

IN THE SUPREME COURT OF OHIO

CHONG HAO SU

: Ohio first district appellate court

Appellant

: Case No: C100609

VS

: pro bono publico

Ohio Cincinnati city

: CASE NO: 2011-0108

Appellees

MOTION FOR RECONSIDERATION AND FOR THE REOPENING.

Pro Se

Chong Hao Su APPELLANT

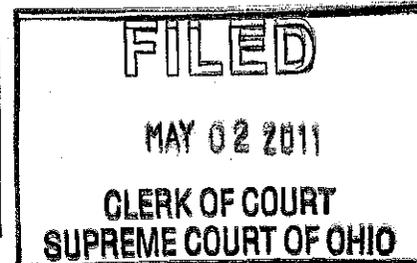
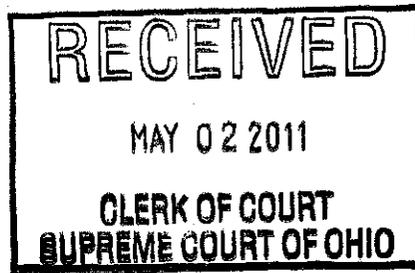
31 Unit 818-826 Canterbury Rd

Roselands NSW 2196

City of Cincinnati APPELL

Prosecutor office Room 202

the city Hall 801 Palum St. Cincinnati city Ohio 45202



I apply to receive the court normal order in the above address. Since the court does not service the notice to the above address. The receptor is Martha address. Her name is not on the order. Although I know the contents, yet this is not the strict correction service. I need the original normal envelopment and order. The fulfillment of the legal service is any court rule. The service of the above address is to carry out the court rule and needs the ten days that is over the court limitation. However I filed the petition under the above address. The two weeks ago I received the court letter to delay the court decision, so that I left straight away. Otherwise I could die in jail due to my health condition. For the public interest sake, I need the court to accept this writing.

Petition is bought to challenge validity of Cincinnati Building Code to seek the injunctive possessory remedies and the public equal survival's right. The legal issues are :1) whether the

unreasonable arbitrary ordinance excludes the public out of the city since they limited income and resource by the abuse of the police power; 2) whether the city can annul the historic existing building code efficacy to damage the general welfare; 3) whether the No.2 CBC norm and target and purpose bear no real and substantial relation to public health, safety morals or general welfare of public. Under this court notice, I filed the evidences that was filed in the interlocutory appeal and Cincinnati court. The repeat filing evidences could save a reader time. Under Ohio appeal law Section. 8.03 Appeals Involving substantial Constitutions<sup>1</sup>, the appeal has no limitation. Additionally this is for the public vital interests. **It is undeniable that I used laws to animadvert the CBC system without the necessities of an evidence.** The city has not replied so far. Under the court rule, a judge should sign the challenge. Cincinnati court and the appeal court deem that the case lacks the social effectiveness, thus the appeal court, by annulling my due process procedure, supported Cincinnati court to deprive me of the defense right and jury trial right and the appeal right. Before and after the conviction, the city put our charges and convictions in the TV programs and the newspapers. We put the story in the internet. Undoubtedly any ordinance certainly affected the larger region and plenty of people. Every week Cincinnati court has convicted numerous owners and allowed city to destroy their homes. Our possessory action touches the all kinds of the housing issues and involves everyone who is either owner or tenant that needs housing. Of course the endless arrests to us proves the court have suppressed an individual defense for the CBC invincible position so far. Such controversial housing issues arouse wide public concern and cause a heated debate. Our possessory action touches the most important fundamental right and the public vital interest. In current economic crisis, the property tax income increase and the survival of the owners and tenants are of overriding importance. 14% buildings are vacant and closed and need to meet the vacant building standards. Otherwise all of the owners will be twice convicted like me. The decision of the court has broad general signification. It can't be the slightest doubt that shelter, along with food, are the most basic human needs and are the maximum valuable assets and the foundations of the Bill of Right. Our Congress helps the owners with the new law and fund. Housing Assistance and Administration Urban Development Act and housing subsidy reflect that the federal Gov. helps the lower income people and pauper to have house. The city Gov. has the constitutional duty and humanism obligation for the public housing supply. The determinate unshakable responsibility is to help and provide the affordable variety and choice of types of the living accommodations for the various categories of persons. The CBC enforcement is the important reason to cause 14% vacant buildings. The decision of the two courts set a case law that would exclude any judicial review and the due process tradition and jury trial for the CBC invincible position. The appeal court ruled that the trial for the CBC exercise is not bound by Ohio Const. §19 and "Wilson V. city of Cincinnati"[5]. The ruling would undermine the fundamental enduring principle that the rule of law constrains a government and a judge as well as citizens. The ruling would impair the fundamental principle that the liberty and property rights are controlled by the uniform certain criminal law and Property law. Actually the implications of the two courts decision verify that the mutinous CBC essentially is pre-empted by the higher jurisdiction of Property law and Criminal Law.

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<sup>1</sup>p126 Appellate practice and procedure in Ohio.

