New York Defense Trial Lawyers' Association (Director, 1993-1995), Industrial Relations Research Association (now Labor and Employment Relations Association), Management Advocates for School Labor Affairs, New York State Association of School Attorneys, and National Association of Bond Lawyers. He was named a Legal Elite Attorney in Western New York in 2016 and a Super Lawyer for 2017 in the field of Education Law. In 2007, he was named Prosecutor of the Year by the WNY Prosecutor's Association.

## John M. Campolieto

John graduated from Albany Law School in 1996. He worked as private attorney in small Rochester, NY law firm until joining the City of Rochester Law Department as a Litigation Attorney in 1999. John represents the City of Rochester and the City of Rochester Police Department before City, Supreme Court and Federal District Court, Western District of New York. During his tenure with the City of Rochester John has handled various legal issues for the City of Rochester, including collections, zoning and land use litigation, tax assessment/Article 7's, bankruptcy, contracts and claims.

**JAMES D. BILIK, ESQ.**

James D. Bilik is an arbitrator and mediator with a statewide practice in labor and employment matters. Prior to his career as a neutral, he provided legal counsel to New York State United Teachers for over 26 years, first as a staff attorney and later as Assistant General Counsel. Before that, he was a member of the firm of Gordon & Gordon, P.C. in New York City. As a practicing attorney, he represented public and private sector employees and their unions, and unions as private sector employers, before state and federal courts and administrative tribunals.

Mr. Bilik is Co-chair of the Employment Relations Committee of the Local and State Government Law Section of NYSBA. He graduated from the University of Wisconsin-Madison and Rutgers School of Law.



## CHARLES W. MALCOMB

Partner

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Chuck concentrates his practice on environmental law, energy law, land-use law, municipal law, and real estate development. He has experience working with both private and public clients on issues involving both state and federal environmental statutes, and he assists municipalities with a wide range of legal issues, including environmental review and zoning.

A primary part of Chuck's work focuses on the State Environmental Quality Review Act (SEQRA) where he has extensive experience guiding municipalities and developers through its requirements. Successful projects include environmental assessments for large-scale telecommunications projects, power generation projects (including some of the largest wind farms in the eastern United States and both utility and small-scale solar projects), infrastructure improvements, and public and private developments, from project inception through successful litigation. He has assisted in drafting scoping documents, environmental impact statements, findings statements, decisions, and guiding public review. Chuck also counsels clients on local, state, and federal permitting processes, including compliance with historic preservation laws, the Clean Water Act, the Clean Air Act, and other federal environmental statutes and regulations.

Chuck frequently gives presentations and provides training programs for local government officials across the State on SEQRA, zoning, environmental law, land-use law, and ethics. He regularly presents at the Summer School and Annual Meetings of the Association of Towns and provides training for the New York Planning Federation. He has trained code enforcement officers and town and village justices on zoning and building code enforcement, and has published articles on investigating and prosecuting violations. In addition, Chuck has provided training to planners and local government officials on NYS Agriculture and Markets law, and the protections applicable to farm operations, including the limitations on municipal regulations.

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### Areas of Practice

Business Litigation  
Environmental  
Land Use & Economic Development  
Municipal  
Public Authority  
Wine, Beer & Spirits

### Industry Groups

Cleantech  
Green Building  
Oil & Gas  
Renewable Energy

### Admissions

New York

### Education

B.A., summa cum laude, University at Buffalo, State University of New York

J.D., magna cum laude, University at Buffalo School of Law

CHARLES W. MALCOMB

As part of his municipal practice, Chuck serves as the attorney for an upstate New York municipality addressing the full-range of general municipal issues. He regularly counsels municipal clients on leasing, ethics, environmental matters, zoning, assessment, eminent domain, and procurement. Chuck represents clients engaged in farm operations in County-adopted, State-certified Agricultural Districts and have assisted in securing municipal approvals for operations, including renewable energy projects. He has also defended lawsuits challenging municipal approvals to farm operations. His further litigation experience includes tax assessment matters, land use issues, environmental enforcement, and other issues before administrative and judicial forums. He has drafted laws for municipalities on a variety of subjects.

Chuck also counsels clients in the oil and gas industry on a variety of matters, including environmental compliance and administrative enforcement defense. Chuck and his colleagues represent several oil and gas companies in defending lawsuits alleging pollution resulting from drilling activities.

Chuck has represented clients with matters pending before the State Liquor Authority, including applications for licenses. Specifically, he has provided guidance to wineries and distilleries with respect to licensing issues and compliance with Federal and State laws regulating the sale and consumption of alcohol.

In addition, Chuck is conversant in Russian.

## Honors

- Listed, *Upstate New York Super Lawyers* Rising Stars, 2014 - 2018

## Experience

Hodgson Russ represented an intervenor supporting a ZBA's interpretation, in a matter requiring an understanding of the interplay of amendments to a municipal zoning ordinance over the last 50 years. The ZBA rendered an interpretation that certain height limitations (imposed as conditions to a prior rezoning) were no longer applicable, but did not issue formal written findings. Hodgson Russ argued, successfully, that the ZBA's decision was a matter of "pure legal interpretation" and that no written findings were required. Supreme Court, Erie County conducted a de novo review and upheld the ZBA's determination. The Fourth Department affirmed.

