

IN THE FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
FRANKLIN COUNTY, OHIO

STATE EX. REL
COLUMBUS CITY ATTORNEY
ZACH KLEIN
375 South High Street, 17th Floor
Columbus, Ohio 43215

Relator-Plaintiff,

v.

CHARLES P. COOK
2240 Sunbury Road
Columbus, Ohio 43219

ALSO AT

1759 Rainbow Park
Columbus, Ohio 43206

And

SARAH COOK
2240 Sunbury Road
Columbus, Ohio 43219

ALSO AT

1759 Rainbow Park
Columbus, Ohio 43206

ALSO AT

4455 Bitterroot Dr.
Westerville, Ohio 43081

And

UNKNOWN TENANTS/OCCUPANTS OF
295 AVONDALE AVENUE
295 Avondale Avenue
Columbus, Ohio 43223

And

Case No. 2018 EV H 60037

Judge Daniel R. Hawkins

FRANKLIN COUNTY
MUNICIPAL COURT
10:11 AM TACK

2018 JAN 25 PM 1:08

FILED

UNKNOWN TENANTS/OCCUPANTS OF
297 AVONDALE AVENUE
297 Avondale Avenue
Columbus, Ohio 43223

And

MORTGAGE ELECTRIC
REGISTRATION SYSTEMS, INC.,
P.O. Box 2026
Flint, Michigan 48501

And

MIDLAND CREDIT
MANAGEMENT INC.,
5775 Roscoe Court
San Diego, California 92123

And

AMERICAN EXPRESS BANK FSB
2300 Litton Lane, Suite 200
Hebron, Kentucky 41048

And

CHERYL BROOKS SULLIVAN
FRANKLIN COUNTY TREASURER
373 S. High St., 17th Floor
Columbus, Ohio 43215

And

REAL PROPERTY AT
295 AVONDALE AVENUE
295 Avondale Avenue
Columbus, Ohio 43223

Parcel No. 010-046463

And

REAL PROPERTY AT
297 AVONDALE AVENUE
297 Avondale Avenue
Columbus, Ohio 43223

Parcel No. 010-046463

Respondents-Defendants.

**VERIFIED COMPLAINT FOR PRELIMINARY
AND PERMANENT INJUNCTIVE RELIEF**

1. This complaint concerns enforcement of the Ohio Revised Code (hereinafter "R.C.") Chapter 3767 et seq., other code provisions, and common law so as to be within the exclusive jurisdiction of the Environmental Division of the Franklin County Municipal Court pursuant to R.C. § 1901.183.
2. Relator-Plaintiff Zach Klein is the duly-elected, sworn, and acting City Attorney for the City of Columbus, Ohio and is a party charged at both common law and by R.C. § 3767.03 with the prevention, prosecution, and abatement of any public nuisance within the City of Columbus, Franklin County, Ohio.
3. The real property that is the subject matter of this complaint is located at 295-97 Avondale Avenue, known as Franklin County Permanent Parcel No. 010-046463, situated in the City of Columbus, Franklin County, Ohio (hereinafter "the premises" or the "property").
4. Respondents-Defendants Charles P. Cook and Sarah Cook (hereinafter also referred to as "owner(s)" and/or "landlord(s)") are the rental contact and record owner of the property. (*See Plaintiff's Exhibits A & B*)
5. Respondents-Defendants Unknown Tenants of 295 Avondale Avenue have occupied the Premises and/or exerted charge, care and control over it.
6. Respondents-Defendants Unknown Tenants of 297 Avondale Avenue have occupied the Premises and/or exerted charge, care and control over it.
7. Respondents Mortgage Electric Registration Systems, Inc., may claim an interest in the Premises by virtue of a Mortgage Deed filed with the Franklin County Recorder Instrument No. 200402090028232.

8. Respondents American Express Bank FSB may claim an interest in the Premises by virtue of a Certificate of Judgment filed with the Franklin County Recorder Judgment No. 14JG058867.
9. Respondents Midland Credit Management Inc. may claim an interest in the Premises by virtue of Certificate of Judgment filed with the Franklin County Recorder Judgment No. 14JG055564.
10. Respondents Franklin County Treasurer may claim an interest in the property for unpaid taxes.
11. The Premises is a duplex on the west side of the City of Columbus (Franklinton area); the Premises is 0.3 mile away from Avondale Elementary School.
12. Unit 297 Avondale Ave. has been the subject of active police investigations for drug trafficking; unit 295 Avondale Ave. has not been the subject of police investigations but has been the subject of shootings related to 297 Avondale Ave. It is unknown on the extent of unit 295 Avondale's involvement in the drug activity (if any), but police believe it to be occupied.
13. Defendant Cook filed for an eviction on 297 Avondale Avenue on July 5, 2016, Case No. 2016 CVG 20159; however, the case was dismissed on August 29, 2016 for lack of prosecution by Defendant Cook.
14. In May and June of 2017, community complaints were made regarding 297 Avondale Avenue, indicating heavy drug trafficking from the property, shots being fired, and gun involvement.
15. Shots continued to be fired relative to the property and drug activity continued throughout the summer—gun violence and the property go hand in hand.