The two courts' rulings deter the public any defense. Apart from these governmental considerations, which make this case one of the great public interest, the courts decisions have the broad general signification. It is undeniable that the ruling affects every governmental entity to make it physically and economically impossible to provide low and moderate income housing in the municipality for the low and moderate income families who need and want it. The public's interest is profoundly affected by supporting the CBC to demolish the public shelters, absolutely regardless the city obligation. The two courts' decision established the illogical and untenable rule that an executive branch can be the unprecedented inroads into the scope of the three branches regime check and balance. Evidently the decision of the appeals court sets a judicial precedent that an executive personnel can create and enforce his law to break into search and arrest for a building inspection and double penalties. The decision of the courts elevated the CBC over the authority of the General Assembly. The conclusions of the courts support the city to continually override all laws and judgments functions on the plain meaning of the CBC words and in the daily practice hereunder. Not surprisingly the city can defy laws, human and divine to create its law for the arbitrary invasion of the indefeasible right of personal security, personal liberty and private property in flagrant abuse of the police power with impunity. Such final decision establishes the illogical and untenable rule that the tail wags the dog with manipulation without the supreme clause(Const. 6). A judge is an omnipresent teacher by their example and the supervision of the power operation. When the cat is away, the mice will play. Where might is master, justice is servant. One sin opens the doors for another. We first make our habits, then the habits make us. There is honor among thieves. Nothing can destroy the rule by law quickly than a judge nihilism, its disregard of the charter of his own existence. For good or bad, the judgment ought not to undermine our valuable law to alter fundamentally the constitutional government. The judgment teaches the illogical and untenable rule that a city can ignore our congress authority against our congress prescriptive uniform law and system with impunity. If these allowed to stand, the appeal judgment teaches every man to become a law unto itself, it invites the anarchy; it breeds contempt for the judge' office oath and causes the federalism division. Hereby the city would be unconstrained by the entire system of constitutional restraints on which the liberties of the people rest. It is a screaming farce that the city supported the house breaker to occupy our home to obtain the conviction evidences. In fact and effect the sanctimonious judges, subject us to a jurisdiction foreign to Ohio Const. and unacknowledged by our law. According to the case law system, such judicial precedent brings about the profound effect that the constitutional master can't possibly protect the legal consistency and continuity against the invasion to their homes. So the Const. guaranteed property and liberty rights and the background security have gone. Similarly, the public interest is affected if a bedroom privacy can be judicially altered to subvert the legislature's intent that the exclusive property right throughout the state is controlled by Ohio Const.§19 . The public interest in the orderly operation of the government is profoundly affected by the ruling verification that the city can arbitrarily tear up its issued building repair permit and title and its historic existing building code. Actually the appeal judgment invites the city to create the unconstitutional vague CBC and the discriminative CBC for the unconscionable and arbitrary racial persecution. The central issue of the appeal ruling is to relegate the jurisdiction of the public shelter existence to the lay man who has the unconscionable behavior without the law and

architecture knowledge. If the city continues to enjoy the exclusive jurisdiction over the inviolable property right, despite contrary provisions of this court judgment, the force and value of the private ownership system and this supreme court authority, would be severely endangered. The city can continue to break into search and seizure for the building inspection. Under this rule, the public liberty and property rights are denied, so that the double convictions enforce an owner to donate the involuntary payment and involuntary servitude for the city aspiration against the oblige violation without any little reduction. Not surprisingly the lower court's interpretation of the CBC is like the slaveholder lynch to annul Ohio Const. §6 "...nor involuntary servitude, unless for the punishment of crime. The rule would be preposterous that whoever is too poor to donate the money to the city, he has to stand twice convicted of the CBC violation, then his home was demolished and his family has to be out of his hometown under the below CBC. Undoubtedly the two courts precedents are a fantastic absurdity that a man suspected of crime has rights to protection against the warrantless arrest and vague evidence and twice penalties for the minor misdemeanor, but that an owners not suspected of crime, have no such protections. The courts ruling is like the south state judgment to suppress any black slaver defense before Civil War. The rulings conflict with and otherwise stands as an obstacle to our Congress objective to create the uniform law and social system; additionally undermine Ohio state governance power. Our Congress governance ability and authority are facing humiliation and blatantly crassly undermined. The case involves the substantial constitutional question and federal issue. Finally the courts abandon the public and tear off the Bill of Right to uphold the city Gov. authority. Not surprisingly the public trust to the court falls down. Our tradition places an extra emphasis on the justice and judicial integrity in the true administration of justice. If people lose confidence, it would be difficult to maintain a stable society. Really the ruling sabotages the constitutional governmental system and our foreign policy. Since to protect the world civil right is our foreign affairs' flag. My buildings were foreclosure. I'm not owner. The judges never identified my owner qualification so far. Then the courts convicted me again and again so far. If the victimized owners together file the complaint to united nations and the international court and the many country. How can our country operates the foreign policy? Why did the courts like the international criticism? Why did the courts like the public criticism? Don't people believe my used law and analysis? Although the city omit the some information of the public record system, yet an individual can confirm my law and analysis in a library and website. The deprivation of my all defense right proves the courts scare my speaking. Thus what matter is not the matter of an individual action, the jeopardy of the losing the constitutional core value can't be disregarded; the rule by the Gov. and the prejudice and ignorance can't supersede the rule by law and science. The implications of the issue presented are indeed broad and far-reaching, extending much beyond the petitioners and the boundaries of the city for the development direction lead and a series of the new policy making guidance.

The law and social system prohibit the unreasonable and arbitrary CBC to alter privacy of individual. The CBC and its orders and the city document verify they are not for *the public exigency and the public nuisance and the tort action and the habitability restrictions and the common law prohibitive condition and the public usage. Thus the below law and private ownership system prohibits the CBC. The prohibitive power is the worst than the unreasonable power. "Police regulation, whether by ordinance or Statute, will frequently interfere with the enjoyment and use of property and with the making of contracts. However, this court has consistently held that a police regulation having that effect may be valid unless it clearly appears that such regulation bears no real and substantial relation to the public health, safety,*

