



ZACH KLEIN
COLUMBUS CITY ATTORNEY

eNewsletter

Volume 1, Issue 2

From the Desk of City Attorney Zach Klein

I wake up every morning and love coming to work because I have the best job in Columbus. I'm grateful the citizens of our great city have placed their faith in me to set the guiding principles for the legal and prosecutorial direction of our city's law department. I appreciate the fact that each day the City Attorney's office can significantly impact the quality of life of our residents and can be at the forefront of our community's efforts to help transform people's lives for the better.

I honestly believe that now, more than ever, we must stand together to lift up our family, friends, and neighbors. Whether it's shutting down drug houses and businesses operating outside the law or filing lawsuits to protect the rights and interests of our city and residents, we will continue to look for innovative new ways to make Columbus an even better place to live.

In my office hangs a photo of Robert F. Kennedy, with a quote of his, which reads, *"There are those who look at things the way they are, and ask why? I dream of things that never were, and ask why not?"*

When I look at the many challenges facing our community, it is the pursuit of justice for all that inspires me to ask—not just why—but *why not?*

Why can't we find consensus to pass common-sense gun reform that keeps dangerous weapons out of the hands of domestic abusers and other violent criminals?

Why can't we collaborate with our partners and stakeholders to address the opiate crisis from as many different angles as possible?

Why can't we find common ground to defend workers' rights, civil rights and healthcare rights?

It is that aspirational examination of the way things are versus the way that perhaps they should be that has led our office to take action to address the pervasive gun violence in our society, to support legal efforts to protect funding for the basic healthcare needs of low-income, uninsured and underinsured individuals, and to lead the efforts in implementing the Franklin County Opiate Action Plan.

I hope you'll take the time to read more about these and other initiatives in this latest e-newsletter, as our office continues to focus on ways to help improve the safety and progress of our city. It's a job that none of us in the City Attorney's office takes for granted.

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Standing Up for Common Sense Safety Regulations

While headlines such as the ones proclaiming “*judge overturns Columbus bump stock ban*” and “*judge rules bump stock ban in Columbus unconstitutional*” seemed to sensationalize what is an already polarizing topic, the reality of Columbus' newly enacted gun regulations is much different. In May 2018, City Council passed four ordinances that made dozens of technical and substantive changes to the city’s criminal codes related to firearms offenses. After this range of common sense gun regulations went into effect in June, two groups, Ohioans for Concealed Carry and the Buckeye Firearms Foundation, sued the city on two provisions: the new weapons under disability statute that conforms city code with federal prohibitions, and the city’s ban on so-called bump stocks, which are rate-of-fire acceleration devices that allow guns to approximate the firing rate of fully automatic assault weapons. The plaintiffs prevailed on only one of those points: whether bump stocks are considered gun accessories or gun components.

While the City Attorney argued that they were accessories, and cited the bump-stock manufacturers’ own patent applications that called them accessories to help prove it, the trial court ruled they were components. The City Attorney’s office recently appealed this finding.

So what seemed to get lost amid all the rhetoric was the fact that Columbus made dozens of code changes to make our community safer in the wake of tragedies such as the Las Vegas and Parkland mass shootings, and all but one either went unchallenged or was upheld by a court. The gun lobby chose to stand their ground in defending the rights of violent criminals and domestic abusers to keep firearms in the City of Columbus, even though federal law prohibits those convicted of domestic violence and other violent felonies from possessing firearms (these are the laws that are commonly referred to as “weapons under disability” statutes). The court agreed that Columbus had the authority to close the gap between already existing federal prohibitions and state law, which remained “unduly lax” in preventing certain ex-convicts and those who are subject of a protection order from possessing weapons.

Some of the other carefully crafted regulations that went into effect in June include:

- Adding seizure or forfeiture of weapons to the list of potential penalties against an offender who uses a weapon while committing negligent homicide, negligent assault or aggravated menacing.
- New criminal penalties, including forfeiture of weapons and mandatory jail time, for someone who possesses a gun when violating a protection order.
- Prohibitions against defacing the identification marks on a firearm.
- Prohibiting people under 21 from purchasing or attempting to purchase a handgun.
- New procedures for storing and returning surrendered firearms.
- New criminal penalties for giving, selling or furnishing imitation firearms to minors, altering an imitation firearm, possessing an altered imitation firearm, or possessing an imitation firearm in a school safety zone, if that person displays, brandishes and/or claims it’s a real firearm.

