



# ZACH KLEIN

COLUMBUS CITY ATTORNEY

eNewsletter

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## From the Desk of City Attorney Zach Klein

Last month I was proud to stand with Senator Sherrod Brown, PrimaryOne Health CEO Charleta Tarvares, and small business owner Susan Halpern in condemning the Trump administration’s blatant sabotage of the Affordable Care Act—which threatens to throw millions of Americans off of their healthcare. Susan is a breast cancer survivor who struggled to secure health insurance prior to enactment of the ACA. Hearing her story about the importance of the healthcare law, especially for individuals like her with pre-existing conditions, embodies the reasons why we [sued](#) Trump last August in federal court for his attacks on the ACA and his violation of his Oath of Office to uphold the Constitution. While our lawsuit documented the many ways Trump and his administration were deliberately and unlawfully undermining the ACA, the situation is even worse now. The administration told a federal appeals court in March that it now supports [invalidating the Affordable Care Act in its entirety](#) and Trump [expressed support](#) for a renewed effort to repeal the ACA. That means no more protections for people with pre-existing conditions, no more Medicaid expansion, no more exchanges to purchase health insurance, and a return to lifetime caps.

This is not a partisan issue. It doesn’t matter if you’re a Republican, a Democrat, or an independent—every individual deserves the right to have access to quality, affordable healthcare. As I always say, healthcare comes first. You can’t hold a job, pursue an education, provide for your family, or enjoy recreational activities if you aren’t healthy. Rest assured, the fight continues and we will keep you abreast of any new developments in our legal case.

While nothing is more important, or more personal, than access to quality, affordable healthcare, we’re also continuing to fight to protect our neighborhoods. In this newsletter, you can read about the many ways our office is working with police and code enforcement to hold bad businesses and irresponsible landlords accountable. We sent one infamous landlord back to jail, shut down another illegal after-hours club, and boarded up four drug houses in a six day time span.

We also wrapped up the second of our continuing series of free community legal clinics, called *The Law, Money, and You*. Topics included: Protecting Yourself Against Theft; How to Recognize a Scam; Reporting Incidents; and, Knowing Your Rights. We also had lawyers on-hand to offer *pro bono* advice regarding financial matters and other related topics. We would like to thank Nationwide, Bricker & Eckler, Legal Aid, and Central Community House for partnering with us on this latest clinic. We’re definitely looking forward to the next one.

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## Problem Landlord Sent Back to Jail

On April 11, long-time problem landlord Joseph S. Alaura was immediately escorted to jail following his sentencing hearing in Franklin County Environmental Court. The hearing was set after Alaura was criminally charged and convicted in February for violating the city's [nuisance abatement code](#). It was the eighth conviction for Alaura, whose [history of code violations](#) dates back more than 20 years.



The City Attorney's Prosecution Division charged Alaura with a first degree misdemeanor for failing to properly secure and maintain a vacant duplex he owns, which suffered significant fire damage in 2016. The derelict property, located at [2015-2017 Fairmont Avenue](#) on the city's west side, is one of approximately 30 properties Alaura, of Cardington, Ohio, owns in Franklin County.

Pursuant to state law, a misdemeanor of the first degree is punishable by up to six months in jail and a \$1000 fine. The Franklin County Environmental Court gave him the full penalty but suspended 175 days of the jail sentence and fined him \$500. He also was placed on probation for five years and ordered to bring the property in question up to code. He also must serve 24 hours of community service, take a behavioral modification class, and provide the court with a full list of properties in which he holds a financial interest in Franklin County. All those properties must be maintained up to city code and he cannot purchase any additional properties without prior approval from the court.

City prosecutors requested jail time and probation for Alaura based upon a number of factors—his long history of prior convictions, his previous probation violations, and his refusal to acknowledge responsibility. As City Attorney Klein emphasized at the time of the hearing, the most important priority for the city is getting landlords and property owners to understand their legal obligation to maintain their properties up to standards that don't jeopardize the health and safety of their tenants and the neighbors who live nearby.

Alaura previously [spent time in jail](#) for violating city code in 2013. Officials estimate that he has been issued over a hundred violation notices, which are administrative orders sent to property owners to compel compliance prior to the City Attorney's office having to pursue criminal charges and/or civil complaints. Alaura also faces a separate, active civil case for building code violations at the Fairmont Avenue property.

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## 'Stooges' Returns, Antics Ensur

A business with a [disturbing history of violence and crime](#) was boarded up for the second time in less than two years after a judge granted the city's request for an emergency restraining order. The bar, formerly known as *Stooges*, was declared a public nuisance in 2017 and ordered closed until last September. The City Attorney's office also entered into an agreed court order at the time to further prohibit the sale, possession, storing, or consumption of alcohol at the premises if it were to reopen.



The infamous bar *Stooges* was shut down by the City of Columbus in 2017—but began operating again as an illegal after-hours club in February, immediately increasing crime in the area.

New owners took possession of the property, located on the city's far east side, and rebranded the business as an after-hours club in February. Crime in the surrounding area increased almost immediately—as the operations ran afoul of the injunction previously placed on the premises. The City Attorney petitioned the court in April that the club's continued operation posed an "imminent threat to the life, health, and safety" of the community and the responding police officers, noting that even the security guards wore ski masks while working there.

The property had a disturbing history of violence and crime, including rampant shootings, robberies, assaults on women, fights involving as many as 20 people at a time, drug dealing, illegal alcohol sales, and a man found dead in the parking lot in 2016. It was only a matter of time before something else tragic happened there.