*morals or general welfare of the public or is unreasonable or arbitrary”<sup>2</sup> The CBC authorized the judge’ power to a fire police under non fire condition, so that the city has been deliberately accustomed to ask the fire police for a building inspection in the public homes. I criticized such code in my previous defense motion. Thus the city omitted the code in the website. But the CBC was registered in the concerned state office. I can find it provided the court need. Cincinnati court prohibited to show the public record copy that building inspector Jim asked the fire police to help his entrance in April/24/ 2007. Hereby the city asked the fire police to break into search and seizure three times on 4/25/07 and 9/28/07 and the minor misdemeanor charge notice service for the CBC violation in Kemper Lane’s property. (the detail is in the previous application.) The alleged public exigency abatement has been the universal brand, as the sophism to abuse the police through the CBC exercise. Then the city framed a case against all aggrieved owners for the CBC enforcement. Thus the review of the case history concerned the substantial issues: 1) whether the CBC is for the public exigency abatement and the public use; 2) whether the courts could strike down the rights of the Amendment 4<sup>th</sup> and 14<sup>th</sup> for the executive branch privilege over law. The police report (E21) substantiated the warrantless seizure is the preventive arrest for the building inspection when I was far away from the Race property without the conversation between me and fire police. No search warrant and the public exigency evidence and the assumed fire safety inspector report and the health department report were produced by the prosecution, nor was the failure to produce one explained or accounted for. The city refused to discover the assumed fire safety inspector license number and his assumed inspection report and the seizure detail and the indictments detail that is supported by the assumed fire safety inspector oath . Thus I asked to dismissed the charges many times under the following same conditions judicial precedents in my previous motions. “Moran V. Burbine” held: “under our (accusatorial) system society carries the burden of proving its charge against the accused, not out of his own mouth.”<sup>3</sup> Cincinnati fire code stipulated “impersonating fire safety inspector is guilty of misdemeanor of the fourth degree.”<sup>4</sup> “Michigan V, Clifford”<sup>5</sup> and “See V. City of Seattle”<sup>6</sup> Municipal code city of Cincinnati Sec.1247-19. . “Johnson V. U.S.”<sup>7</sup> “Lo Ji Sales. INC. V. New York (442 U. S. 319, 327(1979) )”, “Camara V. Municipal Court 387 U.S. 523(1967).” Cincinnati court forbade the cross charge to the impersonating fire safety inspector. The police report and the city cited CBC and the CBC categorization and the city orders and the public record system substantiate that the three times of breaking –in searches and seizures for the CBC exercise are the irrelevant, immaterial and incompetent to the public exigency and the public nuisance and tort action and the public usage and the habitability restrictions and the common law prohibitive condition on the plain meaning of their literal construction. Additionally they substantiate the owners did not result in the alleged CBC violation. There are the two kinds of the CBC. No. 1 CBC is for the*

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<sup>2</sup> “Wilson V. city of Cincinnati” (Ohio 1976) 46 Ohio St.2d 138, 346 N.E. 2d 666

<sup>3</sup> 75 U.S. 412, 434,-35 n.l(1986)

<sup>4</sup> (R.C.3737.99)

<sup>5</sup> 464U.S.287(1984)

<sup>6</sup> 387 U. S. 541(1967)

<sup>7</sup> 333 U.S. 10. 13-14 (1948)

public exigency elimination in the CBC section 1101-57. and 1101-63.3 and 1101-63.4 and 101-57.6" etc. Under such good CBC, the city has to eliminate the public exigency straight away and put the elimination in the public record system. The owner pays the cost. Of course the other CBC is not for the public exigency on the face of its words. We call the No.2 CBC, as follows: *the CBC Sec. 1117-13. until 1117- 61.2. and "Sec. 1117-07.1 General and 1119.01.4 Scope" and "1119-01.5" stipulate that every portion of a vacant Lot and a vacant safe building and a historic existing residence have to be maintained in the perfect condition.* Such as: the indoor painting color, visibility of the home inside, interior walls peeling, unclean flaky, all accessory and appurtenant and trash, etc. The CBC enacted a sweeping set of the vague mandates for the comprehensive mandatory sanction. The city orders and indictments and "Case History Report" and the inspector speaking and the police report and the public record system **did not cite No. 1 CBC** and *always did quote the No.2 CBC. The city orders (E23 and E33) strikingly did account for the inspection purpose and the CBC' demand and norm and target: "regulate housing standards... and lead to an increase or stabilization of property values."* *After we filed the constitutional challenge, the city "Case History and Report" still repeated the orders same contents. Of course the CBC and its orders were the irrelevant and immaterial and incompetent to the public exigency and the public nuisance and the tort action and the habitability restrictions and the common law prohibitive condition and the public usage. The city documents never mentioned an evidence of the public exigency. The best evidence is the city never replied my conclusion. Undoubtedly the three times of break- in search and seizure did not obtain a public exigency evidence. On 10/5/07, police men Elsaesser Donald and Hill Derrick, supported the trespasser's break in and occupy the Race Building at the back of the city. The purpose is to obtain the alleged CBC violation evidence. After eight months, the city alleged to have the public exigency evidences. Our motions proved that the alleged evidences did not have the evidences acquirement exact date and the violation precise address and the particular describing concrete violation details supported by the oath. They and the orders and indictments have not the actual violation condition and degree and the precise violation address and the concerned CBC citation singal without an ascertainable adjudicative material fact for the guilty. All of them violated the CBC Sec. 1101-61. and Section 1101-61.1 Notice of Violations" and Amendment 4 and Ohio Const. §14. The prosecutor scared to reply who and when and how obtained the evidence in where for what kind of the CBC concerned. Undoubtedly the alleged evidences are the irrelevant, immaterial, incompetent. So no evidence proved the pretext of the breaking into inspection and seizure. Compared to the inside condition size, an outside door size to the inside size is a few ratio. If the inspection had been for the outside condition, the city would have not broken into search and seizure for the interior inspection. Thus the city orders never mentioned the outside condition. For the above, the orders of the Race property and the order cited CBC were for the interior decoration in the plain meaning of the concerned city documents, in addition is to alter the privacy without the public nature. "Courts across the country are increasingly scrutinizing the use of eminent domain to ensure that property is not taken for private purpose..... A public use is "one in which all the public has a right to demand and share..." "The use "must be more than a mere theoretical right to use. It must be an actual, effectual right to use."<sup>8</sup> An owner door always is locked without the open to the public. An appraiser doesn't need to inspect the two buildings inside for one building appraisement. Whatever any change of the inside privacy, it is impossible to affect any one interest and affect any building value. It is self-evident*

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<sup>8</sup> *Blanchard V. Department of Transp 798 A.2d 1119 Me., 2002.*

that a building inspection concerns the concrete building material. *The interior of the exanimate locked Race building and the unreasonable and arbitrary CBC target and norm and purpose and exercise were the irrelevant and immaterial and incompetent to the public exigency and the public nuisance and the tort action and the habitability restrictions and the common law prohibitive condition and the public usage. The legitimacy of any exercise of the police power had not a real and substantial relationship in a particular manner in the Race property and the public health, safety, morals or general welfare of the public. Therefore "Silverman V. United States"*<sup>9</sup> forbade infringing of the reasonable expectation of privacy. Const. § 19 and "Blanchard V. Department of Transp" ME CONST. art. I, §21;..."<sup>10</sup> "Wilson V. city of Cincinnati"<sup>11</sup> prohibited the CBC and the orders and the breaking into search and seizure and the CBC violation charges and convictions. Due to the CBC and its enforcement are the unreasonable and arbitrary to abuse the police power for the invasion of the public home privacy.