“Keeping guns out of the hands of criminals helps protect victims of domestic violence, law enforcement, and makes our community a safer place to live. Protecting our friends and neighbors from criminals with guns should be something we can all rally around—and we hope our laws can serve as a roadmap for other cities working to enact local gun regulations.”

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Neighborhood Focus

The Columbus City Attorney's [Zone Initiative](#) is a unique program that focuses on neighborhoods. Designed around the Columbus Police Division's organization of the city into five zones, the City Attorney has assigned a lawyer to each zone to work closely with law enforcement, the Division of Fire, Code Enforcement, the Health Department, community groups and residents to identify and address public nuisances that blight our streets and undermine neighborhood safety.

Led by Section Chief Steve Dunbar, our Zone Initiative attorneys work closely with the community to understand the quality-of-life issues affecting each individual neighborhood in their zones and assist in addressing those issues through criminal and civil litigation.

Whether it is abandoned and deteriorating properties, drug houses, non-compliant businesses, open dumping, street prostitution, illegal after-hours clubs, excessive noise or trash and debris, the Columbus City Attorney's office, through the Zone Initiative, seeks to eliminate these problems.

So far this year, the Zone team has shut down seven problem businesses, six drug houses, and a nine-unit apartment building, along with filing lawsuits against two of the city's worst repeat code violators, targeting at least two dozen of their properties. The City Attorney also was party to an agreement with InTown Suites, resulting in the national extended stay hotel chain investing close to \$2.5 million for improvements to their two existing Columbus properties. The agreement also mandated that the hotels implement a number of safety and security measures that were based upon security assessments conducted by the Columbus Division of Police.

The improvements included customer check-in picture technology, advanced security cameras and license plate readers. Read more about all the Zone Initiative's cases [here](#) and be sure to use the color-coded map below to contact your neighborhood's Zone attorney to report a non-emergency public nuisance.

Zone One

Bill Sperlazza—614.645.7479
wasperlazza@columbus.gov

Zone Two

Tiara Ross—614.645.0781
tnross@columbus.gov

Zone Three

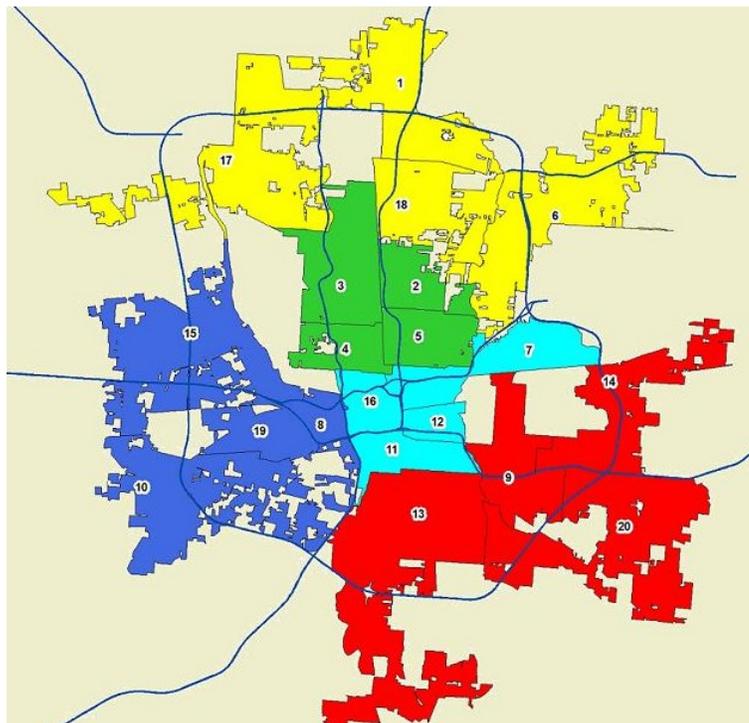
Zach Gwin—614.645.8928
zsgwin@columbus.gov

