



Columbus City Attorney

Richard C. Pfeiffer, Jr.

eNewsletter

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A Word from City Attorney Pfeiffer

Heading into the second month of the new year, I can't help but reflect on how quickly time goes by, especially since 2012 marks the 30th year since my first successful foray into public office.

Looking back, what was important and exciting to me at the beginning of my career in public service is still relevant today, even in our digital age: getting out into the community, meeting people, listening and engaging, and always making sure I learn something new about our neighborhoods and residents.

One of the issues I hear about on a frequent basis is the challenge of vacant and abandoned properties. Regular readers of this newsletter know that tackling this problem is a passion of mine. While the causes of the housing crisis are numerous and extend far beyond the city of Columbus, we are trying to hold irresponsible property owners accountable, whether they reside in central Ohio or live far and wide. Unfortunately, part of the aftermath we're left to deal with are out-of-state speculators who bought property with the intention of doing a quick flip and now are sitting on and neglecting their property. Later in this newsletter you can read about our efforts to appeal to the media in Tacoma, Washington to help us put on notice absentee landlords residing there but owning abandoned property in Columbus. You also can learn more about our Appellate Unit and the work they do on behalf of the city.

Finally, I want to thank Pastor Bob Ward of the First English Lutheran Church located at 1015 E. Main St. It's been a real pleasure to get to know him and his cohorts better and I was honored to accept his offer to speak with some of their seminarian students during their coursework on urban ministry.



(Left to right) City Attorney Pfeiffer, U.S. Attorney Carter Stewart and Assistant U.S. Attorney Mike Marous after their performance in the Christmas Pageant at First English Lutheran Church.

February 2012



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Tracing Bad Apples to Washington

Last month, City Attorney Pfeiffer took his battle against blight more than 2400 miles away, to Tacoma, Washington. Tacoma is where Start Linden LLC, a limited liability company that acquired 10 properties on the eastside of Columbus in 2009, lists its address. Eight out of the 10 properties have been issued code violation orders and all 10 have outstanding property taxes due. According to records from the Franklin County Auditor, Start Linden LLC has not attempted to pay taxes on any of the properties since originally taking possession of them.

Start Linden sold one of the delinquent properties, 2342 Linden Avenue, to an individual investor allegedly located in Kailua Kona, Hawaii on November 21, 2011. Start Linden reportedly transferred the property via quit claim deed for \$30,000 after originally purchasing it from Delaware County Bank & Trust for \$8700. \$2,803.74 in back taxes are still owed on the property. Of the nine properties still in the possession of Start Linden, a total of \$24,823.22 in taxes is owed.

“ I believe in free enterprise and the right to make an honest profit. However, it appears as though this company is flouting our laws and exploiting our neighborhoods with little regard for how its business model impacts our community 2400 miles away.” —City Attorney Richard C. Pfeiffer, Jr.

Mr. Pfeiffer became aware of Start Linden while doing research for his documentary on neighborhood blight on Myrtle Avenue in the Linden area. Start Linden registered with the Ohio Secretary of State on December 11, 2008 and lists Luke Lumsden of Worthington as the statutory agent. The incorporating members are listed as Christine S. Rowan and Karen L. Cochrane. The billing and mailing address is listed as 2620 N. Junett Street, Tacoma Washington 98407.



2620 N. Junett St. in Tacoma, Washington—the listed billing and mailing address for Start Linden LLC.



1607 Myrtle Ave. in Linden—one of the properties owned by Start Linden LLC. Code citations included an unsecure building, high grass, and multiple other violations.

After interaction with the statutory agent did not produce a satisfactory resolution to the delinquent taxes, Mr. Pfeiffer turned to the Tacoma media to help deliver his message to the principals of Start Linden.

City Attorney Pfeiffer concedes that these individuals may be productive, responsible members of the Tacoma community, but he has a duty to the residents of Columbus to make sure out-of-state companies such as Start Linden and others start playing by the rules and are held accountable for abating their nuisance properties in Ohio.