According to court documents, Columbus Police officers were flagged down at approximately 3:41 a.m. on February 9, 2019 due to a report of shots fired inside the premises. Officers entered and "observed several individuals assaulting one another." The officers had to deploy mace to disperse the crowd and stop the melee.

At approximately 4:43 a.m. the following day, officers recovered a loaded handgun and 15 ecstasy pills from a patron exiting the premises. The individual was a convicted felon and was arrested for possession of a weapon under disability and other criminal charges. On March 16, 2019 at approximately 4:30 a.m., police encountered "several fights spilling into the parking lot" from inside the premises. Officers also advised an individual identifying himself as the manager of the after-hours club that alcohol was prohibited from the premises and continued violation of the law could result in the business being shut down again.

On March 17, 2019 at approximately 5:33 a.m., responding officers recovered another loaded firearm from a patron exiting the premises. The individual was arrested and charged with possession of a weapon under disability. On April 6, 2019 at approximately 4:29 a.m., officers were dispatched to the premises for shots fired in the parking lot. Officers interviewed witnesses who described fearing for their lives and ducking for cover inside the club after hearing the gunshots ring out. Officers also encountered security guards of the club wearing ski masks and "appearing to be searching for something on the grounds" of the premises.



## Community Action

The City Attorney's office recently secured emergency court orders to vacate and shutter four properties that were the targets of separate, covert police investigations following a series of community complaints. Officers responded to the properties dozens of times for a multitude of incidents—including narcotics trafficking, weapons violations, drug overdoses, sexual assault, domestic violence, robbery, burglary, stolen vehicles, and shots fired. Previous police raids also turned up a cache of weapons and ammunition at several of the sites.

City attorneys filed separate motions for *ex parte* restraining orders in the Franklin County Environmental Court to board up [674 S. Oakley Ave.](#) on the city's west side, [644 Fairwood Ave.](#) in the South of Main neighborhood, [938 Heyl Ave.](#) in the Southern Orchard neighborhood, and [938 S. Weyant Ave.](#) on the city's east side. Columbus Police and other city agents surprised the occupants in early morning raids to clear out the premises and enforce the court orders.

**674 S. Oakley:** Officers had been responding to the premises since early 2017 on reports of drug dealing, sexual assault, a stolen vehicle, attempted burglary, and robbery. Narcotics detectives conducted covert purchases of crack cocaine from the premises last September. Officers also encountered a female heroin overdose victim. They responded again in October and found another overdose victim, who was administered Narcan and transported to a hospital. On November 12, 2018 and February 18, 2019, undercover detectives conducted covert purchases of heroin.

**644 Fairwood:** Officers had been responding to this property, which is located within walking distance of an elementary school, since at least 2014. The owner/occupants were a mother and son drug-dealing duo who persistently sold crack cocaine from the rear of the house. Last May, narcotics detectives raided the premises, seizing firearms, drugs, and cash. In October police received a report that the son was at the premises with a "large gun." The following month, police received a report that a gun had been fired, and "the male [who] fired the gun in the house exited the premises with a baseball bat, and a female exited the house with a fishing rod." Officers raided the premises two more times, seizing cash, weapons, including a stolen handgun, ammunition, and crack cocaine. Officers encountered at least 14 people inside the premises during one of the raids.

**938 Heyl Ave:** Police received 42 calls for service at this property since May 2017 for stolen vehicles, robbery, assaults, shots fired, indecent exposure, burglary, at least six reports of domestic violence, and 10 drug overdoses. Narcotics detectives launched a covert investigation into the property in mid-2018 following community complaints of heroin and cocaine sales, gun violence, and prostitution, as well as the alarming number of medic runs due to drug overdoses. In December, detectives made at least four covert purchases of crack cocaine. After purchasing heroin there, detectives raided the premises in February, seizing cash, crack cocaine, counterfeit money, a .22 caliber handgun, a .38 caliber handgun, a shotgun, several magazine clips and various rounds of ammunition.

**938 S. Weyant:** This property was the subject of a board-up order in 2014 after the City Attorney's office filed a complaint due to persistent drug activity and violence. Police began a new investigation after being notified that drug activity had resumed. Detectives conducted two covert purchases of illegal drugs last July, noting that four males inside the premises all had semi-automatic pistols during one of the buys. Officers raided the premises, seizing cash, cocaine, two Ruger .40 caliber semi-automatic handguns, a Smith and Wesson .22 caliber gun, a Springfield Armory .45 caliber gun, several magazines and live round ammunition.

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Joining City Attorney Klein at the Maloney Health Center last month in support of the Affordable Care Act, (from left to right) small business owner Susan Halpern, Senator Sherrod Brown, and PrimaryOne Health CEO Charleta Tarvares.



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Scenes from our latest *pro bono* legal clinic to help residents navigate and solve legal problems. Many thanks to Central Community House, Legal Aid, Bricker and Eckler, and Nationwide Insurance for partnering with us.



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City Attorney Klein was honored to be invited to address the Baptist Ministerial Alliance's Executive Business Meeting to discuss updates on S.B. 3 and criminal justice reform efforts, the earned income tax credit, and several other topics.



Pictured with City Attorney Klein are Pastor Tyrone Laws of New Hope Baptist Church and President of the Baptist Ministerial Alliance, and Rev. Joel L. King, Jr. of Union Grove Baptist Church.



City Attorney Klein was the guest speaker at an after-work Q & A session hosted by the [American Constitution Society - Columbus Lawyer Chapter](#).

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