



ZACH KLEIN

COLUMBUS CITY ATTORNEY

eNewsletter

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From the Desk of City Attorney Zach Klein

I can't believe 2019 is coming to an end. Our office had another busy year and I'm proud of the many accomplishments we've achieved. From the moment I raised my right hand and took the oath of office nearly two years ago, I wanted us to focus on bold initiatives that help ensure justice, keep our neighborhoods safe, and promote economic opportunity.

Every day, we're focused on those three core goals as we work diligently on behalf of the City of Columbus and all our residents. Throughout the past year, I hope these e-newsletters have helped familiarize you 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.

One of the most critical—and hopefully most impactful set of accomplishments—was our comprehensive efforts to make meaningful progress on reforming our criminal justice system. Whether it's [bail reform](#), instituting a first-of-its-kind [diversion program](#) that identifies and treats the root causes of crime, implementing [prosecutor impact](#) training, [no longer prosecuting misdemeanor marijuana drug possession cases](#), or [partnering](#) with the United Way to help Columbus households struggling to make ends meet find financial stability, we will continue to look for ways to reduce recidivism rates, enhance public safety, and provide individuals engaged in the criminal justice system with the chance to restore their lives to become contributing members of our community.

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 issue, 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. You'll also see how our office teamed up with the Columbus Division of Police and the Franklin County Sheriff's office to shut down a dangerous drug operation. We also helped put another problem landlord on notice that time behind bars awaits him, in addition to already being fined \$3000 a day, if he continues to disregard court orders to bring his properties up to code.

Until next month's newsletter, I wish you and your loved ones a Happy Holiday Season and a safe and prosperous New Year.

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December 2019



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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 looked to put out of business at this time last year by shutting down their ability to sell alcohol. More objections are on the docket for this year.

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 Assistant City Attorney Sarah Pomeroy at 614.645.8619 or sepomeroy@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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Protecting Neighborhoods

City Attorney Klein recently secured an emergency court order to board-up a dangerous drug operation that was running out of a duplex located just minutes away from an elementary school, a middle school, and a Catholic church. The City Attorney's office has now obtained court injunctions to shut down 18 drug-related nuisance properties so far this year. Ten of them have been on the city's west side.



Records indicate that the Columbus Division of Police responded to 668 S. Wheatland Ave. multiple times over the last year and have seized heroin, cocaine, weapons, and thousands of dollars of illegal drug proceeds from the premises. Franklin County Sheriff's detectives also began surveillance of the property in October after receiving information that narcotics were being sold there.

According to court documents, Columbus Police have conducted several covert purchases of crack cocaine from the premises, resulting in search warrants that turned up an assortment of weapons and drugs.

On August 25, 2018 police were called to the premises on report of shots fired. The responding officers discovered bullet holes in both units of the property and eventually found two individuals hiding in a bathroom. Officers documented that one of these individuals already had been involved in another shooting incident in the prior 36 hours.

On September 5, 2018 Columbus Police executed a search warrant of the premises and seized \$3227 in cash, a digital scale, crack cocaine, and heroin. On October 25, 2018 police were called to the premises on report of a domestic violence incident. The victim informed the responding officers that the father of her child "threw her around" the apartment and then fled prior to the officers arriving.

On December 19, 2018 police were dispatched to the premises after a victim reported that a suspect put a gun to his head and threatened him. The victim later became uncooperative and no charges were filed.

On February 21, 2019 police were informed of a robbery at the premises. The victim stated that he was showing an individual, described as a six-foot tall white male with green hair, "where his cousin lived so that the [individual] could buy some weed." The individual subsequently assaulted the victim, taking his money and cellphone. While a witness confirmed the victim's account, the victim later decided not to pursue charges against the suspect.

On March 30, 2019 police received a report of shots fired at the premises. Responding officers found spent shell casings in the roadway and fresh bullet holes in the exterior walls. The officers also encountered an individual wanted in Montgomery County on active felony warrants for receiving stolen property, theft, identity fraud, and forgery.

On June 24 and June 26, 2019, Columbus Police narcotics detectives conducted covert purchases of crack cocaine at the premises. Officers subsequently executed a search warrant and seized a loaded 9mm handgun, a loaded assault rifle, crack cocaine, heroin, and \$1717.

In October, Franklin County Sheriff's detectives received information that narcotics were being sold at the premises. On November 19, detectives from the Sheriff's drug task force executed a search warrant and seized 57 grams of heroin, cocaine, a handgun and a shotgun.

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Problem Landlord Put on Notice

Another problem landlord faces potential jail time following a recent contempt of court hearing in the Franklin County Environmental Court. City Attorney Klein filed a new contempt motion against the property owner, Yaakov Schulman, after he previously was found in contempt of court for failing to bring several of his properties into compliance and failing to pay close to \$80,000 in fines and court costs. In at least one of the properties in question, Schulman was permanently enjoined from maintaining a public nuisance more than four years ago and still has not brought it into compliance.



According to court documents, Schulman owns and manages approximately 16 properties in Columbus, primarily on the city's west side. Records indicate he is the incorporator or registered agent for at least nine different limited liability companies (LLCs) that each hold between one and five properties.

Authorities believe that Schulman uses the LLCs to disguise ownership and may have care and control of even more properties. Schulman and his shell companies have been enjoined from maintaining a public nuisance six times in the past two years and he has been held in contempt of court three times previously.

The judge's newest order found him in contempt on three additional properties and sanctioned him with daily fines of \$3000 for every day it takes to bring his properties up to code.

The City Attorney's office requested the latest hearing based upon a number of factors—his long history of ignoring code violations, his blatant disregard of previous court orders, and his refusal to pay fines that now total close to \$80,000. As City Attorney Klein explained, the most important priority, however, is doing whatever it takes to get 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.

Earlier this year, the City Attorney's office also [sued](#) a negligent owner of a once-iconic building in Columbus' historic Franklinton neighborhood and helped send an infamous problem landlord back behind bars after [criminally charging](#) him in April.

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City Attorney Klein joined Councilmember **Shayla Favor** and others for a panel discussion at the **2019 Restored Citizens Summit** at Columbus State Community College.

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Assistant City Attorney **Tiara Ross** participated in a panel discussion at last month's **Landlord Fair** and talked about her role as a Zone Initiative attorney focused on neighborhood safety and quality-of-life issues.



City Attorney Klein visited with program leaders at Pathways, an initiative of the **Department of Homeland Security & Justice Programs** to provide re-entry services for women that have mental illness or co-occurring substance use disorder. The goal is to reduce recidivism by 50 percent and help women restore their lives.



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