The Ghent Planning Board issued a Negative Declaration, the Ghent ZBA granted area variances, and the Claverack Planning Board granted site plan approval. Although Hodgson Russ represented the applicant, it took the lead in defending the actions of the municipal boards and prevailed in all three proceedings. Each matter involved the preparation of a certified record, drafting pleadings, and preparing memoranda of law. One required approval, a special use permit from the Ghent Planning Board, was denied. Hodgson Russ successfully challenged this denial as arbitrary and capricious and not supported by the evidence in the record. Supreme Court, Columbia County ordered the approvals be granted. These matters involved the construction of a proposed refrigerated warehouse facility across the border of two towns in Columbia County.

CHARLES W. MALCOMB

A Developer commenced an Article 78 proceeding challenging, among other things, members of a village board of trustees' right to deliberate and vote on a project about which the members expressed personal opinions. The project was a controversial development project and prior to their election, board members had expressed their views on the project, both before and during their campaigns for office. Hodgson Russ represented the board of trustees and its members when the developer argued that the expression of opinions and signing a petition against a project were examples of bias requiring the board members to recuse themselves. Supreme Court, Monroe County agreed and annulled the determination, finding that the board members had a prohibited conflict of interest, and enjoined them from any deliberations or voting with respect to the project. The Fourth Department reversed, holding that mere expressions of opinion, absent more, are not enough to demonstrate bias. Elected, public officials should be free to express their views to their constituents, especially during their run for election. This is a seminal case that clarifies that the mere expression of opinion does not require disqualification of board members.

A petitioner obtained a special use permit and site plan approval for a wind project. Due to delays, the Petitioner applied for the first extension, which was granted. They then changed the project and applied for a second extension, which was denied. The applicable standard is whether there was a change in circumstances that would justify denial of an extension request. The project changes proposed by Petitioner warranted denial. Petitioner then argued that no extension was necessary because the approvals were challenged and the doctrine of equitable tolling extended the durational limits. Hodgson Russ argued successfully that the doctrine of equitable tolling is inapplicable in the State of New York. This decision made new law in the State of New York, specifically, whether the doctrine of "equitable tolling" extended durational limits of permits while litigation challenging those approvals is pending.

Hodgson Russ successfully defended the ZBA before the Supreme Court, Erie County and the Fourth Department. The applicant sought a use variance to permit commercial parking in a residential area, across the street from his commercial operation. The ZBA applied the factors for granting a use variance and issued a written decision. After nearby residents challenged the ZBA's determination granting the use variance on several grounds.

Hodgson Russ represented a citizens group opposed to the development of a casino resort. The town board issued a negative declaration without setting forth its determination, in a written form, providing a reasoned elaboration. Instead, the board's special counsel prepared rationale after-the-fact. Supreme Court, Seneca County approved of this approach, but the Fourth Department reversed. The Fourth Department determined that SEQRA requires the lead agency to set forth its determination in writing to allow intelligent judicial review. After-the-fact rationale should not be considered by the reviewing court. This matter set significant precedent in the Fourth Department.

Hodgson Russ advised the developer on all legal aspects of the permitting and IDA financing of multiple wind energy projects in Western New York providing power for more than 50,000 homes. The projects include over a hundred turbines, over 20 miles of access roads, electric collection systems, an operations and maintenance building, and a substation. Our work included guiding the environmental impact review processes, representing the company at public hearings, obtaining land use permits, defending the company in lawsuits from opposing neighbors, and negotiating road use and host community agreements. We served as local finance counsel in obtaining benefits from the IDA, and all real estate matters related to the project, including survey due diligence and acting as the title examiner for the projects.

CHARLES W. MALCOMB

Since 2012, a Hodgson Russ team led by Terrence M. Gilbride has represented the Buffalo Sabres and its affiliate, HARBORCENTER, in conjunction with the development of HARBORCENTER, an approximately \$200 million, 600,000-square-foot sports, retail, entertainment, parking, and hospitality complex. This first-of-its-kind mixed-used facility includes two ice rinks; a 19-story, full-service Marriott hotel; a sports-themed nightclub and restaurant; retail space; and an 800-car parking facility, all of which are connected to the existing First Niagara Center via skywalk. Hodgson Russ has worked with the Sabres on all aspects of this project from its inception, including environmental review, contract negotiations, permitting, construction, economic development incentives, financing, and tax planning.

Hodgson Russ has represented many local businesses and developers across New York State, including an 18-hole golf course, a winery, a family-owned meat market, and a developer of a large mixed-use business/residential park. This representation has included state and local code interpretation, analysis of permitting requirements, the preparation and presentation of environmental and zoning applications, and defending approvals and permits in litigation.

