



ZACH KLEIN

COLUMBUS CITY ATTORNEY

eNewsletter

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From the Desk of City Attorney Zach Klein

I can't believe 2018 is coming to an end. We've had a busy first year in office. From the moment I raised my right hand and took the oath of office last January, it has been a rewarding experience, and I'm proud of the many accomplishments we've achieved.

Every day, the City Attorney's office is focused on working diligently on behalf of our clients: the City of Columbus; the Mayor; City Council; all city departments, including our safety forces; and, most importantly, our residents. Through these e-newsletters we hope to engage the public with the work we're doing, the services we provide to our residents, and the collaborative approaches we take to effectively and efficiently solve problems.

There were so many important moments throughout this past year, it's hard to single out just a few. One of the most critical, and hopefully most impactful, was our efforts in helping lead the way common sense gun reform measures, such as banning domestic abusers and other violent criminals from possessing weapons in the city. While the ordinances were passed in May, we're continuing to defending them in court against the gun lobby and special interest groups that seem more focused on protecting their political agenda than protecting our residents from gun violence.

Another important legal moment just culminated in last week's exciting announcement that the new prospective owners of the Columbus Crew were committing to build a new stadium while also helping turn the old stadium site into a community sports park that will be open and available to the public. There is no doubt that the joint lawsuit our office filed in conjunction with the Ohio Attorney General's office back in April helped #SaveTheCrew from moving to Austin, Texas and paved the way for this deal to take shape.

Equally important to our office are the everyday cases and quality of life issues that are closely associated with the sense of safety and well-being in our neighborhoods. Later in this newsletter, you can read about the annual liquor permit objection process and how our office works with investigative agencies and the public to gather sufficient legal evidence against problem establishments.

Sincerely,

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Liquor Permit Objections

Four homicides, 12 shootings, two stabbings, rampant drug dealing, robbery, assaults, prostitution, and rape. These were some of the 384 calls for service at seven establishments that the City of Columbus is hoping to put out of business permanently by shutting down their ability to sell alcohol.

Every December, the City of Columbus has the opportunity to file objections to liquor permit renewal requests of any business that sells alcohol within city limits, and the public can play an important role in these efforts. The [Ohio Division of Liquor Control](#) mandates that all liquor permit holders in the state must renew their license to sell alcohol every year. State law also allows the legislative authority of a municipality—in the case of Columbus, it's City Council—to object to the renewal application no later than 30 days prior to the expiration of the permit “by a resolution specifying the reasons for objecting to the renewal and requesting a hearing.” State law also requires that these resolutions include a statement from the chief legal officer stipulating that “the objection is based upon substantial legal grounds.”

While the formal vote objecting to the renewal applications traditionally takes place at the end of the year, the process is ongoing throughout the year and starts with gathering evidence. That is where the public can be helpful. Several years ago, the City Attorney's office broadened the sources of evidence and input into deciding which establishments are ultimately targeted for the formal objections. Community complaints and tips about chronic illegal activity at liquor establishments can go directly to Senior Assistant City Attorney Bill Sperlazza at 614.645.7479 or wasperlazza@columbus.gov.

Once the preliminary targets are identified, the City Attorney's office begins building cases by working intently with a host of law enforcement and investigatory agencies, including the Columbus Division of Police, the Ohio Department of Public Safety's Investigative Unit, the Franklin County Sheriff, the Ohio Department of Taxation, city code enforcement officers, building inspectors, health officials, and the Columbus Division of Fire.

The collective investigatory powers of this group typically hone in on bars, convenience stores, and drive-thrus that have a pattern of illegal activity such as underage alcohol sales, violence, drug transactions (including sales of synthetic drugs such as “bath salts”), prostitution, buying and selling stolen goods, and food assistance benefit fraud.

Once all the evidence is collected and weighed, recommendations are made for City Council to formally object. A hearing for each objection is then scheduled with the Ohio Division of Liquor Control. The city has the burden to prove at these hearings that the evidence submitted is sufficient enough for the superintendent of the Division of Liquor Control to sustain the objection.

If the objection is sustained, the permit holder has 30 days to file an appeal and also may request a stay, allowing them to continue operating while the appeal is pending. At this juncture, however, the City of Columbus must relinquish jurisdiction to the Ohio Attorney General's office, which must defend the Division of Liquor Control's decision to sustain the objection. It is also the Attorney General's decision whether or not to object to the permit holder's request for a stay.



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Shutting Down Two Clintonville Drug Houses (and an RV)

Last month, City Attorney Klein filed a joint lawsuit to shut down two connected Clintonville properties that had caused multiple police runs for incidents ranging from drug violations, overdoses, potential counterfeiting and check kiting to several fugitive arrests, including an individual wanted on seven felony warrants for pandering nudity to minors. The living conditions of both properties were described as unsafe and uninhabitable, with one in such a deplorable state that the drug-abusing owner began living in an RV illegally parked in the yard. The RV also was used to shuttle back and forth between the two properties.



Pictured is one of the two Clintonville drug houses recently shut down, along with the RV that was used to shuttle between the two properties.