16. In mid-August, a member of Columbus Police contacted Owner Charles Cook regarding his property at 297 Avondale Avenue and made Mr. Cook aware of the criminal conduct of his tenants, the danger his tenants posed to the neighborhood, drug activity complaints stemming from his property, illegal firearm activities related to his property, and the possible consequences if Mr. Cook failed to evict and take action regarding the tenants at 297 Avondale Avenue; Mr. Cook responded that he understood the risk for potential action and board up by the City if he failed to abate the nuisance.
17. The drug activity did not cease and Mr. Cook failed to evict and/or abate the nuisance.
18. Columbus Police made a controlled buy of narcotics (crack-cocaine) using pre-recorded city funds and a search warrant was later executed at 297 Avondale Avenue on January 17, 2018 (where the door had to be forced open). The following was found and/or seized:
 - **Semi-automatic weapon**
 - **Rifle**
 - **4.3 grams of heroin**
 - **4.3 grams of crack-cocaine**
 - **Four (4) people were inside; one (1) was arrested for Possession of Heroin (Felony in the 4th Degree)**
19. During the aforementioned search warrant executed on January 17, 2018, while inside 297 Avondale, Columbus Police Detectives also found Exhibits from Franklin County Environmental Court Case 2017 EVH 60371; these Exhibits involved controlled buys of narcotics (sensitive police information) from the property in that court case (876 Campbell), evictions, and names relative to that court case where the court ordered board up per R.C. § 3767.

20. The property remains a public nuisance and an imminent danger to the community and police.
21. Respondents-Defendants Charles and Sarah Cook failed to evict and/or abate the nuisance activity despite Mr. Cook's knowledge of the ongoing drug and illegal/dangerous activity at the property.
22. The general reputation of the property is that it is an area one-stop-shop for heavy narcotics—the property serves to fuel the habits of addicts and/or known prostitutes.
23. Someone is going to get shot in and/or around the property and/or people are going to overdose and potentially die if the property remains open for business.
24. Relator-Plaintiff alleges that the property is a public nuisance as defined in § 3767.01 and/or R.C. § 3767.12 (*et seq.*), C.C.C. 4703.01(F), and under common law, subject to abatement under R.C. § 3767.
25. Relator-Plaintiff asserts that the premises herein is generally reputed to be kept, conducted, and maintained for the purposes of committing violations of Ohio Revised Code 2925 (Drug Offenses), and for the purposes of illegal activity, including drug trafficking and/or prostitution.
26. Respondents-Defendants are guilty of maintaining a nuisance at the premises, subject to abatement in accordance with R.C. 3767.01 (*et seq.*), for having a structure in violation of the laws pertaining to illegal drugs (including violations of R.C. Chapter 2925, R.C., R.C. 3719.10, etc.); such operations, and criminal activity at the premises, substantially interferes with the area's public decency, sobriety, peace, safety, welfare, and good order.

27. Respondents-Defendants own fixtures, furniture, and moveable property that have been used or are currently being used in conducting, maintaining, and facilitating said public nuisance.
28. Respondents-Defendants at all times relevant to this action maintained a public nuisance threatening the health, safety, and welfare of the People of the City of Columbus (and the health, safety, and welfare of anyone at 295-97 Avondale Ave., and that of Columbus Police).
29. Respondents-Defendants are guilty of maintaining a nuisance at the premises based on their actual and constructive knowledge of the nuisance, as well as the well-known general reputation of the premises, which is prima-facie evidence of the nuisance and of knowledge of and of acquiescence and/or participation in the nuisance.

JUDGMENT AND RELIEF DEMANDED

WHEREFORE, Relator demands judgment as follows:

1. Per R.C. § 3767 and Ohio Civ.R. 65(B)(1), that the court set a preliminary injunction hearing on the matter.
2. That the premises be declared a public nuisance as defined in Ohio Revised Code § 3767.01 and/or R.C. § 3767.12 (*et seq.*), C.C.C. 4703.01(F), and under common law, as alleged herein.
3. That all Respondents-Defendants be found to have been guilty of maintaining a public nuisance as defined in R.C. § 3767.01 and/or R.C. § 3767.12 (*et seq.*), C.C.C. 4703.01(F), and under common law, as alleged herein.
4. In accordance with this Complaint and Revised Code Chapter 3767, that all Respondents-Defendants, and any heirs, successors in interest or title, transferees

- and/or assigns be permanently enjoined from conducting, maintaining, using, occupying, or in any way permitting the use of the premises as a public nuisance.
5. In accordance with this Complaint and Revised Code Chapter 3767, that all Respondents-Defendants be permanently enjoined from conducting, maintaining, using, occupying, or in any way permitting the use of a public nuisance anywhere in Franklin County, Ohio and/or Columbus, Ohio.
 6. On final judgment, the Chief of Police of Columbus, Ohio, be ordered to sell the furniture, fixtures, and moveable property identified herein in the manner provided for the sale of chattels under execution, and effectually close the entire premises against its use for a one year period per Civ.R. 65 and R.C. Chapter 3767 *et seq.*
 7. To tax Respondents-Defendants \$300 in accordance with Revised Code § 3767.08, plus the costs of this action.
 8. This Court appoint a receiver if needed pursuant to Chapter 2735 of the Ohio Revised Code.
 9. An award of Plaintiff's cost and attorneys' fees payable by Defendant(s).
 10. Relator-Plaintiff further requests that this Court grant Plaintiff the following relief as permitted by law:
 - (a) interest on all sums to which Relator-Plaintiff may be entitled;
 - (b) attorneys' fees and costs and expenses of this action; and
 - (c) all such further equitable and other relief this Court determines Relator-Plaintiff to be entitled.

Respectfully submitted,

City of Columbus, Department of Law
Zach Klein, City Attorney



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