## News

Sixty-One Hodgson Russ Attorneys Named to 2018 Upstate New York Super Lawyers  
*Press Release, August 20, 2018*

Hodgson Russ Announces Five Newly Elected Partners, Nine Attorneys Promoted to Senior Associate  
*Press Release, January 2, 2018*

Seventy Hodgson Russ Attorneys Named to 2017 Upstate New York Super Lawyers, Hugh Russ Listed Among Top 50  
*Press Release, September 6, 2017*

Sixty-three Hodgson Russ Attorneys Named to 2016 Upstate New York Super Lawyers, Hugh Russ Listed Among Top 50  
*Press Release, August 31, 2016*

Sixty-Four Hodgson Russ Attorneys Named to 2015 Upstate New York Super Lawyers, Hugh Russ Listed Among Top 50  
*Press Release, August 19, 2015*

Hodgson Russ Announces Five Newly Elected Partners  
*Press Release, December 30, 2014*

ECC Seeks Dismissal of 'Frivolous' Giambra Lawsuit  
*Buffalo News, December 23, 2014*

Oil and Gas Trade Group Sets Agenda for Buffalo Meeting  
*Buffalo Business First, November 6, 2014*

63 Hodgson Russ Attorneys Named to *Super Lawyers* Listing  
*Press Release, August 14, 2014*

CHARLES W. MALCOMB

Six Hodgson Russ Attorneys Newly Admitted to New York State Bar  
April 1, 2011

## **Presentations**

New York State Bar Association, Local and State Government Law Section Fall Meeting  
Buffalo, New York, September 28-29

WSTBOA Educational Conference  
Mayville, New York, September 11, 2018

NYS Economic Development Council 2018 Annual Meeting  
NYS Economic Development Council, Otesaga Resort Hotel, May 23 - 25, 2018

Municipal Law Seminar  
Millennium Hotel, 2040 Walden Avenue, Cheektowaga, NY 14225, May 17, 2018

New York Magistrates Annual Meeting - Zoning Code Enforcements  
Verona, NY, October 20, 2017

Are Changes Coming for Environmental Law Under Trump Administration? Exploring Recent Updates  
May 2, 2017

Tug Hill Commission Annual Local Government Conference – Ethical Considerations for Planning and Zoning Boards  
Watertown, NY, March 30, 2017

New York Planning Federation Annual Conference 2017 – Ethical Considerations for Planners  
Saratoga Springs, NY, March 27 - 28, 2017

Association of Towns Annual Meeting 2017 - Zoning and Real Property Taxation for Solar Energy  
New York Marriott Marquis, NY, February 20, 2017

Air & Waste Management Association Annual Seminar 2017 - Environmental Reporting Obligations  
Templeton Landing, 2 Templeton Terrace, Buffalo, NY, January 25, 2017

## **Publications**

Reminder to Companies Selling Products in California - Proposition 65 Requirements Take Effect August 30  
*Litigation Alert*, August 3, 2018

Court of Appeals Upholds Town Board Discretion in Delivering Fire Protection Services  
*Municipal Law Alert*, July 26, 2018

New York is Proposing Changes to its Alcohol Licensing Rules  
*Manufacturing Alert*, February 9, 2018



CHARLES W. MALCOMB

The Uncertain Future of the Waters of the United States Rule - And Its Enforcement

*The Pipeline, a publication of the Independent Oil and Gas Association of New York, Summer 2017*

Courts Rule for Oil and Gas Developers in Contamination Claim Suits

*The Pipeline, a publication of the Independent Oil and Gas Association of New York, Spring 2017*

Appellate Division Rejects the DEC's Denial of a Hearing and Unilateral Cleanup of Contaminated Property at the Responsible Party's Expense

*The Pipeline, a publication of the Independent Oil and Gas Association of New York, Winter, 2016*

Administrative Search Warrants in New York: How to Gather Evidence of Code Violations without Running Afoul of the Fourth Amendment

*The Municipal Lawyer, a publication of the Local and State Government Law Section of the New York State Bar Association, produced in cooperation with Touro Law Center, Winter/Spring 2016, Winter/Spring 2016*

New Buffalo Green Code May Make It Easier to Build in the Queen City

*Real Estate Development Alert, October 29, 2015*

Debate Over Federal vs. State Regulation of Fracking Heats Up

*The Pipeline, a publication of the Independent Oil and Gas Association of New York, September 17, 2013*

The Far Reach of California Proposition 65

*Legal & Tax Newsletter, a publication of the German American Chamber of Commerce New York, March 29, 2013*

## Social Media

Chuck contributes to Hodgson Russ's Clean and Green Law blog. His entries include:

- "Cuomo Announces State Investment of \$225 Million Toward the Buffalo High-Tech Manufacturing Innovation Hub," November 25, 2013
- "Solar Balance of System (BoS) Cost Continues to Be the Focus of Cost-Reduction Strategy," August 20, 2013
- "Will President Obama's Climate Change Policy Impact the 2014 Midterm Elections?," July 3, 2013
- "Proposed Amendments to New York's State Environmental Quality Review Act Do Little More Than Provide Lip Service to Sustainability," January 28, 2013
- "Will the Wind Energy Production Tax Credit Play a Major Role in the 2012 U.S. Presidential Election?," August 15, 2012

