

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

FILED
Franklin County Municipal Court

JUL 19 2023

LORI M. TYACK, CLERK

By _____
Deputy Clerk

STATE EX. REL
COLUMBUS CITY ATTORNEY
ZACH M. KLEIN

Relator-Plaintiff

v.

1680 PROPERTIES, LTD., ET. AL

Respondents-Defendants.

Case No. 2023 EVH 60061

Judge Stephanie Mingo

Parcel No. 010-025378-00

AGREED COURT ORDER AND JUDGMENT ENTRY

THIS CAUSE came before the Court on July 18th 2023 upon the Complaint of Relator-Plaintiff filed on February 3, 2023. The following parties appeared before the court on July 18th, 2023: Sarah C. Pomeroy, Attorney for the Relator-Plaintiff; Edward Hastie, Attorney for Respondent-Defendants 1680 Properties, Ltd., VM3015 Inc., Yelena Nersesian, Raisa Gunkina, Armenak Stepanian, Gregory V. Flaig, and the Real Property 1680 Karl Court (collectively, "Defendants"). The Court finds that all necessary parties have been properly served according to law and are properly before the Court.

On July 18th 2023, Relator-Plaintiff and Respondents-Defendants reached a stipulated resolution of this case to their mutual satisfaction. It is the intent of the parties that this Agreed Court Order and Judgment Entry document their respective stipulations and agreements.

STIPULATIONS AND AGREEMENTS BETWEEN RELATOR-PLAINTIFF AND RESPONDENTS-DEFENDANTS.

- 1) Respondent-Defendant 1680 Properties, Ltd., is at all times relevant to this action, the real property owner of 1680 Karl Court, Columbus Ohio 43229, known as Franklin County Permanent Parcel No. 010-025378 (“the Premises”), and has charge, care, and control of the Premises.
- 2) Respondent-Defendant VM3015 Inc. holds an Ohio Department of Commerce, Division of Liquor Control D1, D2, D3, D3A, and D6 permits—Permit No. 9294865) for the sale of liquor at the Premises, doing business as “The Doll House” (“the Business”) VM3015 Inc. was also the real property owner of the Premises until 2007. Thus, it has charge, care, and control of the Premises.
- 3) Respondent-Defendant Yelena Nersesian is the owner and individual member of 1680 Properties, Ltd. Respondents-Defendants Yelena Nersesian, Raisa Gunkina, and Armenak Stepanian are listed with the Division of Liquor Control as the owners/individuals members of VM3015 Inc. The Parties understand that Raisa Gunkina and Armenak Stepanian have executed documents to transfer their membership interest in VM3015 Inc. to Yelena Nersesian. Respondent-Defendant Yelena Nersesian has charge, care, and control of the Premises.
- 4) Respondent-Defendant Gregory V. Flaig is the operator and consultant of The Doll House at the Premises since 2020, and thus has charge, care, and control of the Premises.

- 5) The Business was a bar and adult entertainment venue operating at the Premises on the north side of Columbus, Ohio. The Business has been closed to the public since February 1, 2023. It intends to reopen with a new theme, pursuant to this order.
- 6) Relator-Plaintiff has alleged that the Premises and businesses operated therein constituted a public nuisance pursuant to Ohio Revised Code §§ 3767 and 3719.10 and Columbus City Code § 4703, in its Verified Complaint for Relief filed on February 3, 2023.
- 7) Since January 2021, there have been fifty-one (51) incident reports taken by Columbus Police Department (“CPD”) at the Premises including shootings, robbery, felony assaults, discharging firearms, recovered firearms, menacing, assaults, overdoses, and motor vehicle thefts. At least eight (8) of these calls were initiated by the Defendants for assistance with persons trespassing on the Premises. Additionally, since January 2021, CPD and Columbus Fire Department (“CFD”) have been dispatched to the Premises for calls for service that include gun incidents, assaults, intoxicated individuals needing assistance, overdoses, narcotics complaints, loud noise, and motor vehicle thefts. Defendants were never cited for noise violations or allowing narcotics on the Premises.
- 8) Without further stipulations, the Parties agree to the requirements of this Order in order to resolve this matter.

THEREFORE BE IT ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

- 9) All of the provisions of the preceding paragraphs are incorporated as though fully repeated and rewritten herein.

