

Ohio Civil Rights Commission Housing Discrimination Charge

OCRC Use Only OCRC Number:		HUD Number:		
Name of person or organization alleging harm: Scott Hamilton and Ana Priscila Thomé-Hamilton		Home Phone Number: (937) 266-0820	Alternate Phone Number: (614) 350-3273	
Street Address 21865 Shirk Road	City Marysville	State OH	Zip 43040	County Union
Email address: scott@ottercreekral.com & priscila@ottercreekral.com				
Against whom is this charge being filed? Please see the attached list			Phone Number ()	
Street Address	City	State	Zip	County
<p>Check the applicable box or boxes which describe(s) whom the charge is being filed against:</p> <p><input type="checkbox"/> Owner <input type="checkbox"/> Manager <input type="checkbox"/> Salesperson <input type="checkbox"/> Bank or other Lender <input type="checkbox"/> Broker <input checked="" type="checkbox"/> Other <u>Neighbors, City of Dublin</u></p> <p>If you named an individual above who appeared to be acting for a company in this case, write the name and address of the company below.</p> <p>Name: _____</p> <p>Address: _____</p> <p>_____</p> <p>Name and identify others (if any) you believe violated the law in this case:</p> <p>_____</p> <p>_____</p>				
<p>3a. What is the address of the house or property? (street, city, county, state and zip code):</p> <p><u>5281 Locust Hill Lane, Dublin, Franklin County, OH 453017</u></p>				
<p>3b. Does the owner live at this address? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown</p>				
<p>4. What kind of house or property was involved?</p> <p><input checked="" type="checkbox"/> Single-Family house <input type="checkbox"/> A house or building for 2, 3, or 4 families <input type="checkbox"/> A building for 5 families or more</p> <p><input type="checkbox"/> Other, including vacant land held for residential use (explain):</p> <p>_____</p>				
<p>5a. Is this house or property being sold? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown</p>				
<p>5b. Is the house or property being rented? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p>				



6. Do you believe you were discriminated against because of your: (Check all that apply.)
- Race Color Sex Disability National Origin Ancestry Religion
 Military Status Familial Status Marital Status (mortgage credit only) Retaliation

7. When did the act(s) of discrimination occur? (Include the most recent date if several dates are involved.)

June 4, 2021

8. What did the person you are complaining against do? (Check all that apply.)
- Refuse to rent, sell, or deal with you
 Falsely deny housing was available
 Discriminate in the terms and conditions in the sale, rental, occupancy, or in services or facilities
 Deny a reasonable accommodation
 Deny a reasonable modification
 Advertise in a discriminatory way
 Threaten, intimidate, interfere, harass, or coerce you to keep you from the full benefit of the State or Federal Fair Housing Law
 Discriminate in financing
 Engage in blockbusting
 Engage in steering
 Other _____

9. Please write a concise summary of what happened that you believe is an act of discrimination:

Please see the attached document.

I declare under penalty of perjury that the foregoing is true and correct.

Signature: _____ Date: 10/01/2021

Sworn and subscribed before me on this _____ day of October of 2021

Ohio Civil Rights Commission Representative or Notary



Against whom is this charge being filed?

Residents of Locust Hill Lane that participated in neighborhood meeting, filing of temporary restraining order and litigation against The Lodge at Hayden Falls and OtterCreek Group LLC., including:

Peter & Deb Czerwinski
5280 Locust Hill Lane
Dublin, OH 43017

City of Dublin, Ohio City Council
Collectively and the Members of the Council
individually.

Mike & Hope Boren
5170 Locust Hill Lane
Dublin, OH 43017

Mayor Chris Amorose Groomes (At Large)
c/o Dublin City Hall
5555 Perimeter Drive
Dublin, OH 43017

David & Ellen Haid
5200 Locust Hill Lane
Dublin, OH 43017

Vice Mayor Cathy De Rosa (Ward 4)
c/o Dublin City Hall
5555 Perimeter Drive
Dublin, OH 43017

Joseph Mess & Nicole Helfrich
5290 Locust Hill Lane
Dublin, OH 43017

Christina A. Alutto (At Large)
c/o Dublin City Hall
5555 Perimeter Drive
Dublin, OH 43017

Marcia Olson
5130 Locust Hill Lane
Dublin, OH 43017

Jane Fox (Ward 2)
c/o Dublin City Hall
5555 Perimeter Drive
Dublin, OH 43017

Don & Barbara Schindler
5300 Locust Hill Lane
Dublin, OH 43017

Andy Keeler (At Large)
c/o Dublin City Hall
5555 Perimeter Drive
Dublin, OH 43017

James & Dené Sanfillipo
5241 Locust Hill Lane
Dublin, OH 43017

David & Sarah Tiefenthaler
5221 Locust Hill Lane
Dublin, OH 43017

Greg Peterson (Ward 1)
c/o Dublin City Hall
5555 Perimeter Drive
Dublin, OH 43017

John Reiner (Ward 3)
c/o Dublin City Hall
5555 Perimeter Drive
Dublin, OH 43017



9. Please write a concise summary of what happened that you believe is an act of discrimination:

In February 2018 we, Priscila and Scott Hamilton, reached out to the City of Dublin Planning Division, to confirm whether zoning code would allow for converting a single-family house for use as a residential assisted care home for seniors in the Dublin community. Through March and April 2018 we were able to confirm with the City of Dublin Planning Division and the City of Dublin's legal counsel that this was a permitted use under zoning provisions defined as a community residence, allowing for up to 12 residents with disabilities.