## Professional Affiliations

- Environmental Law Institute
- New York State Bar Association

CHARLES W. MALCOMB

- Bar Association of Erie County

### **Community & Pro Bono**

- Rivershore Foundation, Inc. board member



## MARLA WAISS

Partner

[mwaiss@hodgsonruss.com](mailto:mwaiss@hodgsonruss.com) 716.848.1203

Marla focuses her practice on federal and international tax matters, including tax controversy matters with the IRS and federal tax matters related to tax-exempt organizations and bond financings. She has extensive experience advising international clients on business expansion into the United States, structuring considerations in purchasing U.S. real estate, cross-border mergers and acquisitions, tax implications of relinquishing U.S. citizenship or residency status, trust and estate planning for individuals resident abroad, and the application of the U.S. anti-deferral regimes. Marla also has extensive experience working on tax controversy matters, including advising clients on voluntary disclosure options, large IRS audits, and U.S. Tax Court matters. Marla also regularly advises clients on federal tax issues related to bond financings, including post-issuance compliance matters, private business use, IRS remedial actions for maintaining the tax-exempt status of bonds and the IRS Voluntary Closing Agreement Program. She also works with a variety of tax-exempt organizations and private foundations on obtaining and maintaining tax-exempt status and the unrelated business income tax rules. Marla's practice also involves advising high-net-worth clients on charitable giving, including the formation of private foundations and drafting pledge agreements.

### Honors

- Listed, 2013 *Upstate New York Super Lawyers* Rising Stars
- Best Brief Award, Mugel National Tax Moot Court Competition
- Former assistant executive editor, *Buffalo Law Review* (2001-2002)
- Phi Beta Kappa
- *Buffalo Business First/Buffalo Law Journal's* Legal Elite of Western New York, 2015

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### Areas of Practice

Business Tax  
International Tax  
Tax Dispute Resolution  
Trusts & Estates  
International-U.S. Cross-Border  
Canada-U.S. Cross-Border  
Education  
Municipal  
Bond Counsel  
International Trusts & Estates

### Industry Groups

Tax-Exempt Organizations

### Admissions

New York  
U.S. Tax Court

MARLA WAISS

## Experience

Hodgson Russ assisted a client with a \$50 million pledge to a university for a charitable purpose. The work involved drafting and negotiating various provisions of the gift agreement with the university and advising on the federal tax material restriction rules for donors, including the level of involvement a donor may have with respect to the gifted funds for purposes of the charitable deduction rules under Internal Revenue Code Section 170.

Since 2012, a Hodgson Russ team led by Terrence M. Gilbride has represented the Buffalo Sabres and its affiliate, HARBORCENTER, in conjunction with the development of HARBORCENTER, an approximately \$200 million, 600,000-square-foot sports, retail, entertainment, parking, and hospitality complex. This first-of-its-kind mixed-used facility includes two ice rinks; a 19-story, full-service Marriott hotel; a sports-themed nightclub and restaurant; retail space; and an 800-car parking facility, all of which are connected to the existing First Niagara Center via skywalk. Hodgson Russ has worked with the Sabres on all aspects of this project from its inception, including environmental review, contract negotiations, permitting, construction, economic development incentives, financing, and tax planning.

Hodgson Russ assisted a Canadian client with the purchase and sale of U.S. vacation property and advised on the federal and state tax considerations for nonresidents owning U.S. real property, including the reporting of U.S. source rental income and the implications of the Foreign Investment in Real Property Tax Act (FIRPTA) upon a sale of the property. Our services also involved U.S. estate planning with respect to the ownership of the property.

Hodgson Russ advised an educational institution with respect to the federal tax issues upon the sale of a building with outstanding tax-exempt bonds. The advice involved an analysis of available IRS remedial actions to preserve the tax-exempt status of the bonds, including a redemption of the bonds and use of the disposition proceeds for an alternative qualifying use.

Hodgson Russ advised a Canadian client of the IRS voluntary disclosure options available for U.S. citizens living abroad, including the 2012 Offshore Voluntary Disclosure Program and the IRS Streamlined Program. The advice involved a discussion as to whether the client was a U.S. citizen. The advice also involved discussion of U.S. tax compliance requirements applicable to U.S. citizens, including the Foreign Bank Account Report (FBAR) filing rules.

## Education

B.A., magna cum laude, University at Buffalo, State University of New York

J.D., cum laude, University at Buffalo School of Law

MARLA WAISS

## News

IRS Ramping Up Foreign Tax Demands  
*Buffalo Law Journal*, December 21, 2015

Seventy Hodgson Russ Attorneys Named to *Super Lawyers* Listing  
August 2013

Hodgson Russ Announces New Partners  
January 1, 2011

Marla Waiss Accepted to Leadership Buffalo Rising Leaders Program  
January 24, 2006

## Presentations

Local and State Government Law Section Fall Meeting  
Buffalo, New York, September 28-29

Hodgson Russ Seminar: Current Trends and Legal Updates for Tax-Exempt Organizations  
Hodgson Russ, The Guaranty Building, 140 Pearl Street, Buffalo, NY, July 11, 2018

