



## 2014 Annual Report

As prescribed by the Columbus City Charter, the City Attorney is “the legal adviser of and attorney and counsel for the city, and for all officers and departments thereof in matters relating to their official duties.”

The City Attorney also serves as “the prosecuting attorney of municipal court...and shall prosecute or defend for and in behalf of the city, all complaints, suits and controversies in which the city is a party.”

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## Overview

In 2014, City Attorney Richard C. Pfeiffer, Jr. continued to focus on problem hotels and large multi-unit apartment complexes. As a result of the office's task-force style approach, assistant city attorneys worked with the Ohio State Fire Marshal's office, Columbus Police Division, Code Enforcement, Building Services, and the Health Department to ensure demolition of Motel One on the east side of the city, as well as permanent injunctions against Columbus Inn & Suites, Red Carpet Inn, Super 8, and Knight's Inn on the city's north side.

City Attorney Pfeiffer also launched two new ventures with a neighborhood documentary video series and a partnership with the Columbus Coalition for the Homeless and the *Street Speech* social justice newspaper.

Several staff members received honors and accolades in 2014. Chief of Staff and First Assistant City Prosecutor Bill R. Hedrick was named *Models of Justice Prosecutor of the Year* by the Justice League of Ohio. Senior Assistant City Prosecutor Cyndy Peterson was named *Most Outstanding Prosecutor* by MADD-Ohio. Assistant City Prosecutor Jarrod Skinner was elected President of the Board of Directors for the John Mercer Langston Bar Association.

City Attorney Pfeiffer received the 25th annual *David D. White Award* from Capital University Law School and the African American Law Alumni Association. The award is given to individuals who have made a significant contribution to the African American community and is in honor of David White, who in 1931 became the first African American graduate of the Columbus School of Law (now Capital University Law School). Mr. White also was the first African American attorney licensed to practice law in Columbus and served as a partner at the law firm of Bell, White, and Ross for over 57 years.

Longtime Assistant City Prosecutor Rob Levering retired after serving 36 years in the office.

## ADMINISTRATION

### Administration Section • Bill R. Hedrick, Chief of Staff

The Administration Section performs the human resources, fiscal, technology and facilities management functions for the office. Legislation previously enacted by City Council provides an authorized strength of 164 full-time employees and 49 part time employees (including 14 full-time and two part-time employees for the Division of Real Estate). However, due to internal fiscal policy decisions, the budgeted number of full-time employees in 2014 was 120 while the number of part-time employees was 37. Of the full-time employees, 62 were attorneys. Most employees' salaries were covered by the city's general fund, while others were paid through either internal service funds, fees, or grants secured by the office. The total budget from all funds was \$12,654,036 (\$11,563,061 from the General Fund and \$746,034 from the Land Acquisition Fund, as well as \$304,942 from grants and \$40,000 from fees).

# CIVIL DIVISION

## **General Counsel Section • Joshua T. Cox, Chief Counsel & Section Chief**

2014 Staff: 6 FTEs + 7 PTEs • 2014 Budget: \$918,285

The General Counsel Section serves as primary legal counsel to city officials on issues relating to city services, legislation, contracts, zoning and other vital issues associated with the day-to-day operations of city government. In addition, this section assists in the legal review and practical implementation of various development projects that foster the growth of our community. The section also works to keep our environment clean by assisting various city divisions in complying with state and federal environmental laws.

Last year, the General Counsel Section reviewed 1,928 contracts for city departments, involving expenditures of over \$452 million. The section also reviewed 1805 ordinances. General Counsel provided legal assistance on dozens of noteworthy projects and issues during 2014 as well.

## **Labor and Employment Section • Pamela J. Gordon, Section Chief**

2014 Staff: 6 FTEs • 2014 Budget: \$755,859

The Labor and Employment Section is responsible for handling all labor and employment-related litigation involving the city, and for rendering legal advice to city officials on labor and employment matters involving issues related to the city's seven collective bargaining agreements and approximately 9,000 employees.