On April 26, 2018 we viewed the property at 5281 Locust Hill Lane, and entered into a contract to purchase the home on May 2, 2018. At this point we were advised by the City of Dublin Planning Division to file for a Certificate of Zoning Plan Approval; on May 3, 2018 we submitted a Zoning Compliance Request Form to the City of Dublin. This is this the first step in order to obtain the Certificate of Zoning Plan Approval. On May 8, 2018 we received a letter confirming we were in compliance with the zoning code to convert the home for five or more unrelated individuals with disabilities with a maximum of twelve residents; this letter inadvertently contained an incorrect address and a revised letter was shared with us on May 18, 2018. We moved forward with the purchase of the home.

Ottercreek Group LLC purchased the property, and The Lodge at Hayden Falls LLC and Ottercreek RAL LLC were incorporated to manage the property and provide services to residents. We are the sole members of these LLCs.

We closed on the home on July 18, 2018. We then sought bids from architects for plans to modify the home to provide more accessibility. We contracted with an architect on September 15, 2018 and submitted architectural drawings and a building permit application to the City of Dublin on December 4, 2018. The plans were revised based on feedback from the City of Dublin, and we received phased approval of the revised plans on June 7, 2019 followed by full approval from the City with full building permit issued on December 2, 2019. We closed on a construction loan on February 14, 2020. Additional changes were made to the plans and the revised layout was approved and a full building permit issued on November 4, 2020.

In August 2020, we learned that our neighbors objected to our plans when we were contacted by Michael Close inviting us to share our project plans with the neighbors, which we did on August 31, 2020. Then on Friday, October 2, 2020 a Motion for Temporary Restraining Order (TRO) was filed by some neighbors to "stop construction, construction activity or approval of permits at 5281 Locust Hill Lane to preserve the residential nature of the neighborhood." Despite the fact that the neighbors and their counsel knew how to contact us and had previously contacted us, the neighbors, through their counsel, asked the court to enter a temporary restraining order *ex parte* on Tuesday, October 6, 2020 (without notice to us and without our participation in the proceedings). As part of this motion, an affidavit from one of our neighbors Dené Sanfillipo was submitted to the court; this affidavit contains multiple false statements regarding information we shared with the neighbors in the meeting on August 31, 2020 which was called by and moderated by attorney Michael Close. Fortunately, we have indisputable evidence to debunk these false allegations.

On October 13, 2020, our legal counsel filed a motion to vacate the TRO which was granted on October 21, 2020. This TRO work stoppage from October 6 through October 21, 2020 ultimately delayed construction on the property by approximately three months as contractors had moved on to other jobs and all had to be rescheduled.



Included in the October 2, 2020 motion for TRO, was a motion for Preliminary and Permanent Injunction to stop construction. On October 28, 2020 a full hearing was held and the motion ultimately denied by the court on May 4, 2021.

On December 7, 2020, during the Citizen Comment period of the Dublin City Council meeting, Locust Hill Lane resident David Tiefenthaler made a statement on behalf of all neighbors, followed by a statement by their Attorney Michael Close including misinformation and disparaging remarks, objecting to our project and arguing that it violated the deed restrictions. There is both video of this virtual meeting as well as minutes of this meeting in the public record. Mr. Close referred to the home as “essentially a nursing home.” Law Director Jennifer Readler stated several times to Council that the use was permitted and considered as a single-family home. Ms. Readler also explained that the City is not a party to deed restrictions and the role of the Building Department was to issue permits when they complied with Code as our plans did. The Mayor and several members of Council made sympathetic statements for the residents of Locust Hill Lane. The Mayor said that this was an unintended consequence of the Code that they had amended in 2014, and that when the amendment was being considered, she did not believe the Council understood the extent to which it could be applied. A Council Member Greg Peterson also said that our property was “not a single-family residence by anybody’s stretch of the imagination.”

There was public discussion about the short timeline until our project was completed and whether the Occupancy Permits could be denied. Council Member Greg Peterson said to the neighbors who were complaining, “I just would love to do whatever, I support whatever we can do to try to help, I just don’t know what our options are.”

Subsequently, directed by Mayor Groomes, Council changed language in the Code to prevent garage conversions, so as to prevent homes like ours in the future, ‘to make sure this doesn’t happen to other people in the City of Dublin.’ Furthermore, attorney Michael Close asked the city to join their litigation against us, to which the mayor replied ‘that is certainly something for us to consider’.

Based on the comments made by Council during the meeting, as well as potentially three Executive Session Council meetings on December 12, 2020, January 19, 2021, and February 8, 2021, regarding “Conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action,” we believe that some or all of Council were actively seeking strategies to stop our project from moving forward and were communicating/coordinating with Michael Close to prevent our plans from being completed.