Various code violations for Start Linden’s properties include high grass, unsecured buildings, and general disrepair. Also, according to §4703.01(F)(2) of the Columbus City Codes, a public nuisance can be declared on “[a]ny building, premises or real estate, including vacant land, or any appurtenance thereto upon which its real property taxes have remained unpaid in excess of one (1) year from [the] date of assessment.”

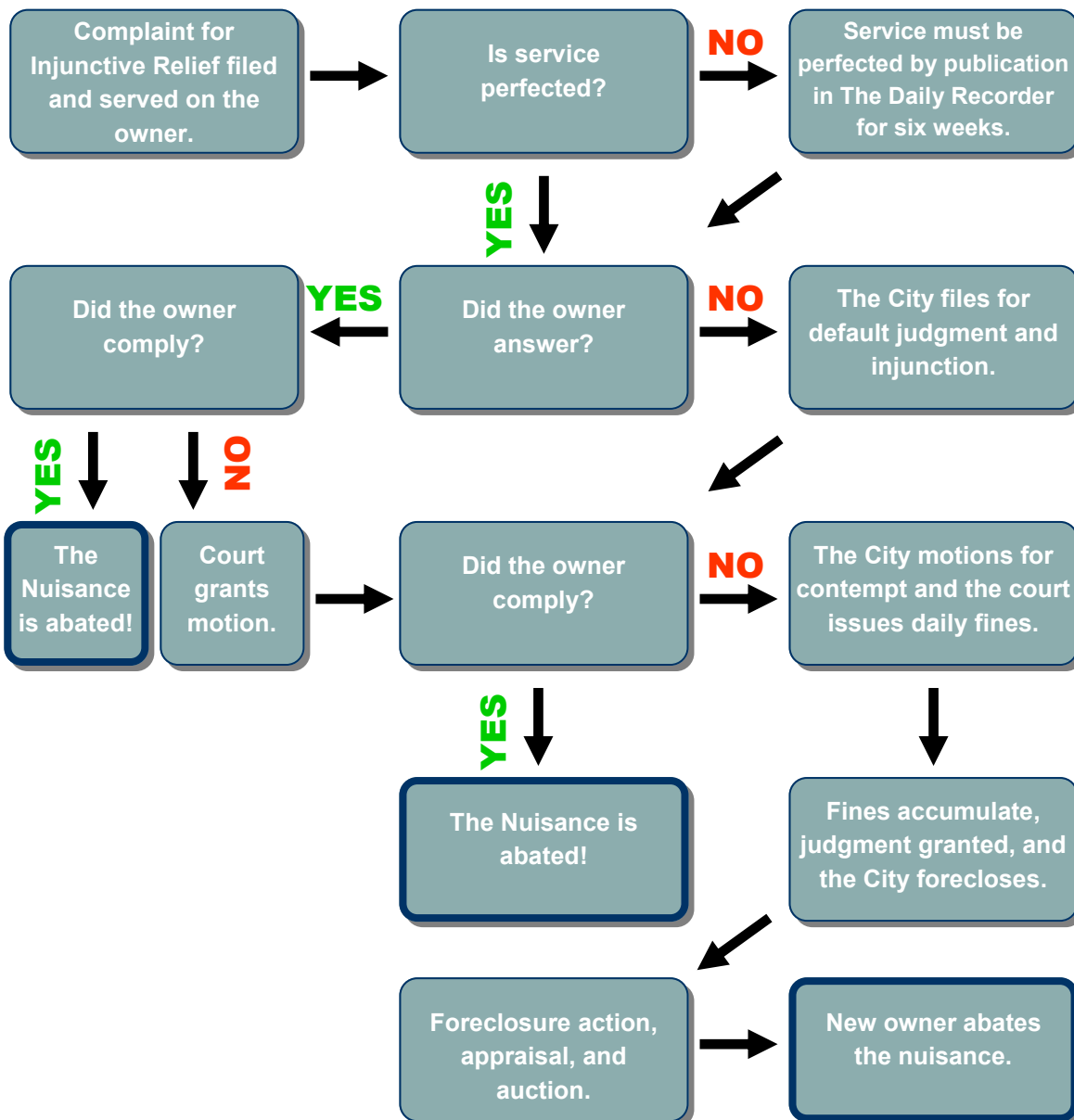
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If a property owner ignores original orders to abate a nuisance, the City Attorney, through the Zone Initiative, can file a complaint for injunctive relief in the Franklin County Municipal Court Environmental Division. If the owner does not answer in court, the City can file for a default judgment and an injunction. If the owner still does not comply, the City can motion for contempt and petition the Court to order daily fines up to \$250 per day. If the owner continues to ignore court orders, the fines can be reduced to a judgment and foreclosure proceedings can be initiated. (See the chart below).