On a daily basis, the attorneys field questions on various employment laws such as the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, Age Discrimination in Employment Act, Title VII, and Ohio Civil Rights Act. The attorneys handle cases in various forums, including arbitration, federal court (at both the trial and appellate levels), state court (at both the trial and appellate levels), the U.S. Department of Labor, the U.S. Equal Employment Opportunity Commission, the Ohio Civil Rights Commission, the State Employee Relations Board, the Industrial Commission of Ohio, the Ohio Bureau of Workers' Compensation, the Unemployment Compensation Review Commission, the Columbus Community Relations Commission and the Columbus Civil Service Commission.

The section started 2014 with 98 cases pending in various forums and currently has 88 pending cases. Seventy-one new cases were opened during the year. Additionally, several cases progressed to the appellate level, creating additional litigation.

Over the course of the year, 98 cases were resolved. Sixty of those cases were successfully resolved in the city's favor as follows:

- Four arbitrations
- Eight cases before the Equal Employment Opportunity Commission and Ohio Civil Service Commission
- 29 court and administrative cases (Court of Common Pleas, U.S. District Court, Court of Appeals, and Unemployment Compensation Review Commission)
- Two threatened litigation but did not result in a lawsuit

- 17 voluntarily dismissed or withdrawn

In the remaining 38 cases, 28 were settled (11 arbitrations and 17 filings in the Franklin County Court of Common Pleas—all of these cases were settlements of Bureau of Workers' Compensation appeals; BWC paid the settlements, one USDC), four arbitrations resulted in split decisions and three arbitrations were resolved against the city and one Industrial Commission case was resolved against the city. One threatened litigation matter resulted in litigation and is currently pending.

In July 2014, the Labor and Employment attorneys began tracking the daily calls for legal advice and assistance unrelated to pending cases. From that date, the section fielded more than 115 requests.

### **Litigation Section • Glenn B. Redick, Section Chief**

2014 Staff: 6 FTEs • 2014 Budget: \$893,458

While litigation occurs in other sections of the office, the Litigation Section's caseload principally deals with claims and litigation against the city and its employees seeking monetary damages based on allegations of personal injury, property damage, or violation of constitutional rights. During 2014, this section took on 58 new lawsuits that were filed against the city and its employees, requesting over \$73 million in damages.

Sixty cases were resolved during the year: 17 cases were by way of settlement; two cases were dismissed in the city's favor on summary judgment motions; 12 cases were dismissed for other reasons; six cases were decided in the city's favor on other dispositive motions and none were decided in opposing parties' favor.

The city paid out \$249,641.25 to resolve matters handled by the Litigation Section. The city also paid \$29,500.00 for matters separate from the litigation section, for total payments in the amount of \$279,141.25, to resolve all lawsuits in 2014. As of the end of the year, there were 68 active cases pending which were the responsibility of the Litigation Section.

Additionally, this section worked with city departments and their employees through training, advice, and counsel to improve city practices and policies so that future lawsuits may be successfully prevented or defended.

### **Claims Division • Nancy L. Weidman, Division Chief**

2014 Staff: 7 FTEs • 2014 Budget: \$698,686

The Claims Section is responsible for the collection of debt owed to the city of Columbus and for investigating and paying—or denying—claims for personal injury and property damage made against the city. The combination of both in-house and outside agency delinquent tax collections bring in millions to the city each year. As of December 31, 2014, a total of \$4,669,651.61 was brought into the General Fund through these collection efforts, which represents a 7.3% increase over the same time period last year.

Both in-house and outside agency tax collections have doubled since City Attorney Pfeiffer took office in 2003.

| <b>Year</b> | <b>Outside Agency Tax Collections</b> | <b>In-House Tax Collections</b> |
|-------------|---------------------------------------|---------------------------------|
| 2002        | \$911,453                             | \$882,879                       |
| 2003        | \$730,575                             | \$1,067,245                     |
| 2004        | \$568,913                             | \$1,395,329                     |
| 2005        | \$452,331                             | \$1,516,250                     |
| 2006        | \$813,392                             | \$1,449,281                     |
| 2007        | \$1,035,252                           | \$1,418,154                     |
| 2008        | \$1,038,303                           | \$1,679,902                     |
| 2009        | \$1,222,862                           | \$1,946,600                     |
| 2010        | \$1,779,954                           | \$2,125,521                     |
| 2011        | \$2,489,957                           | \$2,406,480                     |
| 2012        | \$2,272,455                           | \$1,592,761                     |
| 2013        | \$2,367,137                           | \$1,984,575                     |
| 2014        | \$2,186,013                           | \$2,483,639                     |