Zone Four

Katarina Karac—614.645.8619
kskarac@columbus.gov

Zone Five

Shayla Favor—614.645.0402
sdfavor@columbus.gov



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Community Action

The City Attorney's Office, through its role in helping implement the [Franklin County Opiate Action Plan](#), recently secured 800 Deterra drug deactivation bags that are now being distributed to the public through the Columbus Division of Police and Division of Fire to encourage safe and responsible at-home drug disposal. The [Addiction Policy Forum](#), a federal policy group, and the [Alcohol, Drug and Mental Health Board of Franklin County](#) (ADAMH) donated the bags free-of-charge to the city.

The bags offer an easy-to-use, three-step process that works on pills, patches and liquids. Drugs are placed in the pouch and warm water is added, rendering the drugs “inert and non-retrievable.” The pouch can then be discarded normally. An FAQ on the use of the bags can be found at Deterra’s [website](#).

The drug disposal bags are being distributed by Columbus Police community liaison officers and through the Linden Safe Streets pilot program. Division of Fire personnel are offering bags when they come into direct contact with residents and it must be emphasized that the bags are NOT being distributed directly from fire stations. Residents also have the option of discarding unwanted medications at a number of permanent drop-off locations that can be found [here](#).



Unused or unwanted medicines can be harmful to families, the community and the environment. Prescription medications can be abused if not properly disposed, while pouring them down the drain poses the potential threat of dangerous chemicals entering lakes, rivers, streams and the city’s drinking water. Drug disposal bags can help alleviate those issues and are safe and easy to use.



According to officer testimony, the High Five Spice Emporium accounted for as many as one-third of all police runs in a precinct that encompasses several neighborhoods, including Weinland Park, the University District, Harrison West, Italian Village, Victorian Village and Fifth-by-Northwest.

assault and battery—including an eyewitness account of a High Five employee holding a victim against the store window as an assailant stabbed the victim with a pair of hedge clippers. The judge, declaring that the City of Columbus “has established by clear and convincing evidence that the [High Five] presents a threat of irreparable harm to the community due to the history of alcohol violations and acts of violence,” ordered the carryout boarded up on July 13, 2018.

Last month, the City Attorney's Office secured a court order to vacate and shutter the *High Five Spice Emporium*, a carryout store that plagued the Short North with violence and crime for years. It’s the seventh business City Attorney Klein has closed down due to unlawful and irresponsible business practices since he took office in January.

The Franklin County Environmental Court issued the order after the City Attorney filed a complaint for preliminary and permanent injunctive relief against the establishment that caused nearly 150 police runs for property damage, fights, disturbances, suspicious persons, trespassers, open container violations, public intoxication, persons with weapons, and



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City Attorney Klein was joined by **Franklin County Commissioner Marilyn Brown** and close to a dozen community partners earlier this summer for **Save Lives Linden**, a community conversation on preventing substance use and misuse. Attendees received training in how to use naloxone, how to make drug disposal bags, learned more about important resources and heard from panelists who are working to address the opiate crisis in our community.



Senior Assistant City Attorney Susan Thompson was among a dozen or so attorneys named to a bipartisan judicial advisory commission by **U.S. Senators Rob Portman** and **Sherrod Brown** to assist them in identifying the best candidates to fill a vacancy on the U.S. District Court for the Southern District of Ohio. Susan has served in the City Attorney's office since 2001, first as an assistant city prosecutor in the environmental and criminal divisions and currently specializes in labor and employment law in the civil division.

Earlier this Spring, the [Ohio Channel](#) broadcast City Attorney Klein's joint press conference with **State Rep. David Leland** (D-Columbus) as they announced their opposition to *Am. Sub. H.B. 228*, a controversial state bill that would further erode local government's home rule authority.



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City Attorney Klein joined Columbus health leaders for a roundtable discussion with **U.S. Surgeon General Jerome Adams** to talk about how we're working together across Franklin County to tackle infant mortality and the opioid epidemic in our community, and the challenges ahead.

