



## Tenants, attorneys accuse Cleveland property owners of cruel treatment

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**Mark Gillispie, The Plain Dealer**  
By

CLEVELAND, Ohio -- By some accounts, brothers Graig and Derek Brown are exceptionally bad landlords.

Court documents and interviews portray the brothers as vindictive and mean-spirited with a track record of illegally shutting off utilities and locking out tenants for being a few days late with the rent or for complaining about conditions in their rental units.

### **Cleveland Housing Court** Judge

Raymond Pianka made his feelings clear when he recently awarded \$482,000 in compensatory and punitive damages to Cindy Smith, a former tenant of the Browns.

"The court has never, in its 31-year history, heard proof in so many cases of a landlord or landlords engaging in such repeated, ongoing, deliberate, cruel, harmful and illegal conduct," Pianka wrote.

Neither the Browns nor their attorney, Fernando Mack, returned phone calls for this story.

The Browns are unrepentant bullies, according to an account by an aggrieved tenant included in a 2006 Cleveland Housing Court decision. The Browns reportedly told the mother of a former tenant that they were proud of their hardhearted tactics and had been employing them for years.

In this case, they had cut off a woman's electricity and water, locked her out and then took some of her family's belongings, including one shoe from each pair owned by her and her children.

By state law, a landlord must give tenants three days' notice that he or she intends to evict them for not



Lisa DeJong, The Plain Dealer

Rose Ray, 55, is a former tenant of landlords Graig and Derek Brown. She sued the Browns when they locked her out after they wanted her to pay more than what was required of her Section 8 rent.

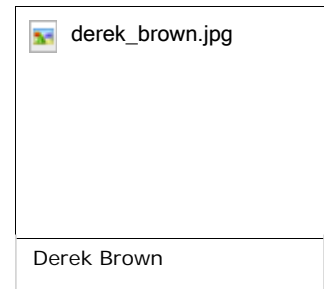
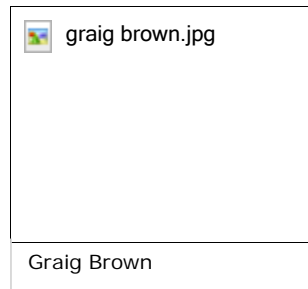
paying rent. If payment is not made within three days, the landlord must file an eviction action with a municipal or housing court. State law forbids landlords from cutting off a tenant's utilities.

The Browns, who own two apartment buildings and several houses in Cleveland, have also cemented their reputation in legal circles for their ability to evade service on subpoenas and for an inability to collect on judgments rendered against them.

Judgments have been difficult to collect because the brothers often have transferred ownership of properties from one limited liability company to another, said attorney Thomas Owen. And when there are mortgages on properties, judgments are tough to collect because those claims are secondary to the mortgages themselves.

"I have never had a client or run across another defendant that was so completely uncaring about what the court thought of them," said Jane Messmer, a staff attorney with the Legal Aid Society of Cleveland who represented a former tenant of the Browns' named Rose Ray.

Cindy Smith accused the Browns of forcing her and her two young children to move into a homeless shelter last year after the brothers shut off her utilities and locked her out of the bottom half of a West 120th Street double. She said the Browns retaliated after she asked for another week to pay her rent.



She said there were extenuating circumstances: She had had a miscarriage a week earlier and was strapped for cash after paying funeral expenses.

As it turns out, the Browns should never have rented the home to Smith. The **Cleveland Building and Housing Department** had condemned the property in May after an inspection found numerous violations of city building and health codes.

Smith said the home was in poor condition when she moved in June 12, but the Browns promised to make repairs. Smith said she called Graig Brown on July 1 to report that she had no hot water. When Brown asked about that month's rent, she asked for an extension and said that he agreed.

Five days later, Smith had no water at all. Power was shut off the next day, Smith said. **Cleveland Public Power** investigated and found the electric meter had been removed and that someone had smeared feces on the breaker panel in the basement.

CPP restored her electric service but it was shut off again a day later. Water service was never restored.