- 10) Defendants are permanently and perpetually enjoined from maintaining a public nuisance within the territorial limits of the City of Columbus, Ohio, and Franklin County, Ohio.
- 11) Defendants and any other person, are permanently and perpetually enjoined from maintaining a public nuisance at the property located at 1680 Karl Court, Columbus, Ohio. This permanent injunction shall run with the land and will be binding upon the real estate itself, as well as Respondents-Defendants, and any other successors and assigns in interest.
- 12) Upon execution of this Agreed Court Order and Judgment Entry, the City of Columbus will forgo its December 2022 objection to the renewal of the liquor license for the Business at the Premises (Permit No. 9294865).
- 13) The Premises has remained closed to the public, and Defendants will continue to work with the City of Columbus to ensure the proper permits and clearances are issued for the Premises to rectify issues stemming from the March 2023 fire at the Premises.
- 14) The Parties worked diligently together to ensure the Premises reopens with the highest protocols and procedures for safety and security. Accordingly, Defendants have voluntarily agreed to remain closed to the public until a final walkthrough of the Premises by CPD, CFD, and/or City Attorney's Office to confirm implementation of the agreed upon safety and security policies.
- 15) **Security Staffing.** At all times at the Premises, Defendants and any person operating a bar, club, entertainment venue, and/or restaurant at the Premises, shall abide by the following security requirements:

a. All security companies (and their staff) and persons retained to work at the Premises shall be properly licensed and registered with the Ohio Department of Public Safety pursuant to § R.C. 4749 and O.A.C. § 4501: 5-1, or an active law enforcement officer;

i. Any security companies retained in compliance with this section shall be trained in the specific requirements of this Order that are relevant to their involvement at the Premises.

ii. The names and license numbers of all retained security personnel shall be kept on file and provided to CPD upon request.

b. Hours and Staffing:

i. Sunday through Thursday: No fewer than three (3) security guards or law enforcement officers shall be at the Premises commencing at 8:00 PM and ending thirty minutes after closing or until the Premises is cleared of all patrons, whichever is later;

ii. Friday through Saturday: No fewer than four (4) security guards or law enforcement officers, shall be at the Premises commencing at 8:00 PM and ending 30 minutes after closing or until the Premises is cleared of all patrons, whichever is later;

1. Additionally on Friday and Saturday: No fewer than one (1) additional security guard or law enforcement officers, shall be at the Premises commencing at 11:00 PM and

ending 30 minutes after closing or until the Premises is closing is cleared of all patrons, whichever is later;

- iii. During all other hours of operation: No fewer than two (2) security guards or law enforcement officers shall be at the Premises commencing at opening and ending at 8:00 PM. After 8:00 p.m., the above-referenced rules in (i) and (ii) shall apply. ;
 - iv. No less than one (1) security guard(s) or an off-duty law enforcement officer of the above required totals, shall be stationed in the parking lot of the Premises during hours of operation until all persons are cleared from the lot after closing—but no less than half hour after closing;
 - v. No less than one (1) security guard(s) (or an off-duty law enforcement officer) of the above required totals shall be stationed in the entry/lobby of the interior of the Premises during hours of operation;
 - vi. As a deterrent to misbehavior by patrons, The staffing levels for (i) and (ii), above are to be supplement by at least one (1) off-duty law enforcement officer beginning no later than 11:00 p.m. and shall remain until 3:00 a.m. In the event an off-duty law enforcement officer is not available, the business must add an additional two (2) security personnel.
- c. All security shall wear a uniform that can be readily identifiable as security;

- d. Security guard responsibilities shall include, but are not limited to:
 - i. Wanding and pat downs of patrons to ensure weapons are not on the Premises;
 - ii. Preventing prohibited entry from the patio on the Premises;
 - iii. Maintaining peace and order;
 - iv. Moving throughout the interior of the Premises to ensure safety of patrons and compliance with this Order;
 - v. Preventing loitering on the Premises, especially after closing of the business for the evening; and
 - vi. Enforcing other policies as described in this Order.

16) At all times at the Premises, Defendants, and any other person operating at the Premises, shall ensure that the following rules, policies, and conditions be implemented and maintained

a. **Hours:** Thereafter, the Premises shall close to the public at 2:30 a.m., with a last call for alcohol sales at the time proscribed by the State for a D-class permit holders.

b. **Liquor Sales**

- i. No violations of liquor law, pursuant to the Ohio Revised Code, the Columbus City Code, or the Ohio Administrative Code, shall occur at the Premises;
- ii. No sale or possession of alcohol to (i) individuals under the age of 21 years, (ii) visibly intoxicated individuals, (iii) loiterers or homeless individuals, shall occur at the Premises;

- iii. All those wishing to possess, receive, or purchase an alcoholic beverage shall be required to provide valid government identification at the point of entry, at which point said identification shall be scanned through a card reader, such as “Patron Scan” or some other substantially similar service;

c. Point of Entry & Firearms

- i. A point of sale identification reader such as “Patron Scan” shall be on Premises and in full operation at all times at a minimum at the point of entry into the interior of the Premises;
 - 1. Defendants have also committed to checking IDs of all who enter the parking lot;
- ii. No firearms shall be allowed inside the Premises;
 - 1. Defendants shall post signage in conspicuous locations alerting patrons as to the no-firearms policy;
 - 2. A metal detector shall be in good working order at the point-of-entry, and all patrons must pass through the detector to obtain entry;
 - 3. Defendants shall conduct wandering (of all males and females) and pat-downs of all males at the point-of-entry;
- iii. Patrons may only enter the premises through the front/main entrance of the Business, and not the patio door;

