



The law needs to grow more teeth to deal with bullying landlords: editorial

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By **The Plain Dealer Editorial Board**

The case of two brothers whose **alleged abuses** as Cleveland landlords include illegally shutting off tenants' utilities and stealing things for spite should have authorities scrambling.

Derek and Graig Brown need to be brought to justice -- straight from their houses to the Big House.

Instead, as documented by Plain Dealer reporter Mark Gillispie last week, the brothers -- who own two apartment buildings and several homes in Cleveland - - have a history of ducking subpoenas, ignoring collection judgments and treating the justice system with the same contempt they apparently show tenants.

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

But they have never been convicted. Cases were dismissed when witnesses failed to appear, Gillispie reported. Or the Browns qualified for criminal diversion programs with the apparent acquiescence of judges and prosecutors.

That should not happen again.

The brothers have also faced a mountain of civil litigation but mostly skated. In one recent decision, Cleveland Housing Judge **Ray Pianka** wrote, "The court has never, in its 31-year history, heard proof in so



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Lisa DeJong, The Plain Dealer

A former tenant of landlords Graig and Derek Brown lived in the Herrick building on South Moreland in Cleveland.

many cases of a landlord or landlords engaging in such repeated, ongoing, deliberate, cruel, harmful and illegal conduct."

Pianka then awarded a former tenant, Cindy Smith, \$482,000 in damages: She and her two young children had to take refuge in a homeless shelter last year after the Browns shut off their utilities and locked them out of their apartment when Smith asked for an extra week to pay the rent. She said she had just suffered a miscarriage and was strapped for cash after paying funeral expenses. It turns out the property was condemned and shouldn't have been rented. The Smiths never recovered belongings left in the house.

The judgment in Smith's favor had a satisfying cha-ching to it. The Browns have assets. They're local. Collection should be simple.

But Smith will probably never see her money. Despite \$750,000 in total judgments against the Browns since 2006, only one litigant has been able to collect, Gillispie reported.

The Browns combine a predatory streak with an instinct for self-preservation. One lawyer who's represented their tenants said the brothers make collection almost impossible by transferring ownership of properties from one limited liability company to another, or by shielding assets with mortgage debt that takes primacy over court judgments.

Gillispie cited hair-raising Housing Court cases in which the Browns appeared to take perverse pleasure in tormenting low-income single mothers -- in one case, allegedly stealing poems written by one mother's children along with a single shoe from each pair the family owned.

Predatory landlords should not be able because of loopholes in our criminal justice system to enjoy the very benefits they deny their tenants. Laws exist to protect tenants' rights and property. They should be enforced with vigor and bite.

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