

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

FILED  
Franklin Co. Municipal Court  
JUL 11 2023

STATE EX. REL  
COLUMBUS CITY ATTORNEY  
ZACH M. KLEIN

Lori M. Tyack, Clerk  
By CM  
Deputy Clerk

Relator-Plaintiff

Case No. 2023 CVH 60475

v.

Judge Stephanie Mingo

786 KHARIAN LIMITED, ET. AL

Respondents-Defendants.

Parcel No. 010-018299-00

**AGREED COURT ORDER AND JUDGMENT ENTRY**

THIS CAUSE came before the Court on July 10, 2023 upon the Complaint of Relator-Plaintiff filed on July 10, 2023. The following parties appeared before the court on July 10, 2023: Sarah C. Pomeroy, Attorney for the Relator-Plaintiff (hereinafter, "Plaintiff"); James Andrioff for Respondents-Defendants 2635 Broad LLC ("Defendant Transferor"), Mobil 2635 Broad Inc. ("Defendant Transferee"), Shaheen Akhtar, Ziad Hijazin, Laith Banekhlid, and the Real Property at 2635 West Broad Street (collectively, "Respondents-Defendants"). The Court finds that all necessary parties have been properly served according to law and are properly before the Court.

On July 10, 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 786 Kharian Limited is the record owner of the Premises located at 2635 W. Broad St., Columbus, Ohio 43204 ("the Premises") as alleged in Plaintiff's Verified Complaint.
- 2) Respondent-Defendant 2635 Broad LLC (hereinafter, "Defendant Transferor") accepts and stipulates to the fact that it is an Ohio corporation, that it was the owner of the Mobil located at the Premises, (hereinafter "Business"), and that it holds a liquor permit (Permit No. #9078365) in use at the Premises, as alleged in Plaintiff's Verified Complaint.
- 3) Respondent-Defendant Shaheen Akhtar is the owner of Defendant Transferor and thus the current owner of its aforementioned liquor permit.
- 4) Respondent-Defendant Mobil 2635 Broad Inc. (hereinafter, "Defendant Transferee") is an Ohio corporation also doing business as the Mobil located at the Premises and currently has a pending liquor permit transfer request with the Ohio Department of Commerce, Division of Liquor Control (Permit No. #6072630), as alleged in Plaintiff's Verified Complaint. Defendant Transferee has operated the Business since at least July 1, 2022.
- 5) Respondents-Defendants Ziad Hijazin and Laith Banekhlid are the owners of Defendant Transferee.
- 6) The remaining Respondents-Defendants are entities that may have an interest in the real estate but are not themselves alleged to be engaging in nuisance activities.

- 7) Respondents-Defendants acknowledge that Plaintiff has alleged that the Premises and Business operated thereon constituted a public nuisance, pursuant to Ohio Revised Code §3767, R.C §3719.10, Columbus City Code §4703, in its Verified Complaint.
- 8) Plaintiff acknowledges that the Respondents-Defendants deny that the Premises, as well as the operation of the Business, constitute a public nuisance, pursuant to Ohio Revised Code Chapter 3767, or Columbus City Code, as alleged in the Verified Complaint.
- 9) Without further stipulation and finding of a nuisance at the Premises, the Parties agree to the requirements of this Order in order to resolve the nuisance abatement complaint.

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

- 10) All of the provisions of the preceding paragraphs are incorporated as though fully repeated and rewritten herein.
- 11) Upon execution of this agreed Court Order and Entry of Judgment, the City of Columbus will forgo its August 2022 objection to the transfer of the liquor permit at the Premises (Permit No. #6072630) and its December 2022 objection to the renewal of the liquor license for the Business (Permit No. #9078365).
- 12) At all times at the Premises, Defendant Transferee, and any other person operating a market/carryout business at the Premises shall ensure that the following rules, policies, and conditions be implemented and maintained:

- a. 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;
- b. no unauthorized sale or possession of alcohol to (i) individuals under the age of 21 years, (ii) intoxicated individuals, (iii) loiterers or homeless individuals, shall occur at the Premises;
- c. a point-of-sale identification reader such as "Patron Scan" shall be at the Business and in full operation at all times;
- d. all those wishing to possess, receive, or purchase an alcoholic beverage shall be required to provide valid government identification at the point of sale, at which point said identification shall be scanned through a card reader such as "Patron Scan" or some other substantially similar service;
- e. liquor shall not be provided as a form of compensation for any services rendered for the Business and its owners and employees, including but not limited to cleaning or security at the Premises.
- f. there shall be no consumption of alcohol at the Premises whatsoever;
- g. there shall be no sale, use, or possession of illegal drugs, to include synthetic drugs, at the Premises;
- h. there shall be no sale, use, or possession of drug paraphernalia at the Premises;
- i. there shall be no lewdness or prostitution at the Premises;

- j. there shall be no illegal gambling or gambling machines of any kind at the Premises;
- k. 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;
- l. 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 on site, these invoices shall be made available to law enforcement upon request;
- m. there shall be no stolen property kept at the Premises, to include stolen firearms;
- n. there shall be no counterfeit products of any kind kept at the Premises;
- o. there shall be no expired alcohol, food, tobacco, or other perishable products kept for sale at the Premises;
- p. 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;
- q. there shall be no sale nor possession of any gang memorabilia, gang paraphernalia, or clothing that is and/or may be associated with any gang;
- r. there shall be no violation of any nutrition assistance program, to include but not limited to, the Supplemental Nutrition Assistance Program (SNAP), the Women, Infants, and Children (WIC) program,