Our attorney, Stephen Dane of Dane Law, sent a letter on January 18, 2021 to City Council requesting that neither elected representatives nor employees of the City take any steps that would interfere with our right to provide housing for people with disabilities, yet the code was later changed as a result of the neighborhood complaints. We feel the public opposition voiced by Council in that December 7, 2020 Council meeting incited additional hostility against our plans to establish a community residence to care for disabled seniors.

Construction began in March 2020. We were nearly 95% finished with construction and had Scott’s parents and some of their friends preparing to move into the property when it was completed and occupancy permits were received.

On February 10, 2021, the house and converted garage were burned down. Now, more than seven months later, the City has not issued a report or determination that it was arson. The Township Fire Department worked with our insurance company’s Fire Scientist as well as the General Contractors insurance company Fire Scientists, all of whom did conclude the fire was an arson. However, the City Police detective says it is



not arson until they declare it to be. And as of this filing, the City Police Department has yet to make any determination or declaration on the cause of the fire. When we last spoke to the police detective handling the case, five months after the fire, they had yet to interview all of the neighbors.

The City has been pressuring us to demolish the remaining unstable structure, but we are hesitant to do so until the investigation is completed. It feels as though there exists collusion between the City and the neighbors; we feel that the City does not have the political will to investigate the fire as arson because of the Council and the neighbors opposition to the home, and our suspicion that the fire was likely set by some of the neighbors, or by someone hired by, or on behalf of some of the neighbors.

We subsequently hired our own fire investigator, who found clear evidence that the fire was caused by arson. Accordingly, three separate fire investigation teams have concluded arson as the cause, yet neither the local police department nor the local fire department have made such conclusion.

On February 25, 2021, one of the neighbors, David Haid, called Scott's brother Keith, who he had known previously through work, and told Keith that the neighbors wanted to buy the property from us. David Haid placed a second call to Keith on March 12, 2021 as a follow up to his prior call.

The effect of the fire is that we have lost resources and time that is not recoverable through insurance. The fire makes it more difficult to obtain insurance on the property in the future, since the insurance company believes there is an arsonist still out there. Additionally, we fear that we could be putting disabled seniors in danger by placing them in the home, in a hostile neighborhood. It has and is causing our family immense stress. Scott's parents have both passed away since the fire. We believe the fire was a last-ditch effort to stop us from providing housing to people with disabilities when it seemed the neighbors had no legal recourse to stop our home from obtaining occupancy permits because we had carefully followed the necessary steps under the Code.

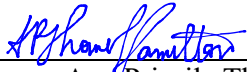
On May 4, 2021, Judge Stephen L. McIntosh of the Franklin County Court of Common Pleas denied the preliminary injunction against us, finding we had not violated the deed restrictions, and said it was unnecessary to analyze our housing discrimination arguments at that time. The neighbors filed an appeal on June 3, 2021 in the Ohio 10th Circuit Court of Appeals. On July 21, 2021, in a follow-up motion by Michael Close for an extension to the plaintiff's deadline to submit the appeal brief, he implied that if we would decide not to rebuild, the neighbors may choose not to pursue the matter further; we perceived this as an implied threat.

On September 9, 2021 the City informed us that we had to demolish the damaged unstable structure and have the site cleaned up by September 20, 2021 or face fines. Representatives of the City also advised us on September 3, 2021 that since it has been more than 180 days since the most recent construction inspection of January 12, 2021, our building permit has expired and we have to apply for a new permit. We explained that the fire occurred on February 10, 2021 and we were prohibited from entering the structure until mid-May, and explained that we have no insurance settlement yet, so no money to continue, the City is refusing to extend our permit. Because of the Council's change to the code, our home as previously approved will no longer be eligible for planning permission. Since the neighbors and Council's combined actions now prevent our project, the neighbors voluntarily dismissed their appeal on September 28, 2021.

We believe the neighbors who participated in the temporary restraining order and preliminary injunction, as well as their attorney Michael Close and the City of Dublin Council have interfered with our rights under the Fair Housing Act delaying and impeding us from providing housing to people with disabilities.



We declare under penalty of perjury that I have read this complaint and that it is true and correct.



Name: Ana Priscila Thomé-Hamilton

Name: Scott E. Hamilton

Sworn to and subscribed in my presence this 01 day of October 2021.



Notary Public

SEAL

CHIRAG PATEL
ELECTRONIC NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
REGISTRATION # 7679556
COMMISSION EXP JUNE 30, 2024

Notary Stamp Placed at 2021/10/01 13:52:58 EST

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Document Notarized using a Live Audio-Video Connection



JURAT ATTACHMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF Virginia }

COUNTY OF Arlington }

The foregoing instrument was subscribed and sworn before me this date of 10/01/2021, by Ana Priscila Thome-Hamilton

This notarial act was an online notarization.

CHIRAG PATEL
ELECTRONIC NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
REGISTRATION # 7679556
COMMISSION EXP JUNE 30, 2024

Notary Stamp Placed at 2021/10/01 13:52:58 EST

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(Notary Seal)

Notary's Signature 

Registration No.: 7679556

Commission Expiration Date: June 30, 2024