The final straw came when Smith returned home July 9 and found that the locks had been changed, forcing

her and her children to move into a homeless shelter. She was able to squeeze through a window to grab some clothing, but the family never recovered the rest of their meager belongings.

"They shouldn't be allowed to do people wrong like that," Smith said in an interview. "I really despise them for what they did to me and my children. We didn't have to go through that. They just started doing evil stuff."

Court records show that Smith's case is not an isolated one. Former tenants have been awarded more than \$750,000 in judgments against the Browns in Housing Court since 2006. In only one instance has someone been able to collect.

Smith said she laughed when her attorney, Scott Kuboff, told her about the \$482,000 judgment. Kuboff took the case for free as a volunteer attorney for the Legal Aid Society of Cleveland.

"It does not look very hopeful that we will be able to collect," Kuboff said in an interview.

### **Brothers have faced numerous suits, charges**

The Brown brothers are frequent fliers in Cuyahoga County Common Pleas Court as well. They and their various corporate identities have had numerous foreclosure lawsuits filed against them.

Also, Derek Brown, 44, has been indicted five times and his brother, Graig, 40, three times on felony charges of disrupting public service. They have also been charged with burglary and aggravated theft.

None of the charges has resulted in a conviction.

Two of Derek Brown's felony cases were dismissed when their accusers failed to show up in court. In the last three cases, two from 2007 and one from 2008, prosecutors and Judge Shirley Strickland Saffold allowed him to enter a diversion program and the charges were eventually dismissed.

Charges were dropped in one of Graig Brown's cases when the victim failed to appear, and he got the same diversion deal as his brother in his other two cases.

### **Shoes, other belongings go missing during rent dispute**

Nafeesah Walker was having money trouble in early 2006 when the Browns sued her in Housing Court to collect rent on an apartment in a building the brothers owned on South Moreland Boulevard.

A magistrate held a hearing the same day the Browns sued and ruled that the eviction would be postponed because of a bankruptcy Walker had filed the previous October.

By the time Walker returned to her apartment that day, the electricity had been shut off. Four days later,

the Browns changed the locks and boarded the front door, forcing Walker and her children to move into her mother's home.

Walker hired a locksmith several weeks later to get into the apartment so she could gather her and her children's belongings.

According to court records, that's when Walker discovered that someone had gone in and taken one shoe from each pair owned by her and children; taken the drawers from a dresser (but not the dresser itself); the pillows from a couch; and other items, including poems written by her children, their school art projects and family photographs.

In a court document listing the missing items, Walker wrote: "So many things were lost during this tragic time for my family, most of which money cannot replace. The tears that my children cried night after night because of the emotional torment we were all put through is still with us."

Walker could not be reached for comment. Pianka ultimately awarded Walker a \$185,800 judgment against the Browns.

Thomas Owen was a freshly minted attorney when he took Walker's case. He now specializes in real estate law, including the representation of landlords involved in disputes.

"Their conduct was so egregious," Owen said of the Browns. "I haven't run across anything like this since."

### **Tenant alleges demand for more money**

Rose Ray, 55, rented an apartment at another of the Browns' buildings on South Moreland. She said she had agreed to pay \$575 a month in June 2008. Her portion of the rent was \$189, with the balance paid through the Cuyahoga Metropolitan Housing Authority's rent voucher program.

Ray said that a month after she moved in, Graig Brown demanded that she pay him more.

"I told him, 'If I give more, I can lose my Section 8' " federal housing subsidy, Ray said.

She said that when she could not pay all of her portion of the rent when it was due in October 2008, the Browns cut off power to her apartment. She said she stayed for about a month before the brothers locked her out.

Ray said she was forced to go to work for several weeks wearing the same clothes because she could not get into her apartment. With the help of Legal Aid Society attorney Messmer, Ray was able to eventually get in and gather her belongings.

Pianka eventually awarded Ray a \$14,000 judgment against the Browns, which she was never able to

collect.

"They took me through hell and high water," Ray said.

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