The CBC legislation and its exercise rescind the victimized owners property right without the due process procedure and violated the commerce clause and committed the common law cheat and are therefore invalid. When the effectiveness of the city issued building occupied certifications and the repair permit and the title and the city public record system continues, the buildings don't concern the any habitability issue. Thus the city has the moral duty and legal obligation to uphold its authorized permits authority. The city can't tear off its issued permits for the CBC exercise. Since the public record system is the best evidence. The city received the money for the administrative appeal application and the Race home repair permit application and the issued building occupied certificates and the issued Kemple house repair permit and the building titles. The certification and the permit and the title document are the commodity. To accept the money and to issue the repair permit are the service which is the commercial act. The law protects the consumer benefit and punishes the action to damage the consumer benefits. The obliges enjoy the consumer right under Commercial Law. The city has to guarantee its service and the service result. Otherwise the city has to compensate for its bad service and the worst merchandise. The above certificates prove the city did confer the exclusive property rights of the applicants. Thus the both parties have entered the commercial contract and have had the mutual right and duty and the longstanding business relationship. Hereof the concerned buildings had been occupied and continuance in enforce and the public record system proves the safe. The State implements the private ownership system against the socialist nationalization. Section 10 prohibited any state to "impairing the obligation of contracts,..."; as well as the impairing to the common assurance. Const. is the social contract. *The city refused the administrative appeal application without the return of the appeal fee payment. Cincinnati court intentionally prohibited to say the defense and the cross examination and forbade the jury trial for convictions. They scared to say the following: the target and norms and purpose of the unreasonable and arbitrary CBC and its orders are the irrelevant, immaterial, incompetent to the safety, morals or general welfare of the public and the public health under the aforesaid; they have not any public nature without a ground to use the police power; the city is like cheater; the CBC is like the trick by moniker of the law which is the worse than the unreasonable*

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<sup>9</sup> 365 U.S. 505 (1961)

<sup>10</sup> 798A. 2d 1119 Me., 2002

<sup>11</sup> (Ohio 1976) 46 Ohio St.2d 138

and arbitrary action. Thus Cincinnati city has no public power authorization to command the owner to correct the alleged building code violation in the historic continued occupied buildings and the vacant buildings. The CBC enforcement concerned the three substantial issues: 1) Whether the city can deprive people of the liberty and property rights for the uniform home norm without the privacy; 2) whether the city can annuls this court judgment to convict the historic existing vacant buildings owner for the city prescriptive united vacant building criteria; 3) whether the double conviction can enforce the historic existing building to keep the every position in the perfect condition.

All of my buildings are protected by the historic existing building code. The building record system and the continued occupied residence permit substantiate that the Race property was completed renovated and passed the inspection. The last inspection was 2006 autumn. Evidences 31 prove the Race property passed the Section 8 official annual inspection every year. It is self-evident that Race property is the historic existing building. Our former defense used the historic existing code and the historic conversation board inspector speaking verify that the historic existing building code protected my buildings and the victimized owners buildings against the charges. Cincinnati court and the city did not acknowledge the above. The current public record system proves the historic conversation board objected the city to destroy the Race property. The owner is qualified with the renovation grant. (Evidence is separated serviced). Otherwise the legislature did not need to enact the historic existing code and command a building inspector to seek the permit of the historic conversation board for my Race property. The Race property home is facing the famous time-honored historical Findlay Market area. The big monument of the market indicates its historic great significance. All of the surrounding buildings are the historic existing buildings. There many traditional shops are around the Race property. Thus the historic existing Race property is located in the national historic district and is protected by the historic existing building code. "If the validity of the legislative classification for zoning purposes be fairly debatable, the legislative judgment must be allowed to control."<sup>12</sup> Thus Race property' historic existing building status is confirmed. All of my property possess the same legal status and rights. The historical building with continued occupancy is exempt from the current fire separation building code and the CBC norms.

Everything has the two side. The historic existing buildings continue to be occupied. Every day they are used and worn. They can't keep every part in the perfect condition without the wearing sign, except to charge the expensive rent for the maintain fee. Since the ever-accelerated updating of science and technology, men abandon the last year cell phone. The others like the old phone. The some condition is like the historic existing buildings and the new buildings. The former inspector directors continually granted the occupied certificates. The owner went to the inspector office for the administrative exposition. The historic existing building inspector said he does not manage the inside condition. The two building inspector could not reply the interpellations. Thus the city refused the administrative appeal application without the application fee refund. Cincinnati court prohibited to say the motions that included the interpellations. Since the historic existing building code objects the CBC orders. According to municipal code Sec. 1201-23 Existing Buildings, Race property, as an Existing Historic Building, only needs to meet the minimum level of safety and does not need to comply with the alleged new building code. Pursuant to the CBC Sec. 1101-15.6, an building inspector does not have the historical conservation code authorization and does not have the qualification to force any owner to change the structure of the historical existing buildings. The city never strikes down the historic existing building code and never orders to abandon the historic existing buildings and never promulgates that all of the historic existing

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<sup>12</sup> Radice v. New York, 264 U. S. 292, 264 U. S. 294.

buildings should meet the new building norms. The historic existing building code and Const. Section 10 object the CBC. For the above, the validity of the legislature prescriptive historic existing *building criteria and the traditional facts and the historic existing building inspector speaking must be allowed to control* the historic existing building norms against the CBC standards. Hereby the CBC norms to the historic existing buildings are the illegal which is worse than the unreasonable and arbitrary.

