

Sponsored by
The Ohio State University
Agricultural & Resource Law Program
and Ohio State Bar Association



Fourth Annual

Ohio Agricultural Law Symposium

Featuring:

- Ohio Senator Cliff Hite
- Farm Bill & Federal Policy Update with Dale Moore of Washington, D.C.
- American Farm Bureau TMDL Challenge
- Hot Environmental Issues for Ag
- Ohio Livestock Care Standards
- USDA Audits
- Current Agricultural Use Valuation
- Estate Planning
- Oil and Gas Leasing Issues

November 18, 2011

9:00 a.m. to 4:15 p.m.

Registration begins at 8:30 a.m.

The Ohio State University
Ohio Union
Columbus, OH

6 CLE Credits

For registration and
information, visit
[OSBA's CLE website](#)
or call OSBA CLE at
800-232-7124

Ohio Agricultural Law Symposium ~ Program

- 8:55 **Welcome** – *Peggy Hall*, Director, OSU Agricultural & Resource Law Program
- 9:00 **Chesapeake TMDL: EPA’s New Framework for Watershed Regulation**
Danielle Quist, Senior Counsel for Public Policy, American Farm Bureau Federation, Washington, D.C.
- 9:40 **Nutrient-Enriched Lakes, Livestock Emissions, and Other Hot Environmental Topics for Ohio Agriculture**
Jack Van Kley, Van Kley and Walker LLC, Columbus
- 10:20 **Enforcing Ohio’s New Livestock Care Standards**
James Patterson, Assistant Attorney General, State of Ohio
- 11:00 Break
- 11:15 **The Office of Inspector General Audit: Preventing and Detecting Waste, Fraud and Abuse**
Diana Blust, Senior Auditor, U.S. Department of Agriculture, Office of the Inspector General
- 11:50 **Current Issues in Current Agricultural Use Valuation**
Larry Gearhardt, Ohio Farm Bureau Federation, Columbus
- 12:30 Lunch – Provided
- 1:15 Concurrent Session 1
Representing Landowners in Oil and Gas Leases and Dormant Minerals Claims
Richard A. Yoss
Yoss Law Office, Woodsfield
- Concurrent Session 2
Estate Planning for Farmers in an Era of New Laws and New Wealth
Beatrice Wolper, Emens & Wolper Law Firm, Columbus
Paul L. Wright, Wright Law Co., LPA, Dublin
- 2:45 Break
- 3:00 **Fighting for Agriculture in Washington: The Farm Bill and other Farm Policy Issues**
Dale W. Moore, Vice President, Policy Directions, Inc, Washington, D.C.
- 3:40 **Legislative Outlook for Ohio Agriculture**
Senator Cliff Hite, Chair, Ohio Senate Agriculture, Environment and Natural Resources Committee
- 4:15 Adjourn to **Social Reception** ~ Woody’s Tavern, Ohio Union

Ohio Agricultural Law Symposium Session Descriptions

Chesapeake TMDL: EPA's New Framework for Watershed Regulation

The U.S. EPA has established a regulatory regime for the Chesapeake Bay watershed that sets a Total Maximum Daily Load (TMDL) for sediments and nutrients such as nitrogen and phosphorous and mandates state implementation of that TMDL. The American Farm Bureau and other organizations have filed a lawsuit against the watershed rule. Learn about the basis for the lawsuit and potential implications for environmental regulations and agriculture.

Nutrient-Enriched Lakes, Livestock Emissions, and Other Hot Environmental Topics Affecting Agriculture

A discussion of current environmental issues for Ohio agriculture, from the Grand Lake St. Mary's algae situation to the status of EPA's regulation of air emissions on livestock farms.

Enforcing Ohio's New Livestock Care Standards

Ohio's new Livestock Care Standards became effective on September 29, 2011. Hear from the Ohio Attorney General's office about how the agency will enforce the new standards.

Current Issues in Current Agricultural Use Valuation

Recent years have brought significant changes in Ohio's CAUV formula and the determination of farmland property taxes. Gearhardt will explain the CAUV process and discuss current problems and challenges to CAUV determinations.

The Office of Inspector General Audit: Preventing and Detecting Waste, Fraud and Abuse

A senior auditor for the USDA Office of Inspector General will explain the federal audit process and share thoughts, recommendations and experiences on agricultural program audit issues.

Representing Landowners in Oil and Gas Leases and Dormant Minerals Claims

Shale gas development is in a boom cycle in Ohio, bringing new leasing and mineral issues for Ohio farmers. Review leasing provisions that address the landowner's interests and learn how the Ohio Dormant Mineral Act addresses uncertainty over severed minerals.

Estate Planning for Farmers in an Era of New Laws and New Wealth

Ohio farmers are gaining new wealth from non-farm income such as wind and oil and gas leases, while state and federal estate tax laws are undergoing major revisions. Two estate planning experts will present ideas on how to manage clients' new wealth and counsel clients under new estate tax laws.

Fighting for Agriculture in Washington: The Farm Bill and other Farm Policy Issues

A veteran of Washington, D.C. who has worked on federal farm policy issues for 25 years, Moore will share his insights into the future direction of the Farm Bill and other federal policies that impact agriculture.