The city's court filing was filled with details about drug overdoses and arrests. This past March, Columbus Police and EMS personnel had to use Naloxone to revive the owner of one of the drug houses, located on Weisheimer Road. A resident of the other drug house, on Garden Road, was present at the time. On April 3rd, officers and paramedics responded to another reported drug overdose at the Weisheimer property and found an unconscious female victim inside. She was revived and the person with her at the time was arrested. The following day, police arrested two individuals at the premises on outstanding warrants while also recovering illegal drugs, a digital scale, a stolen handgun, and ammunition.

In October, officers encountered a juvenile, who was later identified as the property owner's daughter, living with him in his RV. The area around the vehicle was riddled with needles and drug paraphernalia. Children Services were notified and took immediate custody of the child.

Police officials had been documenting various individuals going back and forth between the two properties, sometimes on foot or bike, but oftentimes being shuttled in the RV. On September 24th, officers arrested a man, who was standing near the RV at the time, for possession of black tar heroin, needles, and white powder residue.

On October 11th, police responded to the Garden Road property on a report of "suspicious individuals...carrying book bags in and out of the house." The responding officers made several arrests after finding illegal narcotics, syringes, drug paraphernalia, and a backpack filled with blank check paper and counterfeit money. One day before neighborhood children would be trick-or-treating on Halloween, officers made the arrest of the individual wanted for pandering nudity to minors.

But now the boards are coming off one of the houses. As part of a court-ordered agreement requested by the City Attorney, the Garden Road property was recently transferred to a new owner that has a track record of renovating and transforming distressed properties.

Community Action

Whether it's fighting in court to protect our drinking water or working with state and local officials on meaningful criminal justice reform that protects our communities, the City Attorney's office is helping make a positive impact both locally and statewide.

City Attorney Klein recently appeared at the Statehouse along with his "co-sponsor" Franklin County Prosecutor Ron O'Brien to provide testimony before the Ohio Senate Judiciary Committee in support of new legislation that would provide much-needed reforms of Ohio's drug sentencing laws. While there has been a lot of rhetoric devoted to this issue in the past several months, there seems to be a growing bipartisan consensus that there are pragmatic ways to improve Ohio's drug laws without compromising the safety of our communities.

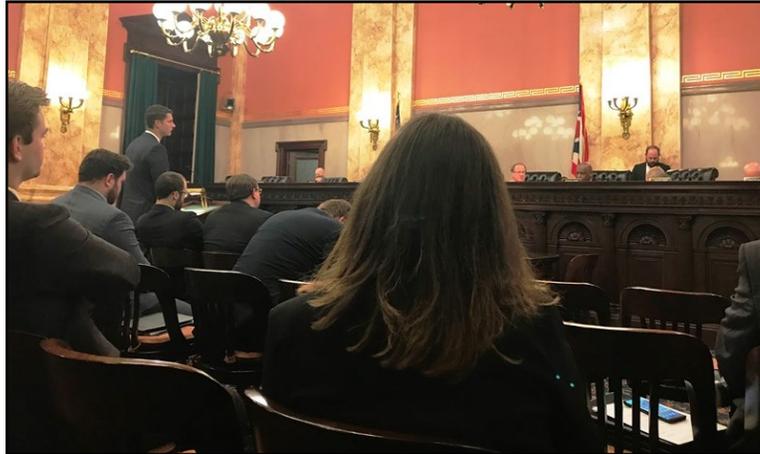
We know that drug abuse and addiction issues are not new. Addiction has plagued both urban and rural communities for years, and it's imperative to face the fact that new policies are needed to move forward.

During his testimony, City Attorney Klein emphasized the need to face the hard realities of the drug epidemic plaguing our state and recognize that sustained and long-term recovery from addiction is best served through treatment, not incarceration. As City Attorney Klein told lawmakers at the hearing, "the reality is the status quo is not working. Too many people are dying every single day as the number of daily overdoses continues to rise. Our prisons are overcrowded, and too many lives are being destroyed."

He also supported the notion that changes to the state's criminal justice system should come through the normal legislative process as opposed to enshrining them in Ohio's constitution. The proposed drug law changes downgrade felony 4 and 5 low-level drug possession to misdemeanors (with the exception of fentanyl and date rape drugs), favor rehabilitation over incarceration in sentencing, and offer those with old felony convictions a path to restore their record to gain employment and housing.

The draft legislation also would provide courts with more flexibility in imposing mandatory prison sentences while still maintaining stringent penalties for those convicted of major drug offenses.

This is a bipartisan effort to completely overhaul Ohio's drug sentencing laws. These reforms will ultimately get more of our fellow Ohioans who desperately need help into addiction and mental health treatment.



City Attorney Klein (*standing*) is pictured here testifying before the Ohio Senate Judiciary Committee in support of Sub. S.B. 341, which proposes several changes to the state's sentencing guidelines and criminal justice system.



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City Attorney Klein was honored to attend last month's **Veterans' Day** luncheon to celebrate the past and present service of the hundreds of veterans who work for the City of Columbus.



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City Attorney Klein is pictured here speaking at the announcement of the new **Columbus Crew** stadium and the plans to build a multi-generational community sports park at the old stadium site.

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