All of the new erections need the construction license to meet the CBC criteria in advance. Thus a new building does not concern the CBC violation. All of my family buildings and the aggrieved owners building are not new buildings, so that the historic existing building code protects them too. Evidence 33 proves the city ordered to vacate my Race property. The double convictions to Race building owners were after the historic existing Race building was vacant and foreclosure. The courts prohibited my speaking. Due to refused to identify if I am owner or not. For the above same grounds, all of the vacant historic existing buildings also do not need to meet the CBC norms which every part of the buildings has to keep in the good condition. E.g. according to the Federalist Papers, the Gov. is not God and can't avoid the bad faith and misconduct, so that Const. does not believe the Gov.. Thus the Gov. every portion does not keep in the good condition. According to "fiction of law" that is same with the CBC, the Gov. should be demolished. The CBC demands all the vacant buildings and historic existing building have to keep every position to keep in good condition. Such demand is prohibited by the above law and private ownership system. If Cincinnati city had had power to alter a safe private home, the private ownership regime and administrative search warrant would have been of no value. If a private home can thus be seized and held and used in evidence against a free citizenry accused of an offense, the protection of Const. declaring his right to be secure against such searches and seizures becomes lip service. The city conduct was the invasion of an owner indefeasible right of personal security, personal liberty and private property and are circumstances of aggravation and are within the condemnation of Amendments 4 and 5 and Ohio Const. §14. Thus the CBC violations convictions to the vacant historic existing building owners and historic existing building damage the public interest and general welfare hereunder.

"An ordinance under review, as well as all similar laws and regulations, must find their justification in some aspect of the police power, asserted for the public welfare."<sup>13</sup>

Respecting, as we do, the legislative authority of the city council and its right to determine what ordinances shall be passed, yet when an act of such body is challenged we must determine whether the act conforms to rules of fundamental law designed to curb and check the unwarranted exercise of unreasonable and arbitrary power. With these principles in mind let us consider whether this ordinance bears a real and substantial relation to the health, safety, morals or general welfare of the public.<sup>14</sup>

Thus it is necessary to determine the scope of the inquiry and the appraisalment norm and verdict criterion. It is to be determined by considering the community character and history and the

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<sup>13</sup> VILLAGE OF EUCLID V. AMBLER REALTY CO., 272 U. S. 365 (1926).

<sup>14</sup> City of Cincinnati v. CORRELL No. 29230 Supreme Court of Ohio June 2, 1943 141 OhioSt. 535 40 N.E.2d 412

circumstances and the locality. The CBC needs to be appraised not for the city abstract statement, but for the helpful aid in the ascertaining definite concrete impact to the community people and the national interest. The legal necessary is to analyze the CBC legislative background and the concerned community background and the public great requirement and necessary to indicate how the CBC damaged the vital interests of the public and the general welfare and why the CBC enforcement obstructs the social development. The public is the best judge to appraise the legality of the CBC. Thus the court should consider the economic crisis impact to the community people and the community characteristic and its history feature. The public economic condition and requirement and necessary can work out the puzzle. The situation and the matters occur during the current economic crisis period. "Census data: US poverty rate hits 14 percent in 2009." Right now our country is already in \$11 trillion deficit. Many people are just not making enough to keep up with the cost of living and need the cheap rent. The plenty of people lost jobs and homes. Numerous of people can't find job over one year and can't get the free home remedy. Social welfare has an applicant qualification limitation and the period limitation without the free housing supply. Thus the many people have not been qualification or are the welfare aid expires. Social welfare and the shelters can't possibly satisfy the needs of the most homeless family requirements. Apart from summer, numerous singles are waiting a bed of the shelter. For their families, the belt-tightening is about subsistence. Their dream is to keep the roof over the heads of the baby and kiddy. Since the rent for the perfect condition building is expensive. They are longing for the affordable rent and absolutely have not an ambition of the expensive rent for the perfect condition in every part. In current economic crisis, National revenue increase and the survival of the owners and tenants are of overriding importance. For the above, the affordable rent, along with food is the great necessary of the public. The affordable rent of the historic existing buildings is the public big requirement. The enforcement of the CBC is the important reason to cause 14% vacant buildings. A large shelter and a free food bank plus three free lunch places have been around Race building. Race home community has the plenty of the historic existing building with the aforesaid rent. The eight bus lines and many shops are around the Race home. The community people do not need a car. Hereby the young and elderly couples, single persons and large growing families and the lower and moderate income people and the pauper have lived there for ages. Proletariat and unemployed people are mostly color people. The unemployment rate of the community was over 30%. The public housing and land tax payment are the stability economic source for the local education fee and the public business...etc. It is undeniable that the real estate economic change affect the at least 1% undulation of the gross national produce (GNP), so that our Congress used new law and an enormous sum of money to helps the owners and the real estate economic development. Housing Assistance and Administration Urban Development Act and housing subsidy **reflect that the federal Government helped the public to have housings; additionally reflect that the municipality has the unshakable duty to presumptively make realistically possible an appropriate variety and choice of housing for the general welfare. The municipality, by its Building Code, can't foreclose the opportunity of low and moderate income housing and the unemployed people housing, and its regulations must affirmatively afford that opportunity. These obligations must be met unless the municipality can meet the heavy burden of demonstrating a compelling substantial city interests and the alternative options and a legitimate concrete legislative fact for the CBC constraint, which dictate that it should not be required to do so. The proper provision for adequate housing for all types of people is an absolute essential in promotion of the general welfare. There is a unshakable**

**obligation that each municipality should affirmatively provide and ensure, by its ordinance, the reasonable enough opportunity for an appropriate variety and choice of housing, including low and moderate cost housing and the affordable housing. It can't adopt the any ordinance, which precludes that opportunity.**

So the abolition of the public requirement profoundly damages their vital interest and the general welfare as follows. The import background is Gov. employees have the stability higher salary than the most mass. Their homes meet the CBC requirement by their money with easy. But the many people have no money. They can't use their bread and butter to meet the CBC demands provided money assistant. "A nuisance may be merely a right thing in the wrong place -- like a pig in the parlor instead of the barnyard. If the validity of the legislative classification for zoning purposes be fairly debatable, the legislative judgment must be allowed to control."<sup>15</sup> Different people have the different home.