Legislative Outlook for Ohio Agriculture

Senator Cliff Hite, Chair of the Ohio Senate Agriculture, Environment and Natural Resources Committee, will present an update of current agricultural issues in the Ohio legislature.

Ohio Agricultural Law Symposium Faculty

Danielle Quist joined the American Farm Bureau Federation staff in 2004 and is Senior Counsel for Public Policy. She represents manages the AFBF legal Advocacy Program and related efforts implementation efforts. Ms. Quist was previously counsel to the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs of the House Government Reform Committee. Prior to her work on Capitol Hill, she was a litigation associate at the law firm of Howrey, Simon, Arnold and White in Washington, D.C., where she concentrated on environmental litigation involving pesticides, the Endangered Species Act, hazardous waste and toxics tort issues. She also has litigation experience in the antitrust, insurance and government contracts areas. Ms. Quist earned both her law and bachelor's degrees at Columbia University in New York City. She is a native of southern California, with summers spent on her family's New Mexico sheep ranch.

James Patterson is an Assistant Attorney General in the Executive Agencies Section, representing the Ohio Department of Agriculture, the Ohio Livestock Care Standards Board, and various state commissions dealing with agricultural issues. He represents ODA in administrative hearings and state and federal court proceedings in such diverse areas as food safety, amusement rides, pesticide regulation, animal health, and other programs. Prior to joining the office of the Attorney General in 2002, Mr. Patterson was engaged in civil litigation practice in Columbus and Worthington, Ohio. He has previously been a seminar presenter on administrative procedure and constitutional issues. Mr. Patterson received a Bachelor of Arts degree in political science from Duke University in 1979, and received a J.D. from The University of Michigan Law School in 1982.

Jack Van Kley's environmental law career spans more than 30 years as a government litigator and practitioner. At the Environmental Enforcement Section of the Ohio Attorney General's Office, Mr. Van Kley represented Ohio EPA, Ohio DNR and other environmental agencies and became the Section's Chief Litigator, overseeing litigation for all State cases. He concluded his government service as Section Chief, supervising 75 attorneys and investigators and monitoring all state and federal environmental legislation. Since 1995, Mr. Van Kley has engaged in private practice. His practice includes litigation, transactions, legislation, permitting and compliance counseling for industry, agriculture, and local government. Mr. Van Kley has drafted, commented or testified on legislation such as the law transferring the Ohio EPA permit program for livestock to the Ohio Department of Agriculture and a statute requiring Ohio EPA to base NPDES actions solely on credible scientific data. Mr. Van Kley earned a B.A. from Valparaiso University and a J.D. with honors from The National Law Center, George Washington University.

Diana Blust is a Senior Auditor with the U.S. Department of Agriculture's Office of Inspector General (OIG). During Ms. Blust's tenure with OIG-Audit she has worked with the Assistant U.S. Attorney as the auditor responsible for providing the analysis of fraudulent acts committed under the Risk Management Agency's Crop Insurance Program. She responds to many Congressional requests and has initiated change to USDA program regulations to deter waste, fraud, and abuse. Ms. Blust has received numerous awards from OIG and has been nominated for the Secretary of Agriculture's award. She is a graduate of Ohio Dominican University with a B.A. in Business Administration and Accounting.

Larry Gearhardt has served as an attorney with the Ohio Farm Bureau for nearly 20 years, most recently as the Senior Director of Local and Legal Affairs where he supervised all of Ohio Farm Bureau's local and legal activities. In addition to being on many state task forces and committees dealing with agricultural issues, Mr. Gearhardt has been a long time member of the Ohio Department of Taxation's Agricultural Advisory Committee, which makes recommendations regarding Ohio's CAUV program. He also practiced law and served as an agricultural and local government consultant for a number of years. Mr. Gearhardt is a former chair of the Ohio State Bar Association Agricultural Law Committee and served on the Board of Directors of the American Agricultural Law Association. He holds degrees from Wittenberg University and the University of Toledo College of Law.

Richard A. Yoss is a general practitioner, now focused primarily on real estate, probate and oil and gas law. He served as Monroe County Prosecuting Attorney for 16 years. His oil and gas practice, covering a 40 year time span, includes representing local oil and gas producers as well as landowners. His firm advises landowners in viewing and drafting oil and gas leases as well as curing title defects and recovering severed oil and gas

interests for surface owners. He is a member of the Ohio State Bar Association, the American Bar Association, the Ohio Oil & Gas Association, and the Rocky Mountain Mineral Law Foundation. Yoss received his B.S. and J.D. degrees, cum laude, from The Ohio State University College of Law.