However, City Attorney Pfeiffer's first preference is to work with property owners to abate the nuisance. He's hoping the Tacoma community will speak up and help compel the principals of Start Linden LLC to work with him and take responsibility for their property in Columbus before court action is initiated.

Civil Legal Process in Environmental Court

Below is a flow chart to help illustrate the steps that the City Attorney's Zone Initiative lawyers use once an individual responsible for a nuisance property is identified and located.



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Appellate Unit

As the name implies, the Columbus City Attorney's Appellate Unit is responsible for all appeals arising from cases handled by the Prosecutor Division. Fulltime staff include Director Melanie Tobias, Assistant City Attorney Orly Ahroni, and paralegal Joy Riley. Roughly 85 percent of the appeals cases are initiated by the defendant, where the City is the appellee. The remainder are initiated by the City as the appellant.



The Appellate Unit also serves as legal advisor to the Trial Unit staff. Additionally, the Appellate Unit manages as many as 10 law clerks who are responsible for the arraignment of most traffic offenders. For information on traffic arraignment, see our [FAQ](#) page.

While jury trials are relatively rare in municipal court, approximately nine out of 10 cases that go to trial and the defendant is convicted are usually appealed by the defendant's counsel. In these instances, the defendant files a motion, usually in the 10th District Court of Appeals, contending an assignment of error by the Trial Court. The City must then respond, defending the Trial Court decision, and arguing that the Appeals Court should affirm the lower court decision.

Statistics for 2011 are still being compiled and analyzed, but in 2010 the Appellate Unit completed a total of 37 briefs: 27 filed in the 10th District Court of Appeals; one in opposition to certiorari in the United States Supreme Court; one reply to a habeas relief in U.S. District Court; and others filed in the Ohio Supreme Court. A total of 29 oral arguments were completed, including one before the Ohio Supreme Court.

In addition to working on court cases, the Appellate Unit represents the City on red light camera appeals, the Bureau of Motor Vehicles for 12-point suspension appeals and the Parking Violations Bureau for parking ticket appeal hearings. Last year there were 40 parking ticket appeals.

The Appellate Unit is also responsible for filing objections to applications for expungement, which annually numbers in the hundreds, and responds to well over 1000 defense motions each year as well. In a pre-emptive role, the unit also serve as a legal resource for prosecution staff, helping with research, answering questions about motions, and providing training on changing legal issues.

A couple of cases of note last year for the Appellate Unit were *State v. Bartlett* 2011-Ohio-3599 and *City of Columbus v. Montgomery* 2011-Ohio-1332 . In the Bartlett case, where the defendant was originally convicted of Domestic Violence, the Appellate Unit successfully used the testimony of an expert witness to talk about the cycle of abuse in domestic violence to explain

Did You Know?

The Appellate Unit is typically successful in over 90% of its cases.



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to the jury why a victim might recant and/or return to a battering partner. The 10th District held that because the victim's veracity was questioned in light of her return to the defendant after previous assaults, the State properly used an expert witness to discuss the cycle of abuse in battering relationships to the jury.

In the *City of Columbus v. Montgomery*, where the defendant was originally convicted of Obstructing Official Business, the 10th District held that officers investigating allegations of sexual abuse involving minors could lawfully enter the defendant's home without a warrant because of exigent circumstances. While noting that there was a scarcity of case law in Ohio on the issue of past sexual abuse of children and exigent circumstances, the Court found that the prosecution had presented sufficient evidence to point to exigent circumstances allowing for the warrantless entry of the defendant's home.