There is no denying that every owner has an ambition of the perfect home for the enjoyment and the highest net asset value. Thus the CBC requirement and any owner' hope are the same. Of course an owner did the best to meet the CBC orders requirement. The issues are the time and money. The ruling supports the city to waste the much money like water to kill cow without milk (housing and land tax). The CBC target and purpose and enforcing way and aftermath are abound in the city bad faith. The bad faith embodied in the CBC legislation and enforcement. This is the main reason to damage the public equal survival basic that is worse than the damaging the general welfare.

The CBC has the multitudinous mandamus that "every part of a building and a lot shall be maintained in good repair." The sweeping overabundance commands abound in the CBC and its order. The CBC orders consummation was too accelerative to complete within the half year. Within the half year, it is impossibility to complete the CBC multitudinous mandamus. A repair permit is the twelve months. The CBC has not the postponement clause. The city always refuses to delay the orders enforcement. The unreasonable arbitrary rejection damages the public vital interest. Due to the CBC is not military law. The correction of the CBC violation isn't emergency and isn't contradictions between enemies and people. Our defense and other owners defense construed the law and the owners postponement requirement and "Brandeis Brief" fact from the initial. The postponement clause and the constitutional process and the alternative option(sale of the building) do not affect the building management. The maximum deal is to delay the time. But the CBC does not contain the postponement clause. The city always refused the postponement application. The CBC legislature and enforcement sidestep the due process dictate. The CBC annuls the judicial review and the administrative appeal substance without the orders postponement clause and the negotiation possibility. The abolition embodied in the original breaking into search and seizure and the consecutive due process dictate violations hereunder. The public has no chance to require the postponement and the sale of the home... My couple charges were less than the half year from the order issued date until the charge date. The repair permit grants one year. New Jersey Gov. ordained the postponement clause without any limitation and prohibition and enacted the inviolable procedure of judicial review and administrative appeal. I never **heard the lawsuit so far**. On the contrary, the city stubbornly insisted to strike down all of the law and judgments for the CBC exercise on the face of the CBC words and in the routine practice. The

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<sup>15</sup> *Radice v. New York*, 264 U. S. 292, 264 U. S. 294.

constitutional master conditions are worse than the black slaver. Since if a slaver had not the shelter, he would have not worked for the slaveholder. The city destroyed the plenty of the owners homes without the due process procedure. *Such lacks of the postponement and the due process procedure authorize an executive personnel unrestricted and arbitrary discretion for the discretionary enforcement of the CBC in an arbitrary and different manner. Substantially the city deliberately strikes down the historic existing building code for the racial segregation.*

The CBC order imposed the impermissible heavy financial burden and the much psychological burden to the owners against their volition. The corrections for the overabundance CBC violations need the plenty of money. Numerous of money and time as well as are indispensable to maintenance in good repair. The total cost burden is the overburden which is much over the limited rent income and the building purchase down payment and beyond the victimized owners financial ability and plan without any gain in income. *The double convictions* enforced the interior decoration at the owner cost. The orders requirement are the so comprehensive that the owner could not afford the cost. An owner is confronting the increasingly fierce social competition to hold his job and home existence. Many companies do not allow the criminal charge procedure or record. The comprehensive impracticable mandatory urgent orders disrupted the middle class priority and resources to focus time and energy on the job or the business for survival. The owners limited time and money were depleted through the too much decorating and the criminal litigation produce. The criminal procedure is punishment. The endless seizures and the double penalties procedures generated the irreparable great injury to the owners. The owner lost the job without the acquisition a normal job possibility and lost the all of the buildings and investment. In fact and effect to buy a home caused fire to burn the owner everything and health. At last , the building is the shortcut sale, even no people to buy. The building value is less than 10% purchase price. Since the too much building are the shortcut sale and the buyer scare the CBC violation charge. The city could not deny the CBC bounds in the discriminative clauses. The city could not possibly show a compelling substantial city interests and the alternative options and a legitimate concrete legislative fact for the CBC constraint. Thus the city stubbornly threw good money after bad money to kill cow without milk (property tax). The CBC exercise can't possibility substantially advance legitimate Gov. interests without a beneficiary. The owners loss is much beyond the orders benefit. If the building overbroad management demands deny the economically viable use of an owner building, the building management becomes actual expropriation and violation of the Fifth Amendment according to the principle of "Hotel & Motel Ass'n of "Hotel and Motel Ass'n of Oakland V. City Oakland"<sup>16</sup> Thus the city deprived the owners of the buildings economically viability and property interests and generated the unconstitutionally taking of the properties and economic viability under violation of the above law. The property tax is for the public education system fee and the public business.... The property tax loss damages the public welfare.