Preparing for IRS and SEC Scrutiny: Procedures and Training  
Hodgson Russ, 140 Pearl St, Buffalo, NY 14202, April 24, 2018

33rd Annual School Client Conference  
Millennium Hotel Buffalo, 2040 Walden Ave, Buffalo, NY, January 12, 2018

Preparing for IRS and SEC Scrutiny: Procedures and Training  
Buffalo, NY, May 11, 2017

32nd Annual School Client Conference  
Cheektowaga, New York, January 13, 2017

2016 Lumsden McCormick Exempt Conference: Legal Considerations for Tax Exempt Entities  
Buffalo Niagara Marriott, 1340 Millersport Highway, Amherst, NY, November 17, 2016

63rd Tax Institute: Cross Border Tax Update  
Center for Executive Development, School of Management, University at Buffalo, November 14, 2016

Municipal Law Seminar 5.17.16  
Cheektowaga, NY, May 17, 2016

31st Annual School Client Conference  
Millennium Hotel Buffalo, 2040 Walden Ave, Buffalo, NY, January 15, 2016

MARLA WAISS

## **Publications**

Court of Appeals Upholds Town Board Discretion in Delivering Fire Protection Services  
*Municipal Law Alert*, July 26, 2018

Tax Cuts and Jobs Act Ushers in Big Changes to the Estate and Gift Tax  
*Estates and Trusts Alert*, December 27, 2017

House and Senate Bills Contain Tax Increases for Tax-Exempt Organizations  
*Tax Alert*, December 7, 2017

US Tax Information Reporting  
*Canadian Tax Highlights*, September 2017

Important New Business Tax Proposals for U.S. Tax System  
*Business Tax & International Tax Alert*, March 15, 2017

Additional Amendments to the Nonprofit Revitalization Act of 2013 Become Law  
*Tax-Exempt Organizations Alert*, December 1, 2016

September 6, 2016 Deadline: New IRS Notice Requirement for 501(c)(4) Organizations  
*Client Alert*, August 30, 2016

Proposed Regulations May Substantially Reduce the Availability of Valuation Discounts for Interfamily Transfers of Business Interests  
*Estate Planning Alert*, August 18, 2016

Relief in Sight for New York Nonprofits with Prospect of Additional Amendments to the Nonprofit Revitalization Act of 2013  
*Tax-Exempt Organizations Alert*, July 28, 2016

Updated FAQs for Streamlined Procedures  
*Canadian Tax Highlights*, March 1, 2016

## **Professional Affiliations**

- American Bar Association
- New York State Bar Association
- Bar Association of Erie County
- National Association of Bond Lawyers

## **Community & Pro Bono**

- Configuration Dance Theatre board of directors

### Speaker Biography: Lawrence H. Weintraub, Esq.

Lawrence (“Larry”) H. Weintraub has worked in DEC’s Office of General Counsel from 2007. He serves as the program counsel for DEC’s Division of Environmental Permits. The Division of Environmental Permits administers the State Environmental Quality Review Act and the Uniform Procedures Act for the agency and manages most of the major environmental permitting work of DEC. Larry has counseled the agency with respect to many of its major permitting and environmental reviews that have occurred since 2007. Larry also represents the DEC staff in proceedings before the Public Service Commission and the Federal Energy Regulatory Commission. Before joining the DEC, Larry worked in both government and private practice. The focus of his practice was on environmental and municipal law. He graduated from the David C. Clark School of Law at the University of the District of Columbia (formerly Antioch School of Law), and received a BA degree in Geology from the State University of New York at Binghamton. He is admitted to the New York Bar and several Federal Courts. For Larry’s work on the environmental assessment form workbooks and EAF Mapper, he is a group recipient of the 2014 American Planning Association, New York Upstate Chapter’s Best Practice Award.

## **Rick Su**

Rick Su is a Professor of Law at the University at Buffalo School of Law, where he teaches and writes in the areas of local government law, immigration, and federalism. His current research is on state preemption of local laws, with a special focus on sanctuary policies and immigration enforcement. He is a graduate of Harvard Law School and clerked for the Honorable Stephen Reinhardt on the Ninth Circuit Court of Appeals. He was a Visiting Professor at Harvard Law School in 2015, and at the Washington University in St. Louis School of Law in 2018.





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Kristin Klein Wheaton counsels and defends the interests of clients facing employment and labor issues, civil rights and discrimination claims, and complex commercial disputes. A skilled problem solver with over 20 years of legal experience in both the private and public sectors, Kristin's wide-ranging practice includes labor and employee relations, contract negotiations, and assisting clients with the creation and maintenance of compliance strategies for state and federal laws.

Kristin dedicates a significant portion of her practice to providing day-to-day employment and labor counseling to a wide variety of clients. These include municipal bodies, such as towns, villages, counties, law enforcement bodies, and public entities; long-term care facilities, colleges and universities, and nonprofits; and the full gamut of private sector employers, in fields from health care and hospitality to logistics and manufacturing. Kristin frequently offers comprehensive counsel on employment concerns including issues involving personnel, discipline, and leave administration. Kristin also provides guidance on fine-tuning, overhauling, or drafting from scratch her clients' policies, procedures, and handbooks. She represents her clients in hearings before the National Labor Relations Board (NLRB) and the Public Employment Relations Board (PERB), as well as in arbitrations and traditional labor negotiations. Kristin's record of success in hearings, arbitrations, and negotiations is proof of her skill at achieving highly favorable settlements and agreements, saving her clients time and legal dollars and avoiding the distraction, risk, and publicity of a trial. Kristin also is adept at negotiating employment agreements and severance agreements and has extensive experience conducting and counseling on internal employee investigations and audits.