The Claims Section filed 3,814 tax cases and collected \$2,186,012.91 in delinquent city income taxes in-house. The section also collected \$ 194,535.47 on behalf of non-tax clients through both court actions and direct phone contact. Those clients include the Departments of Utilities, Transportation, Public Service, Licensing, and Recreation and Parks. A total of 101 cases were filed to collect non-tax debt.

There were 91 new claims over the \$2,500 threshold filed through December 31, 2014. Forty-two have been settled and 38 were denied. Three claims became Litigation matters. The remainders are in progress. In total, \$124,587.47 was paid on behalf of the clients to settle damage or personal injury claims filed against them through December 31, 2014.

## **POLICE LEGAL BUREAU**

**Police Legal Advisor's Office • Jeffrey S. Furbee, Section Chief**

2014 Staff: 2 FTEs • 2014 Budget: \$280,051

The Police Legal Advisor Section provides comprehensive legal advice specifically to the Columbus Division of Police on policies, procedures, and labor issues. Attorneys in this section also deliver around the clock "real time" advice to police personnel. In addition, this section tracks lawsuits, case reviews, and property damage/medical claims against the Division.

- Training: (300+ hours in 2014) The demands made of the legal advisor section by police for legal training has continually increased over the past several years -- and more legal training was provided this past year than ever before. Our advisors literally spent hundreds of hours providing legal training to current Division of Police Officers, as well as police recruits.

On-going in-service legal training of all current officers was conducted twice a week, every week, throughout the spring. The training took place on all shifts and afforded face-to-face contact with every Columbus Police Officer.

The advisors also provided legal training to two police recruit class this year. This too involved hundreds of hours of preparation and presentation. The legal advisors also provided bureau-specific training wherein they went to individual police sections, such as Narcotics and SWAT, and conducted training on their specific issues.

- Real-time Legal Advice: The police legal advisors receive approximately 30-40 inquiries from officers every day. These inquiries vary from brief, easily answered questions to complex legal questions. Inquiries are made via email, phone, and in-person. Several hours a day are spent giving legal advice to the Division of Police.
- Legal Updates and Roll Calls: (10+ written updates/and over 60 roll-calls attended in 2014). The police legal advisors distribute legal updates to all Division of Police Officers for up-to-date legal information on a monthly basis. They also attended nearly every Division of Police Patrol Roll to take questions specific to those officers and the parts of town where they patrol.
- Videos: (Several videos produced 2014). This year our office continued providing short video presentations. These videos were required viewing for all officers. The videos are typically 2-4 minutes in length covering important legal topics which the officers are able to watch from their substations.
- Meetings: This is hard to quantify because the Police Legal Advisors are regularly asked to attend meetings where legal issues might arise, but they easily attended over 100 meetings in 2014.
- Review of Division Directives/SOPS: Division Policies are regularly reviewed for legality. This, too, is difficult to quantify, but the advisors spent at least 80 hours reviewing/rewriting such policies.

## PROSECUTION DIVISION

Located at 375 South High Street in the Franklin County Courthouse complex, the Prosecutor Division is responsible for the prosecution of misdemeanor offenses on behalf of citizens of the City of Columbus and the State of Ohio. From case initiation in the Prosecution Resources Unit to defense of successful prosecutions in the Appellate Unit, the Prosecutor Division provides a wide array of services attendant to the resolution of criminal allegations and complaints. In addition to the services provided to the citizens

of the City of Columbus and the unincorporated areas of Franklin County, this division also represented, by contractual agreement, a number of Franklin County municipalities.

**Prosecutor Unit • Lara N. Baker, Chief Prosecutor & Bill Hedrick, Chief of Staff**  
2014 Staff: 39 FTEs and 1 PTE • 2014 Budget: \$3,546,640

The Prosecutor Unit—consisting of 15 courtroom prosecutors, four domestic violence prosecutors, three arraignment team prosecutors, two environmental prosecutors, an administrative assistant, and three legal support staff—prosecuted 122,607 misdemeanor cases initiated in the Franklin County Municipal Court. Courtroom prosecutors worked dockets with an average caseload of 463 criminal/traffic cases per month.