The CBC and orders conflict with the aforesaid provisions and are prohibited by the provisions and private ownership system. The Imposition of the double penalties upon the owner 's failure to use his time and money for the city illegal order's requirements violated the above provisions and the obliee' property right and liberty right under the Amendment 4<sup>th</sup> and 14<sup>th</sup>. E.G. the city convicted people for their rejection of the up to date garments(to perfect home). By simply giving the law moniker, the city annuls the property right law and the people property right. In deed the city destroys the people shelter and usurps their property. The equivalent of the orders fairly is that the double convictions enforce the

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<sup>16</sup> 344F. 3d 959 C. A. 9(Cal. )

owners to make the involuntary payment and involuntary servitude for the city aspiration and demands against the obligee volition without a little reduction. So Ohio Const. §6 prohibits such condition: "...nor involuntary servitude, unless for the punishment of crime." Visibly the CBC is like the slaveholder lynch law before the Civil War. But a slaveholder is better than the city ruler. If a slaver had lost the shelter and the bread, the slaver would have not worked for the slaveholder. However the different people have the different eyes and the varied requirement for the interior design of the different homes. E.G. "abstract art" or "non-figurative art" or "expensive break clothes" or "nonobjectivism painting" belong to the different aesthetics concepts. The aesthetics concept for the interior of a home is subjective spirit quality and exists the multiformity. The different people grow up in the different home. A home always involves the darlings and the complex emotional honey feeling memory from the birth just like the mother food that is the great favor. In a sense, the home embodies the mortal right to personal existence and freedom and the personal enjoyment habit and the culture religion( faith) and a different civilization art and is like the body part rather than money. Although the historic existing buildings do not meet the CBC requirement, yet the public grows up there. There is no place like home. Home is where the heart is. The uniform No.2 CBC requirements denies the people individual private requirement. In 1050-1960, the city evicted the color people. The purpose is to attract the rich white men. But attract nothing. Because they have money to live in the perfect condition house and prefer not to move in the national historic area building for the save of money. When the historic existing building tenant becomes the rich, he certainly moves out to the rich people area. When a rich area resident loses the job, he has to move in the historic existing building. If No.2 CBC did not exist, the owner damage would be avoided. The owner has the enough time to apply the loan to meet the CBC requirement and obtains the vendibility of his building highest. Since the CBC violation charge obstructs the loan grant and deter the prospective buyer. Now the city alleges the poor. If the court suspends the CBC to comply the uniform law, the city will save the too much lawsuit fee.

In fact the city sets store exanimate building small repair, absolutely regardless of people survival, **value, and dignity**. Essentially the CBC prohibits the inexpensive house subsistence, regardless of the survival necessary of the poverty class and the unemployed people. The inspector evicted our tenants without a warrant in winter. The tenants had to waste the much time and money for the relocation. The some tenants become the homeless. Really the city annulled the usufruct of the usufructuary without the due process procedure and harms the usufructuary benefits. The city' conducts and desire and intent excluded the owners and their tenants from living in the city. But they aren't the only category of persons barred from many municipalities by reason of restrictive similar regulations. We have reference to the poverty class in the other areas. The court should, therefore, consider the case from the wider viewpoint that the CBC execution has been to prevent various categories of persons from living in the city because of the limited extent of their income and resources or believed social incompatibility. Actually the city did not allow the historic existing building existence. The historic existing buildings rent is the lower than the rent for the new building at perfect condition. The public likes the affordable housing and can't possibility pay the expensive rent for the apartment at perfect condition according to the above mentioned analysis. The courts judges have the stability higher salary, they do not know the poor people requirement. A man can do no more than he can. The movie star housing is the perfect condition and needs \$8000. maintainable fee and tax and utility fee and gas fee and clean fee. Can a

judge live in there? Will be the judge evicted? The community unemployed-rate is higher than US average unemployed rate . They hav not income. The judges support the city to usurp their children bread money for the CBC requirement; in addition prohibit them liberty living in their homes.

Why did the city waste the money like water to evict the owner and tenant? *The constructive fraud and the constructive malice are for the racial segregation.* The history is the mirror. In 1950-1960, the city evicted the several thousand color people out of the Race building community and other area. But no white moved in there. Although I and other attorney have attacked the CBC. The city still has enforced the CBC so far. Since the unconstitutional vague CBC authorized the city unrestricted discretion and the discretionary enforcement of law in an arbitrary and different manner for the racial segregation. The many victimized owners and tenants will file the constitutional challenge against the racial segregation. The centre issue is that the courts support the city to annul the uniform criminal law and property right law for the executive branch management privilege over law. Actually all of them knew my defense is the perfect. They scare the people to know the true law. Thus they entirely betray their office oath without the fig leaf. The CBC and its orders are presumptively contrary to the legislative purpose and the police power jurisdiction and the above constitutional statute provisions for the ~~discrimination racial eviction. The CBC and its enforcement deny Const. guarantee Liberty and property~~ right. The public has no liberty right to live in the home. People have to donate time and money for the uniform interior norm. The phrase "property rights" as a term used in this Law refers to the exclusive right enjoyed by the obligee to directly control specific properties including ownership, usufructuary and security right in property rights. Essentially the CBC exercise is desuetude of the property ownership and extinction of exclusive property utilization and disposition rights against the title deed and private ownership regime protection. It is the similar possessory action. (possessorium). The CBC is not exercise of powers of local self-government within the constitutional provisions conferring authority. *The CBC is the invasion of people indefeasible rights of personal liberty, personal security.* The liberty and property right belong to Amendment 4<sup>th</sup> and 14<sup>th</sup> right. Amendment 14<sup>th</sup> prohibits any state law to deprive people of the liberty and property rights. The CBC openly denied the Amendment 4<sup>th</sup> and 14<sup>th</sup> . The municipality uses the state's police power for the inspection entrance and the CBC enforcement. All police power enactments must conform to state constitutional requirements of the substantive due process and equal protection of the law. Any ordinance must promote the general welfare. The CBC enforcement damaged the general welfare and the public survival basic and equal survival right without the public nature by the abuse of the police power. So it should be annulled according to "Anderson v. City of Issaquah." 17 *The abuse of the police power for the short cut enjoyment abound in the CBC legislature and the whole CBC exercise way and the CBC demands and criteria, target and purpose. The legitimacy of any exercise of the police power for the interior privacy change didn't bear a real and substantial relationship with a particular manner in Race home and the public requirement. Thus the above law prohibits the CBC and the order. The unconstitutional vague CBC is the unreasonable*

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<sup>17</sup>: 70 Wash. App. 64. 851 P. 2d 744 (1993)