1. Anyone entering the business via the patio door shall be immediately trespassed from the Premises, and placed on the trespass list.

d. Patio

- i. There shall be no entry into the Premises via the patio for any person, including Business employees but for emergency circumstances;
- ii. Defendants shall install and maintain a panic/alarm bar, sensors, and alarm on any patio door(s) to alert staff of any usage of those entries;
- iii. Security shall conduct a walkthrough of the patio at least once per hour, while in operation;
- iv. Defendants shall install and maintain screens for the patio such that there are no open air entries/spaces;
- v. Any future expansion of the patio shall be completed in compliance with this Order, with the Building and Zoning Department, and with CFD;

e. Prohibited Activity & Proper Vending:

- i. There shall be no sale, use, or possession of illegal drugs, at the Premises;
- ii. There shall be no sale, use, or possession of illegal drug paraphernalia at the Premises;
- iii. There shall be no lewdness or prostitution at the Premises;

- iv. There shall be no illegal gambling or illegal gambling machines of any kind at the Premises;
- v. There shall be no stolen property of any kind kept at the Premises.
- vi. There shall be no counterfeit products of any kind kept at the Premises;
- vii. There shall be no expired alcohol, food, tobacco, or other perishable products kept at the Premises;
- viii. There shall be no tobacco violations at the Premises, to include but not limited to violations involving, acquisition, possession, proper licensing, sale/distribution, or taxation of tobacco;
- ix. Shall comply with O.R.C. 2907.38-.40, O.A.C. 4301:1-1-52, and any regulations stemming therefrom.
- x. Any rental of any portion of the club to a private party does not obviate Defendants' responsibilities under this Order.

f. Trespass & Loitering

- i. A trespass list shall be kept, to the extent that it is practicable to obtain the names of those trespassed from the Premises, indicating all those who have been trespassed from the property, and the trespass list shall be made available to law enforcement upon request;
- ii. There shall be no loitering/congregating (other than the line for entry into the Premises) permitted upon the exterior of the

Premises, including the parking lot; security shall remove any person found to be loitering.

g. Cameras & Lighting

i. Defendants shall install and/or maintain full HD 1080p Indoor/Outdoor Dome Cameras, or cameras of a comparable equivalent as agreed upon by the Parties, to monitor all facets of the interior and the exterior of the Premises. The camera system shall be maintained at all times with the following stipulations:

1. All cameras shall be operational and recording footage during all hours of operation;
2. Monitors displaying the real-time footage captured by all interior and exterior cameras capturing areas utilized by the public shall be situated in such a manner as to be easily viewed by anyone working at the counter at all times;
3. Footage captured by all cameras shall be recorded, stored, and held for no less than one-hundred and eighty days (180) days;
4. Footage captured by all interior and exterior cameras shall be made available to law enforcement upon request;

ii. Defendants shall install a camera to document license plates of vehicles entering the parking lot of the Premises;

iii. There shall be full and sufficient outdoor lighting upon the exterior of the Premises so as to illuminate all sides of the Premises (including its parking lot); it shall be maintained to ensure all lights are in working order;

h. Staffing

- i. Defendants shall have a manager present at the Premises at all times during all hours of operation;
- ii. Defendants shall perform background checks on all employees s working at the Premises (including, but not limited to, promoters, persons leasing space to perform at the Premises and Persons engaged by Defendant or by performers to promote events at the Premises);
 1. If Defendants have a reasonable belief that prospective performers and/or promoters have a history of criminal activity, including gang activity, Defendant shall notify Columbus Police and not engage that person to be on the premises as a performer, promoter, or employee.
 2. Relator-Plaintiff shall provide contact information for a representative from Columbus Police for the purpose of compliance with this Order. This, and all updates to this representative, shall also be served upon Ed Hastie, Esq.; 1258 Grandview Ave., Suite B, Columbus, OH 43212,

or another individual upon mutual agreement of the Parties.