Prosecutions initiate in the four arraignment courtrooms of the Franklin County Municipal Court. In 2014, 30% of all OVI cases were resolved in the arraignment courtrooms, primarily by Assistant City Prosecutors Robert Levering and Michael Allbritain, with an 72% conviction rate meaning that 1,463 OVI cases did not have to be assigned to a courtroom docket. First offender Petty Theft cases are likewise resolved at an early stage through our Theft Diversion program. In 2014, 811 individuals qualified for the Theft Diversion program.

This unit is also responsible for processing requests for production of public records in the Prosecutor Division, and for processing municipality billing for prosecution services. In 2014, 152 requests for public records were responded to in a timely fashion. The division also generated \$39,530 in revenue by providing legal services to area municipalities.

**Legal Assistant Unit • Jackie Keller, Coordinator**

This nine full-time and one part-time person staff processes and maintains prosecutor case files for the 15 judges of the Municipal Court. In 2014, 52,813 cases were processed to closure and stored. Overall, this unit initiated approximately 196,154 cases (10,207 of which were OVIs).

**Prosecution Resources Unit • Robert Tobias, Director**  
2014 Staff: 4 FTEs + 17 PTEs • 2014 Budget: \$554,655

The Prosecution Resources Unit provides a variety of services to citizens seeking to resolve conflict that may rise to the level of a misdemeanor criminal violation. Consisting of the Intake Section, the Mediation Program, and the Check Resolution Program, this unit is involved in day-to-day interaction with crime victims.

- Intake Section – *Jessica Cain, Lead Legal Intake Counselor*  
Offering citizens the opportunity to have allegations of misdemeanor criminal violations reviewed by a prosecutor, the Intake Section processed 2,983 citizen complaints, resulting in the filing of 486 criminal charges. With a staff of approximately 18 intake officers, the Intake Section averaged 248 criminal complaints a month.
- PRU Mediation Program – *Catherine Graham, Coordinator*

This program operated in the evenings with volunteer mediators from the Moritz College of Law, Capital University Law School, Nationwide Insurance and members of the alternative dispute resolution community in an effort to resolve disputes without resorting to criminal prosecution. The program scheduled 313 mediation hearings, resulting in 166 hearings conducted. Of these 166 mediation hearings, 61% resolved with an agreement.

- Check Resolution Program – *Barbara Williams, Coordinator*  
Seeking to resolve disputes where checks are dishonored without resorting to the filing of criminal charges, this program scheduled a total of 8,618 first and second hearings resulting in the recovery of \$336,962.64 on dishonored checks. This process diverted 2,832 check writers from the criminal justice system.

### **Domestic Violence and Stalking Unit • Anne Murray, Director**

2014 Staff: 16 General Fund FTEs + 2 Contract (Grants) • 2014 Budget: \$1,291,621

This unit consists of a director, a chief advocate, two lead advocates, 10 full-time victim advocates, including a Spanish speaking advocate, three support staff members, a cyber crime investigator, a stalking specialist, a grant-funded stalking advocate, and liaisons from CHOICES, Franklin County Children Services, and Capital University Law School's Family Advocacy Clinic. Additionally, the unit houses the four specialized domestic violence prosecutors.

According to data compiled internally, the Domestic Violence & Stalking Unit provided victim advocacy services for victims of domestic violence in 4969 cases. The DV prosecutors resolved 4006 cases.

### **Appellate Unit • Melanie Tobias, Director**

2014 Staff: 3 FTEs + 7 PTEs • 2014 Budget: \$393,129

The Appellate Unit consists of a director, an assistant city prosecutor, a paralegal, and a staff of approximately seven law clerks. The Appellate Unit completed 27 briefs – 21 filed in the 10<sup>th</sup> District Court of Appeals, and five briefs contra and one brief in support of certiorari filed in the Ohio Supreme Court. Nineteen oral arguments were completed. Overall, the unit was successful in 90% of its cases.