Kristin's practice includes defending her clients against discrimination and civil rights claims in hearings before the Equal Employment Opportunity Commission (EEOC) and the New York State Division of Human Rights (DHR). Her experience in this area also extends to housing issues. Kristin has defended property management companies, homeowners associations, realty groups, and other clients in a wide variety of discrimination and civil rights matters involving allegations ranging from reasonable accommodation and disability discrimination claims to racial discrimination claims. Kristin also has extensive experience handling claims before the United States Department of Justice, Office for Civil Rights, in areas including but not limited to discrimination claims based upon race, religion, disability, and national origin, as well as alleged failure to accommodate, to name a few.

As the former Executive Vice President for Legal Affairs at a large community college in Western New York, Kristin brings an unparalleled depth of experience and client-oriented service to higher education institutions facing a host of legal issues, from employment and labor policy drafting to union negotiations, audits and investigations, commercial leasing, and crisis management. In her previous role, Kristin reported directly to the president of the institution, and managed a team of 20 professionals across a range of departments. Kristin provided legal guidance to the Board of Trustees on a whole host of issues affecting the college, as well as guidance on meeting administration, bylaws and policy revisions. Kristin coordinated and represented the school in all of its legal matters, as well as union matters, including grievances, arbitration, negotiations and labor management meetings, tort and employment litigation, Title IX, financial aid and Education Law compliance, administrative proceedings, and more. She also instituted monthly labor management meetings and reduced grievances by more than 50 percent over her tenure — including a two-year period with no grievances from one of its four unions, and only three grievances total that went to arbitration. As an administrator, Kristin was also a member of numerous governance committees and was a member of the leadership team assigned to manage budgetary issues, accreditation issues, compliance issues and regulatory visits. As leader of Goldberg Segalla's Higher Education Practice Group, Kristin leverages that experience on behalf of both public and private institutions of higher education across New York State and beyond.

Kristin also spent several years in the Erie County Attorney's Office, as an Assistant County Attorney, a First Assistant County Attorney, and the Acting County Attorney. Among other duties, she frequently appeared before the New York State Public Employment Relations Board, negotiated settlements with unions on employment issues, represented the county and its employees before a variety of state and federal courts and administrative agencies, and acted as in-house counsel for Erie County Commissioners and the County Sheriff. As counsel for the Commissioners of Personnel, Disability, and Equal Employment Opportunity, Kristin regularly advised on matters involving the New York State Civil Service Law and civil service administration, New York General Municipal Law, Open Meetings Law, Freedom of Information Law (FOIL), New York Public Officers Law, and legislative resolutions. She also represented the Erie County Board of Elections on election law proceedings. Kristin has extensive experience handling municipal litigation arising out of legislative enactments, and has achieved no cause of action verdicts in jury trials and favorable results on summary judgment in a variety of employment and civil rights cases — including claims involving discrimination, constitutional rights, negligence, and excessive force — in the U.S. District Court for the Western District of New York, as well as in CPLR Article 75 and 78 proceedings in New York State Supreme Court. Kristin has broad experience handling inmate condition claims, as well as claims brought under New York General Municipal Law section 207-c.

As the manager of the County's self-insured risk retention fund during part of her tenure, Kristin also was responsible for case and reserve valuation and reporting, municipal budgeting and risk management including, but not limited to, litigation, workers compensation, and health insurance. She also served as a management representative on the jointly administered labor management health care trust fund. In addition, Kristin served as an ex officio member of the Erie County Board of Ethics and provided guidance on ethical issues and the Hatch Act.

Kristin is an adjunct professor at Hilbert College, where she teaches Trial Preparation and Practice for Paralegals (Advanced Civil Litigation). In 2015, Kristin was named one of Western New York's Legal Elite by *Buffalo Business First* and the *Buffalo Law Journal*. In 2017 and 2018, she was named one of the *Best Lawyers in America* in the category of Employment Law — Management.