- iii. All employees who are associated with the sale or providing of alcohol shall complete the "ASK" course provided by the Ohio Investigative Unit within thirty (30) days of hire. Proof of each employee's completion shall be kept on site and provided to law enforcement upon request;
- iv. Employees are not permitted to enter the Premises on their days off unless they go through the same screening procedures as any patron of the Business;
- v. All staff shall be in recognized employee uniforms;
- vi. In addition to the ASK course, all employees shall be provided training information (with proof of review via sign-off) that includes, but is not limited to:
 - 1. Policies and Procedures of the Business;
 - 2. Comprehensive safety trainings;
 - 3. Human trafficking training; and
 - 4. The requirements of this order;
- vii. A list of any "secret shoppers" or undercover consultants shall be kept, and shall be made available to law enforcement upon request;

viii. Any employee who is found to be violating the law, or this Order, shall be terminated, and shall be trespassed from the Premises and placed on the trespass list.

i. Code Compliance

i. The Premises shall be kept in compliance with the Ohio State Fire Code and the Columbus City Fire Code;

ii. The Premises shall be keep in compliance with Columbus City Code as it pertains to Code Enforcement, Building Code, and Health Code;

iii. There shall be no violation of the Ohio Revised Code or Columbus City Code as it pertains to noise violations;

iv. Games of chance properly administered, regulated, and licensed by the Ohio Lottery Commission are permitted; there shall be no violation of Ohio Lottery laws and regulations at the Premises;

v. All products, including but not limited to alcohol, tobacco, and food products at the Premises shall be acquired through proper and legal retail vendors with appropriate invoices kept for at least two (2) years after purchase, these invoices shall be made available within in two business days to law enforcement upon request;

vi. All coolers, ice chests, counters, floors, food storage areas, etc., shall be properly cleaned and sanitized on a regularly scheduled basis.

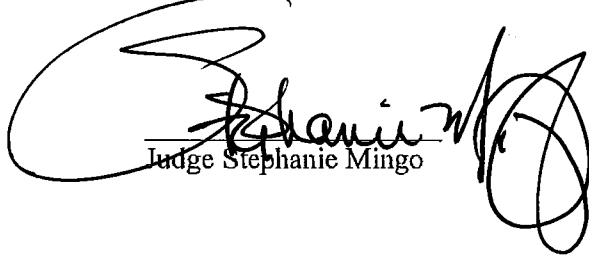
- 17) Defendants are hereby assessed all court costs of this action, not to exceed \$500.00.
- 18) Noncompliance with any paragraph of this Order and Entry shall be a violation of this Order and may result in a finding of Contempt of Court and the assessment of all penalties associated with Contempt. In any future proceeding concerning an alleged violation of this Order and Entry, Relator-Plaintiff shall be given opportunity to submit evidence of the violation, and Respondents-Defendants shall be given opportunity to introduce evidence and assert defenses to any charge.
- 19) Paragraph 18 of this Order and Entry shall not be construed to limit or affect in any way a future Contempt finding associated with any future Nuisance Abatement ruling or action filed against the property located at 1680 Karl Court, Columbus, Ohio and/or the property owner(s).
- 20) The Parties shall meet and confer at a minimum on an annual basis to reevaluate the policies and procedures outlined in this Order. In the event the use of the Premises changes from a bar, club, restaurant, or other such similarly situated establishment, the policies, requirements, and procedures outlined in Paragraphs 15-16 shall no longer apply.
- 21) Raisa Gunkina and Armenak Stepanian are hereby dismissed without prejudice from this action.
- 22) In the event that ownership of the Premises or ownership of a liquor permit in use at the Premises changes, new ownership shall be subject to all requirements under this Order.
- 23) This Court shall retain jurisdiction over this action for the purpose of enforcing or modifying this Order. Additionally, in order to monitor compliance with this Order,

the Court's Environmental Specialist is authorized to make inspections, assessments, or inquiries as deemed appropriate by the Court.

- 24) Each Party and signatory counsel warrants and represents that the person signing this Agreement has the authority to do so on behalf of their respective client(s).
- 25) This case shall be set for a status conference to check in concerning compliance with this Order on October 19, 2023 @ 1pm.

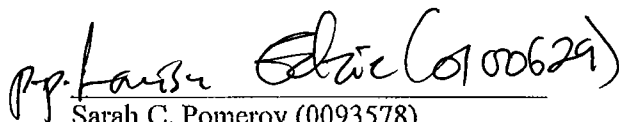
This is a final appealable order. Pursuant to Ohio Civil Rule 58, the Clerk is directed to notify the parties as they appear below.

SO ORDERED.


Judge Stephanie Mingo

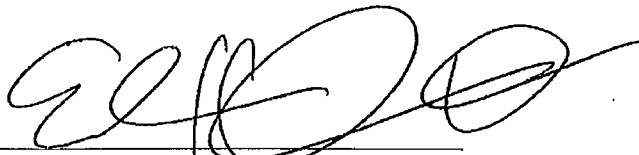
7.19.23
Date

APPROVED BY AND COPIES TO:


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W/explicit authority to sign and bind