City Attorney Klein was honored to attend the **Columbus Division of Police Graduation Ceremony** for the **129th recruit class**, which was the first class he addressed back in January after becoming City Attorney. Their journey has taken them far since then and we wish them nothing but the best as newly sworn-in officers dedicated to serving and protecting the residents of Columbus.



City Attorney Klein also was excited to join our **Police Legal Advisors Jeff Furbee** and **Deana Leffler** in welcoming the new **130th police recruit class** last month.



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Earlier this summer, City Attorney Klein joined residents, community advocates and members of City Council to light City Hall Orange in honor of **Gun Violence Awareness Day**.



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Zone Initiative Attorney **Shayla Favor** (*second from right*) joined **Councilmember Jaiza Page** (*third from left*) and other community leaders at the **Driving Park National Night Out** event on August 7th.

City Attorney Klein had a great time hanging out with the **#SaveTheCrew** team at the **Bricker & Eckler Law Firm's** tailgate last month.



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Follow the Office of City Attorney Zach Klein



Meet the Staff

Serving as Columbus' first City Solicitor General, a newly created position meant to have broad oversight over complex legal matters, Lara Baker-Morrish may have a new role in the City Attorney's office but she brings a wealth of knowledge and experience from her 25 years of public service.

Having originally started as a mediator in the City Attorney's night prosecution program while attending The Ohio State University Moritz College of Law, Lara worked her way up from law clerk, to an assistant city prosecutor, to Appellate Unit Director, Chief Legal Counsel and, finally, Chief Prosecutor for the City of Columbus—a role she held for the last 11 years.

As Chief Prosecutor, Lara assumed a broad range of administrative responsibilities for the 25 prosecutors and more than 50 support staff in the City Attorney's Prosecutor Division. Operating in the largest municipal court in Ohio, the division consistently prosecuted well over 100,000 criminal cases a year during Lara's tenure. In addition to being responsible for the general management of the division—which included setting and implementing policy and practices, staff training and development, courtroom assignments, and the prosecution's role in staffing the county's specialty dockets such as the Mental Health Court and the Military and Veterans Services Court—Lara personally handled high-profile and complex prosecutions, including offenses investigated by the Ohio Inspector General and the Ohio Ethics Commission. She currently serves on a number of boards and commissions, including the Ohio Attorney General's Taskforce on Criminal Justice and Mental Illness, the Supreme Court Commission on Specialty Dockets, the Ohio Criminal Sentencing Commission and the Ohio Municipal Attorneys Association Prosecutor Group.

Given her expertise in understanding how the municipal, state and federal legal systems intersect, as well as her self-professed passion for constitutional law, Lara was a natural fit as City Attorney Klein looked to fill the new City Solicitor General post he created. In this new role, Lara oversees complex appellate litigation on behalf of the City, advises City Council on legislative enactments, and serves as a legal policy advisor to the City Attorney primarily on issues of Criminal Justice.

Lara has been instrumental in advising City officials and drafting language for ordinances as diverse as the comprehensive set of common sense gun laws that Columbus recently enacted to hookah bar regulations. She also helped usher in a new law to replace the City's former aggressive panhandling ordinance that likely would have been subject to constitutional challenge after the U.S. Supreme Court decision in a case called [Reed v. Town of Gilbert, Arizona](#).

Along with testifying at the Ohio Statehouse, which included advocating for a bill proposal to further protect victims of human trafficking, Lara's new responsibilities as City Solicitor involve the writing and filing of *amicus curiae* briefs on behalf of the City of Columbus. The City has filed briefs in court cases involving Airbnb, the protection of workers' rights and women's health funding, and the support of prosecutorial discretion. Lara also is tasked with developing new policies to create an affirmative litigation section that would proactively initiate litigation that benefits the residents of Columbus instead of reacting to the legal actions of others.

If her first 25 years of public service is any indicator, Lara is just beginning to define the role of City Solicitor General and will set the standard for future generations.



Lara Baker-Morrish

Title: City Solicitor General

Education: *The Ohio State University Moritz College of Law, J.D. with Honors in Law; Miami University, B.A. in Political Science and History*

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