The Appellate Unit also was responsible for the filing of over 750 objections to applications for record sealing as well as responding to over 1,300 defense motions.

- Traffic Diversion Program  
The Traffic Diversion program is a coordinated effort of the PRU and the Appellate Unit designed to allow for a diversion alternative for traffic offenders. Of the 1,227 participants in 2014, 981 (80%) successfully completed the requirements allowing for case resolution at the arraignment stage. Of the 1,150 minor-misdemeanor-only participants, 940 (82%) successfully completed.

## **REAL ESTATE DIVISION**

**Real Estate Division • Dave Peterson, Chief Real Estate Attorney**

2014 Staff: 7 FTEs + 2 PTEs • 2014 Budget: \$ 963,012

The Real Estate Division is responsible for the acquisition of all real property interests needed by city departments, the provision of legal assistance with regard to all real estate matters—including the sale and leasing of property—utility easements, right-of-way dedications, and matters related to real estate property taxes. The Real Estate Division also provides legal and negotiating advice for a number of major projects contributing to Columbus' development, including the Scioto Greenways and Scioto Peninsula projects.

In 2014, the Real Estate Division provided legal and negotiating services for 22 projects, comprising a total of 192 acquisitions, which will contribute to Columbus' development. Major projects included acquisition of 71 parcels on the Hard Road Widening Phase A Project, Morse Road Widening Project at Hamilton Road, Mound Street Water Booster Station, Hayden Run Boulevard Railroad Overpass Phase 2, CNG-West Project, West Fifth Avenue Bridge Replacement Project, Hayden Run Falls Park Preservation, Overbrook Conservation at Hoover Reservoir and the Blacklick Sanitary Interceptor Project and commencing acquisition on American Addition Phase 2 & 3, Joyce Avenue Phase 3, Gender Road at Refugee Road, Lockbourne Intermodal Sanitary Sub-trunk, and Georgesville Road at Holt Road.

The Real Estate Division also handled deed and instrument preparation and other assistance related to 138 easement or property donations, 160 deeds for the city's land bank, and the preparation and submittal of real estate tax exemption applications for new construction and newly acquired properties. The division assisted in the sale/closing of the old municipal electric plant on Nationwide Blvd. for future development.

The Real Estate Division also participates in and provides guidance to the Columbus Land Review Commission, including the preparation and valuation of city property being considered by the Commission.

## ZONE INITIATIVE

**Zone Initiative Unit • Assistant City Attorney Steve Dunbar**

2014 Staff: 5 FTEs + 1PTE • 2014 Budget: \$348,745

The Zone Initiative unit works closely with city agencies, particularly police and code enforcement, and with citizen groups such as area commissions, civic associations and block watches to identify neighborhood problems and to determine if there are solutions, whether legal or otherwise, to solve them. To that end, the four attorneys assigned to this unit were visible in the community attending meetings and making presentations on how citizens and city government can work together to improve the quality of life in Columbus's neighborhoods.

City Attorney Pfeiffer and members of the Zone Initiative continued to make a concerted effort to bring neighborhood blight and the vacant and abandoned property epidemic to the forefront of public discourse in 2014. City Attorney Pfeiffer continued to advocate for Am. Sub. H.B. 223 to help expedite the transfer of blighted and abandoned property to responsible owners.

### **Meetings attended**

- Approximately 179 community meetings
- Approximately 180 police meetings
- Approximately 153 Code Enforcement meetings

**Ohio Revised Code Chapter 3767 – Criminal Nuisance Abatement**

- Seventeen new cases filed
- Eight Temporary Restraining Orders granted
- Six permanent injunctions issued

**Columbus City Code Title 47 – Housing / Building Code Nuisance Abatement**

- 312 new cases filed
- 63 property owners voluntarily came into compliance with code
- 150 Default Judgments granted
- 98 Contempt Orders granted
- 86 Demolition Orders submitted to the VAP program for nuisance property demolition
- 

**Liquor Permit Violations**

- Investigated roughly 150 establishments for the 2014-2015 objection season
- Objected to 25 permits in December 2014
- Twelve objections filed at the end of 2014
- Nine objections upheld
- One objection overruled
- Two rulings still pending final decision

-END-

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