- and the Electronic Benefit Transfer (EBT) card program, at the Premises;
- s. Full HD 1080p Indoor/Outdoor Dome Cameras, or cameras of a comparable equivalent as agreed upon by the Parties, shall be maintained 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:
    - i. all cameras shall be operational and recording footage during all hours of operation;
    - ii. monitors displaying the real-time footage captured by all interior and exterior cameras shall be situated in such a manner as to be easily viewed by anyone working at the counter at all times;
    - iii. footage captured by all interior and exterior cameras shall be recorded, stored, and held for no less than thirty (30) days;
    - iv. footage captured by all interior and exterior cameras shall be made available to law enforcement upon request;
  - t. there shall be full and sufficient outdoor lighting upon the exterior of the Premises so as to illuminate all sides of the Premises; it shall be maintained to ensure all lights are in working order;
  - u. A signed trespass authorization form shall be kept up to date and on file with the Columbus Police Department ("CPD"), authorizing CPD to trespass individuals from the Premises.

- v. a trespass list shall be kept indicating all those who have been trespassed from the property, the trespass list shall be made available to law enforcement upon request;
- w. there shall be no loitering whatsoever permitted upon the interior or exterior of the Premises; management shall expeditiously take all reasonable and required steps, including if necessary, contacting Columbus police, to remove any person found to be loitering;
  - i. Management of the Business and/or their agents/employees/assigns agree to patrol the parking lot hourly and instruct non-business parties loitering on the property to leave;
  - ii. If the parties refuse to leave or continue to return, management of the Business and/or their agents/employees/assigns shall contact Columbus Police, and, if any of the individuals names are known, shall add those parties to the trespass list;
- x. there shall be visibility from the inside of the Premises through all windows and doors of the Premises, such that there is an unobstructed view of the outside as observable from the windows and doors.
- y. the Premises shall not provide a restroom for public use;
- z. there shall be no pay phone, exterior electrical outlets, donation bins, ice chests, or any other such item permitted on the exterior of the Business Premises; management shall remove any obstruction that can be used for hiding or loitering upon the Premises;

- aa. the Premises shall be kept in compliance with the Ohio State Fire Code and the Columbus City Fire Code;
- bb. the Premises shall be kept in compliance with Columbus City Code as it pertains to Code Enforcement, Building Code, and Health Code;
- cc. all coolers, ice chests, counters, floors, food storage areas, etc., shall be properly cleaned and sanitized on a regularly scheduled basis;
- dd. there shall be no violation of the Ohio Revised Code or Columbus City Code as it pertains to noise violations;
- ee. all employees shall undergo criminal background checks. All employees who are associated with the sale or providing of alcohol shall complete the "ASK" course provided by the Ohio Investigative Unit. Proof of each employee's completion shall be kept on site and provided to law enforcement upon request;
- ff. 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;
- gg. Respondents-Defendants and/or their agents/employees/assigns agree to clean the lot of the Premises daily of any trash and debris.

- 13) Defendant Transferee shall be assessed all costs of this action.
- 14) 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, Plaintiff shall be given opportunity to

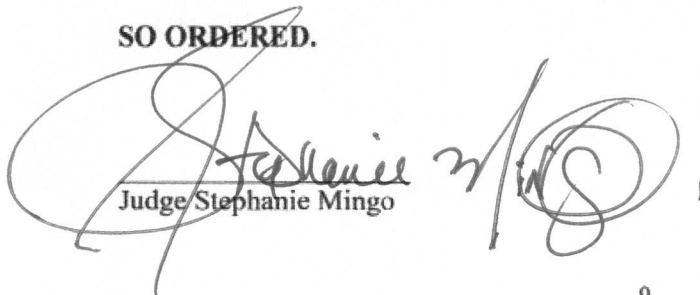


submit evidence of the violation, and Respondents-Defendants shall be given opportunity to introduce evidence and assert defenses to any charge.

- 15) Prior to a filing for Contempt of Court as outlined in Paragraph 14, Relator-Plaintiff agrees to notify Respondent-Defendants of the violation and allow fifteen (15) days for correction of the violation. This notice requirement will not apply to noncompliance with subparagraphs 12(a)-(b), 12(d)-(k), and 12(m)-(p).
- 16) Paragraphs 14-15 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 2635 West Broad Street, Columbus, Ohio and/or the property owner(s).
- 17) 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).
- 18) 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.
- 19) The Clerk of Courts is hereby ordered to vacate all previously scheduled dates and close the case.

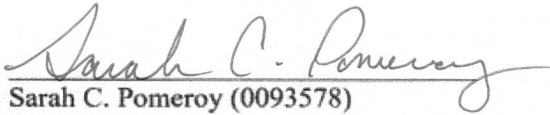
This is a final appealable order. Pursuant to Ohio Civil Rule 58, the Clerk is directed to notify the parties as they appear below.

**SO ORDERED.**

  
Judge Stephanie Mingo

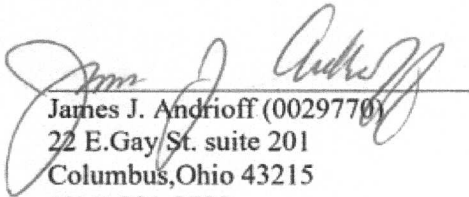
7.10.23  
Date

APPROVED BY AND COPIES TO:



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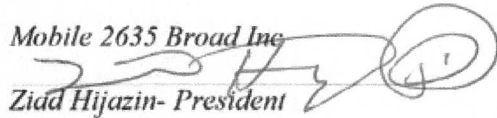
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*Mobile 2635 Broad Inc*



*Ziad Hijazin- President*