#### **Honors**

- Martindale-Hubbell Peer Review Rating: AV Preeminent
- *Best Lawyers in America*, Employment Law — Management, 2017–19
- *Buffalo Business First* Legal Elite of Western New York, 2015

#### **Professional Affiliations**

- New York State Public Employer Labor Relations Association
- Erie County Bar Association: Labor Law Committee, Municipal and School Law Committee
- New York State Bar Association: Labor and Employment Section, Local and State Government Law Section
- National Center for the Study of Collective Bargaining in Higher Education and the Professions
- Organization of Public Employer Negotiators
- National Order of the Barristers
- Michigan State University Alumni Association, WNY Chapter
- National Public Employer Labor Relations Association
- County Attorney's Association of the State of NY (CAASNY)
- Buffalo Niagara Human Resources Association

#### **Community Involvement**

- Secretary and Co-Chair, Mentor Committee, Hamburg High School Academy of Finance Advisory Board
- Secretary and Chair, Bylaws and Nominations Committee, Western New York Regional NAF Advisory Board

### Admitted to Practice

- New York
- U.S. District Court for the Western District of New York
- U.S. Court of Appeals for the Second Circuit

### Education

- Albany Law School, J.D., 1994
- Michigan State University, B.A., 1991

### Publications/Presentations

- Author, "New Legislation on Sexual Harassment Will Significantly Affect the Handling of These Cases for Municipalities," *NYSBA Municipal Lawyer*, Vol. 32 No. 1, August 2018
- Quoted, "Navigating Marijuana at Work," *Buffalo Law Journal*, July 30, 2018
- Co-Presenter, "Business Busters — Protecting Your Business from Employment Risks," *Buffalo Niagara Partnership*, June 28, 2018
- Presenter, "School Safety in WNY - Legal Roles and Critical Responsibilities," Erie County Bar Association, Buffalo, NY, June 1, 2018
- Co-Presenter, "New York State Sexual Harassment Update and Municipal Law Update," County Attorney's Association of the State of New York Annual Conference, Cooperstown, NY, May 22, 2018
- Co-Presenter, "New York State Legislation on Sexual Harassment," GS Webinar, May 3, 2018
- Co-Presenter, "Harassment and Discrimination: Sexual Harassment Prevention Program - Avoid the Quandries of 'ME TOO' & 'TIMES UP,'" New York Insurance Municipal Insurance Reciprocal, Scottsville, NY, March 22, 2018
- Co-Presenter, "Hot Topics in Employment and Labor Law," Employer Services Corporation, Buffalo, NY, March 1, 2018
- Author, "What To Expect From EEOC's New Harassment Guidance," *Law360*, February 26, 2018
- Co-Author, "What To Know About NY's Proposed 'Call-In Pay' Regs," *Law360*, December 18, 2018
- Co-Presenter, "Labor and Employment: Wage and Hour Update," Construction Law Webinar, November 16, 2017
- Presenter, "Case Law Affecting Municipalities," Organization of Public Employers Conference, October 20, 2017
- Co-Presenter, "Appellate Division and Court of Appeals Review," County Attorney's Association of the State of New York, Annual Meeting, May 22, 2017
- Author, "Employee Leaves of Absence: Managing the Minefield," *Buffalo Law Journal*, May 3, 2017
- Panelist, "Legal Issues in Higher Education: Annual Review of Court and Administrative Developments," National Center for the Study of Collective Bargaining in Higher Education and the Professions Annual Conference, New York, NY, March 28, 2017
- Co-Presenter, "Labor and Employment Law Update Looking Ahead in 2017," Navigating a New World: A 2017 Roadmap for Private Sector Employers, Buffalo NY, February 9, 2017
- Presenter, "Trends and Legal Updates – Employment Practices Liability," AIG Claims Advisory Board Meeting, Buffalo, NY, November 2, 2016
- Co-presenter, "Internal Investigations – Ethical Considerations," New York State Public Employer Labor Relations Association Conference, Saratoga Springs, NY, July 22, 2016
- Panelist, "Bargaining Issues Involving Dual Credit and Enrollment Issues at Community Colleges," National Center for the Study of Collective Bargaining in Higher Education and the Professions Annual Conference, New York, NY, April 5, 2016

- Panelist, “Campus Sexual Assault Panel Discussion: Navigating the Tough Terrain of Compliance, Awareness and Prevention,” WNY Network for Women Leaders in Education, May 2015
- Co-Presenter, “County Correctional Facilities, Federal and State Claim, and Litigation Exposure — Is Your County Exposed?” County Attorneys Association of the State of New York Annual Conference, Albany, NY, April 2010
- Co-Presenter, “Furloughs and Employment Law Updates,” County Attorneys Association of the State of New York Winter Conference, Albany, NY, February 2010
- Presenter, “Electronic Records, Retention and Litigation Issues for Municipalities,” New York State Public Employer Labor Relations Association Conference, Saratoga Springs, NY, July 2006



The Law Office of Lindy Korn represents Plaintiff's exclusively in matters of workplace discrimination and employs five (5) attorneys, one (1) paralegal and one (1) administrator. Lindy was admitted into the practice of law in 1979, after receiving a B.A. from Boston University and her J.D. from Ohio Northern University School of Law. She was the first woman to run for Town Justice in the town of Amherst, in 1981. In 1990, she became a Commissioner for the Workers' Compensation Board for the State of New York, having been appointed by Governor Cuomo, and confirmed by the Senate. Lindy is a holistic attorney focusing on employment law matters from the plaintiff's perspective and concentrating on issues of sexual harassment and retaliation. In 1997 she created a company called Diversity Training-Workplace Solutions, Inc., and consulted with companies to prevent hostile environments in the workplace and did trainings throughout the country. Conflict resolution skills are utilized throughout her representation. Lindy was named as a Super Lawyer in Fall 2013.