Meet the Staff

Like many of our staff members, Appellate Unit Director Melanie Tobias began her career in the City Attorney's office as a legal intake counselor in the Intake Section while attending law school. It was during her time as a student at the Ohio State University Moritz College of Law that Melanie volunteered at [CHOICES](#) and affirmed her resolve to work with people and enter public service. Her volunteer work also afforded Melanie the chance to meet her future colleague, Domestic Violence and Stalking Unit Director Anne Murray, who at the time was one of the trainers for CHOICES.

After passing the bar, Melanie was hired as a full-time assistant city prosecutor in the City Attorney's office and served in that role until she became a specialized Domestic Violence prosecutor in 2002. After three and a half years in that capacity, Melanie moved to the Appellate Unit and eventually became director in 2008.

One of the most rewarding aspects of her current position is the input she has in working with City Attorney Pfeiffer and her fellow senior staff members to help set policy, prioritize important issues, and help shape the vision for the office. She appreciates the opportunity to delve into and get a deeper understanding of some of the more complex legal issues faced by the City Attorney's office. Melanie also appreciates the interaction with prosecutors in the office as she helps them prepare for an appeal and meticulously analyze all the facts of a particular case. It's also exciting to know that there may be the possibility to break new legal ground if there is not a higher court decision on a particular legal matter.

She encourages young lawyers and law school students to look for interesting subject matter to find one's niche in the legal profession. For Melanie it was using her legal training and skills to help victims and those in vulnerable situations. And, she continues to find time to give back to the community as she has volunteered for the past six years with the Columbus Bar Association's Homeless Project, providing legal referrals and resources to clients staying at Columbus area homeless shelters.



Melanie Tobias
Title: *Director, Appellate Unit*

Education: *Ohio State University Moritz College of Law, J.D., 1998
Ohio State University, B.A., 1996
Westerville North H.S.*



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UPDATE: Our call for citizen action continues to be a success! After being targeted recently in our “Fugitive of the Week” program, **Michelle O’Harra**, was arrested by the Columbus Police Strategic Response Bureau. O’Harra, 42, was already on probation for an earlier theft conviction when warrants were issued for her arrest on three additional charges late last year.



Please help us continue the success of our fugitive apprehension program! The individuals listed below have outstanding arrest

warrants for multiple charges. If you have information concerning any of them, please contact Assistant City Prosecutor Bill Hedrick at 614.645.8874 or brhedrick@columbus.gov

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JASON KROESEN

WANTED



Last known address: 154 E. Norwhich Ave. Apt. B • Columbus, Ohio 43201

DOB: 5/1/80 (Age 31)

Height: 5’10” **Weight:** 170

Case Numbers: 2008 CRB 030284

Hair: Brown **Eyes:** Blue

Charges: 2913.02(A3) - Theft by Deception; 2321.33 - Resisting Arrest

ROBERT E. LESTER

WANTED



Last known address: 1526 Omar Dr. • Columbus, Ohio 43207

DOB: 9/17/55 (Age 56)

Height: 5’9” **Weight:** 180

Case Numbers: 2011 TRC 143930

Hair: Red **Eyes:** Blue

Charges: 2133.01(A)(1)(A) - OVI Impaired; 2131.40(A) - Obstructing Intersection/Railroad Crossing

JOHN G.L. SCHWIND IV

WANTED



Last known address: 1505 Summit St. • Columbus, Ohio 43201

DOB: 6/13/81 (Age 30)

Height: 6’2” **Weight:** 185

Case Numbers: 2011 CRB 021972

Hair: Brown **Eyes:** Green

Charges: 2307.09 – Public Indecency; 2921.31 - Obstructing Official Business; 2321.33 - Resisting Arrest

If you are one of the listed individuals, you are strongly encouraged to turn yourself in or contact an attorney.

The Columbus Bar Association Lawyer Referral Service can be reached at 614.221.0754 and the Franklin County Public Defender’s Office can be reached at 614.525.3194.

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