Bea Wolper has practiced law in Central Ohio for more than 32 years, with an emphasis on family-owned business and women business owners; estate planning and wealth transfer; outside general counsel to privately held businesses; mergers, acquisitions and corporate governance. She is listed in “Best Lawyers in America” in the Corporate Law category. Her practice has included an emphasis on preservation of wealth and implications of philanthropic giving; clients have included those in the farming, service, retail, distribution, manufacturing, real estate and construction industries. Ms. Wolper is a frequent author and lecturer on estate planning, wealth transfer, family owned business issues and acquisitions. She co-authored two editions of *Family Business Basics: The Guide to Family Business Financial Success* and her views on business practices and law are widely published in business and legal journals. She teaches courses on entrepreneurship and succession planning at Ohio Dominican University and the Ohio State Bar Association. Ms. Wolper graduated with a B.A. cum laude from the University of Cincinnati and a J.D. cum laude from Northern Kentucky University.

Paul L. Wright is the founding principal of Wright Law Co. LPA in Dublin, Ohio, where he advises farmers and agricultural businesses in estate planning, business and tax issues. Mr. Wright’s career also includes 29 years of service with The Ohio State University Extension as a County 4-H Agent, Area Farm Management Agent and State Specialist in Agricultural Law. Mr. Wright has served as President of the American Agricultural Law Association (AALA) and Chair of the Ohio State Bar Association’s Agricultural Law Committee. Honors include The Ohio State University’s Distinguished Alumni Award, the AALA’s Distinguished Service Award and induction into the Ohio Agricultural Hall of Fame. Mr. Wright holds a Bachelor of Science degree in Agriculture Education and a Master of Science degree in Agricultural Economics from The Ohio State University, and earned his Juris Doctorate degree from the University of Toledo.

Dale W. Moore. For nearly 25 years, Dale W. Moore has worked on policy and communications strategies in a variety of government and private-sector positions. He was USDA's chief of staff for eight years, serving four different Secretaries of Agriculture. Mr. Moore has also worked as the legislative affairs director for the National Cattlemen's Beef Association and served a dozen years on Capitol Hill, beginning his political career as a legislative assistant to then Rep. Pat Roberts (R-KS) before moving to majority and minority staff jobs on the House Agriculture Committee. Mr. Moore applies expertise gleaned from his years of service in D.C. with his production agriculture background to develop practical, collaborative science-based solutions to issues at hand. He has worked on numerous farm bills, pesticide and food safety laws, animal health and welfare issues, and during his time at NCBA, helped lead a coalition dedicated to elimination of federal estate taxes. In addition to addressing policy matters while at USDA, Mr. Moore also helped coordinate administrative, management, and budgetary duties, and served as a representative for the Department on a number of interagency policy development initiatives. He holds a bachelor's degree in animal science from Fort Hays State University in Hays, Kansas.

Senator Cliff Hite. Following two terms in the Ohio House of Representatives, Cliff Hite joined the Ohio Senate in 2011. He represents the 1st Ohio Senate District, which encompasses Defiance, Fulton, Hancock, Hardin, Henry, Paulding, Putnam, Williams and Van Wert counties as well as portions of Auglaize County. During this General Assembly, Sen. Hite will serve as chairman of the Senate Agriculture, Environment and Natural Resources Committee. He was also named to the Education Committee, the Financial Institutions Committee and the Government Oversight and Reform Committee. In these roles, he will work to ensure that Ohio’s agriculture industry remains strong, improve our education system and keep government transparent and accountable to the public. Prior to joining the Legislature, Sen. Hite spent nearly three decades as a history teacher and football coach at both the high school and college level. Outside of his legislative work, he remains active throughout his community, serving as the general chairman for the United Way Campaign of Hancock County. He has been accepted into the Hancock County Sports Hall of Fame, is an honorary member of Kiwanis International and is a member of the Benevolent and Protective Order of the Elks of Findlay. Senator Hite graduated from the University of Kentucky with a bachelor’s degree in secondary education.

The fourth annual **Ohio Agricultural Law Symposium** is a partnership between The Ohio State University Agricultural and Resource Law Program, the Ohio State Bar Association and the OSBA Agricultural Law Committee. Join us for a day of education and discussion about current legal issues for Ohio agriculture.

Registration

Register online with Ohio State Bar Association Continuing Legal Education at www.ohiobar.org or by phone at 1-800-232-7124. Fees for pre-registered OSBA members are \$260; non-member pre-registered rate is \$325. Call for non-CLE rates.

Location

The Ohio State University's Ohio Union, 1739 N. High Street, Columbus, Ohio. Parking is available in the adjacent Ohio Union Parking Garages.

Student Scholarships

The Paul L. Wright Chair Fund in Agricultural Law at The Ohio State University will provide scholarships for law students. For further information contact Peggy Hall at 614-247-7898, aglaw@osu.edu.

Planning Committee

- Peggy Hall; Planning Committee Chair; Director of OSU Agricultural and Resource Law Program, Columbus
- Carolyn Eselgroth; Barrett, Easterday, Cunningham & Eselgroth LLP; Dublin
- Adrienne Fisher; Wright Law Co. LPA; Dublin
- Chad Endsley; Ohio Farm Bureau, Columbus

Questions

For registration questions contact OSBA CLE at 1- 800-232-2174. For questions about the program or student scholarships, contact Peggy Hall at OSU, aglaw@osu.edu, 614-247-7898.