She is the mother of two adult daughters and a dog named Sigmund. In her employment practice, she works closely with psychologists as well as other professionals who can assist in helping victims of sexual harassment become more balanced and better advocates for themselves. Sexual harassment of teenage workers is a focus in her practice.

Lindy is columnist for the Buffalo Law Journal, the Daily Record and the Buffalo Jewish Review writing on current trends regarding workplace issues. She has taught at the Cornell School of Labor Relations in the area of Workers' Compensation and was an Adjunct Professor at the School of Architecture and Urban Planning, teaching Conflict Resolution in the fall of 2003, as well as having taught a bridge course at the University of Buffalo, School of Law, in **sexual harassment mediation**.

Her passion is to create a more respectful workplace environment devoid of sexual harassment and retaliation. Her avocations include playing cribbage, walking, and looking for reasons to laugh. She is also interested in the power of apology in mediations. She serves as a mediator on the Federal Court Panel for the Western District New York.

Lindy has appeared as the "Workplace Doctor" on A.M. Buffalo talking about workplace romance issues, bullying and zero tolerance.

Her practice includes same sex harassment, sexual stereotyping, caretaker discrimination, pregnancy discrimination cases, lactation rights, and appeals.

The Law Office of Lindy Korn is located in The Electric Tower, 535 Washington St., Ninth Floor, Buffalo, NY 14203, and the office number is 716- 856-KORN (5676).

## **Biography of John F. Corcoran, Esq.**

### **Partner, Hancock Estabrook, LLP**

1500 AXA Tower I, 100 Madison Street, Syracuse, New York 13032

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jcorcoran@hancocklaw.com

John F. Corcoran is a magna cum laude graduate of the Syracuse University College of Law and is currently the leader of the Firm's Labor & Employment, Education and Municipal Practices. He has extensive experience representing management in labor and employment litigation with an emphasis on the public sector, collective bargaining as the employer's chief negotiator, labor arbitrations, education law, and municipal law including fire service matters. Mr. Corcoran also serves frequently as the public employer's advocate or designee on compulsory interest arbitration panels for police, fire, and deputy sheriff negotiations. He also serves as a neutral hearing officer in public sector employment matters, including disciplinary cases.

Mr. Corcoran also serves as general counsel to several school districts advising school boards, superintendents, and administrators with regard to school board policies, student disciplinary matters, student residency issues, school board elections and budget votes, teacher disciplinary cases, and many other education law matters.

Prior to joining the Firm, Mr. Corcoran served as human resources director for Madison County and the Oneida City Hospitals, both located in Central New York State.

### **RECOGNITIONS AND HONORS**

- Selected, The Best Lawyers in America (2014 to present)
- Selected, New York - Upstate, Super Lawyers (2013 to present)
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### **PROFESSIONAL AND COMMUNITY ACTIVITIES**

- Former Executive Committee Member, New York State Bar Association, Labor and Employment Law Section
- Former Co-Chair, New York State Bar Association, Labor and Employment Law Section, Public Sector Labor Relations Committee
- Board Member and Past President, New York State Public Employer Labor Relations Association
- Member, National Public Employer Labor Relations Association
- Member, Management Advocates for School Labor Affairs
- Pro Bono Counsel, Toggenburg Junior Ski Racing Association
- Former Board Member, New York State Blues Festival
- Past Vice Chair, Downtown Syracuse YMCA, Board of Managers

**Lise Gelernter** is an arbitrator and teaches at the University at Law School, including courses on arbitration and employment discrimination. Before coming to Buffalo, she taught for a semester at Brandeis University and prior to that, she was in private practice in an Albany law firm focusing on employment and labor law. Between 1986 and 1994, she worked for the first Governor Cuomo, holding several positions, including Deputy Commissioner and Counsel at the Department of Labor, and Assistant Counsel and Legislative Counsel to the Governor.

[NOTE: Lise is pronounced just like Lisa].

## **Judith Crelin Mayle Bio**

Judith Crelin Mayle received her J.D. degree from Albany Law School at Union University. Prior to receiving her J.D. degree, Ms. Mayle has a combined thirty (30) years' experience in municipal government as a past Town Supervisor and past Councilwoman, as well as her experience as a past Chairperson and member of her Town Planning Board for 16 years. Ms. Mayle is a Partner in the firm and her legal practice concentrates primarily on labor and employment law, general municipal law, and education law. Ms. Mayle regularly represents and provides counsel to both the firms public and private clients on numerous labor and employment issues, such as collective bargaining, negotiations, employment contract interpretation, employee counseling and discipline, workplace violence, discrimination and harassment, grievances, and numerous employment issues; including representation on PERB matters, other administrative proceedings and Court matters. Ms. Mayle also provides counsel on such matters as FOIL, Open Meetings law, contract preparation, inter-municipal agreements, construction projects, Local Finance Law, procurement policies, bidding, ethics laws, local law preparations, SEQRA matters, and other municipal and educational law topics. In addition to her work with the firm, Ms. Mayle is also a volunteer firefighter and EMT, and breeds and trains performance horses.