*arbitrary for the racial eviction.* The CBC and its orders violate the first essential of Due Process law. They have not the accurate architectural norm for correction and haven't an ascertainable adjudicative material norms for guilty. E.G no concrete correction period and the architectonic norm... Essentially the city created the novel criminal law for the CBC enforcement. The evidences are the indictments which were the same with the orders in the court record system. ... The detail is in the previous defense. The previous defense proves the CBC sidesteps the due process dictate and the city usurps the Congress power to enact the CBC. The unconstitutional vague CBC lacks the postponement clause and are for the unreasonable arbitrary racial eviction. *The traffic ticket process has the judicial review. The CBC order has not the judicial review procedure.* The CBC has not the judicial review system and the administrative appeal guarantee regime. The courts entirely suppressed the due process procedure. Thus the CBC is the invincible position so far. Since the city uses the police power through the CBC exercise, so that the city has to show the relation between the CBC enforcement and the public health, safety, morals or general welfare of the public. The city fails to do so and never reply the constitutional challenge for 4 years. *My application already used much law to prove the city violated the due process dictate for the abuse of the police power through the CBC enforcement. E. G. the CBC words, inspection, the minor misdemeanor charges notice service and the CBC violation conviction norm and the CBC violation sentence. The above violation existence prove the courts entirely strikes down the rule by law without fig leaf.* Hereby the CBC has the unconstitutionally abuses the police power in the legislature and the criminal definition and charge norm and sentence standards. *The unconstitutional CBC unscrupulously commands to overturn the existing legal system and courts authority with the immunity.*

***“Cincinnati Building Code (CBC) Sec. 1109-19. Severability. Should any section or provision of Chapter 1109 CBC be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of Chapter 1109 CBC as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ordained by Ord. No. 164-2004, eff. May 5, 2004)”***

*The courts supported the city to destroy my health and the big business, but they can't possibly destroy my used law. They scared the public to know my used law, so that they deprive me of all defense rights. They can't prohibit the media and the internet to report such news. They can't prohibit the public to believe my used law. My case history is like the normal abolition of the racial discrimination in 1960. I believe more and more people will support and respond the justice call. At last the history will liberate all of the aggrieved owners from the guilt. I have to call Long live Constitution!*

I need the mediation and apply to suspend the concerned CBC until it not conflicting with Ohio Const. If the court can reopen the case, I will have the attorney to prepare the perfect document and for the mediation. The public need the liberation from CBC violation conviction. I need the remedy and the liberty living right. Evidence is included.

Applicants: Chong Hao Su

Applicants: Signature: 苏崇豪 [suchong5@gmail.com](mailto:suchong5@gmail.com)



Some concerned Cincinnati Building Codes.

*The following Cincinnati Building Code can save the court time. In case the city omits the some CBC, I can find in a library and the ordinance register office. However the prosecutors never have denied the concerned CBC so far.*

*The CBC Sec. 1101-51. Penalties. 1101-51.1 Violation of this code; Except as provided in 1101-51.2 CBC, any person, being the owner, agent, or having control of any building or premises, who violates any provision of this code, or **fails to obey any order** of the director of buildings and inspections or his duly authorized agent, **shall be guilty** of misdemeanor of the first degree. **Each and every day** on which such person continues to violate any provision of this code **after having once been notified of such violation shall constitute a separate offense.***

*1101-51.2 Violation of § 1101-69 CBC: Whoever violates § 1101-69 CBC shall be guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense. **Each day and every day after the effective date of the vacation notice that such dwelling unit is occupied shall constitute a separate offense. Any fine hereunder shall be mandatory.***

*1101-51.4 Accessories: Any person, being the owner, agent, or having control of any building or premises, architect, engineer, contractor, builder, subcontractor, foreman, mechanic, employee, or other person who shall assist in the violation of this code or of any certificate, order, or permit issued thereunder shall be guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense. (Ordained by Ord. No. 67-1996, eff. Apr. 5, 1996)*

*1101-81.2.1 Notice of appeal: ...If the appeal is based on a modified application or alternative arrangement, the notice shall describe the modified application or alternative arrangement that can be put into effect **without defeating** the public safety, health, and general welfare purpose and **intent of the provisions of the CBC and OBC.***

*1101-81.1 Written Determination by the Director: 1121-17.2 Appeals from Determinations Made by the Director of Buildings and Inspections: Determinations made by the director of buildings and inspections pursuant to this chapter may be taken to the board of building appeals as provided by § 1101-81 CBC. (Ordained by Ord. No. 370-2001, eff. Dec. 27, 2001)*

*101-81.2.4 Grounds for appeal: An appeal shall be based on one or both of the following grounds: (2) That a modified application or alternative arrangement is available and feasible where by the strict application of a particular provision or provisions may be modified without defeating the public safety, health, and general welfare purpose and **intent of the provisions of the CBC and OBC** and without permitting or constituting a provision for safety or sanitation which would be, or is less safe or sanitary than is required by the Ohio Building Code.*

*Sec. 1101-71. Failure to Comply With Orders. 1101-71.1 General: If, after service of any lawful order from the director of buildings and inspections, the owner, agent, contractor or other person responsible for the work or violation refuses to comply with such order or does not comply within the period stated in the order of notice, such failure to comply shall constitute a misdemeanor of the first degree punishable as provided for in*

this Code. (Ordained by Ord. No. 67-1996, eff. Apr. 5, 1996) 1101-77.3 *Non-Compliance*: If the owner of a building ordered vacated or kept vacant by the director of buildings and inspections fails to comply with § 1101-77.1 CBC within the time allotted, or having applied for a vacated building maintenance license fails to cause the premises to conform to the minimum standards of safety and structural integrity set forth in § 1101-79.4 within 60 days of the application date, or fails to renew the license prior to the annual renewal date or due date, the director may charge the owner or person in control with failure to comply with orders pursuant to § 1101-71 CBC and take other action as authorized by the CBC. The annual renewal date shall be the anniversary of the date notice of violation is given pursuant to Section 1101-61 CBC wherein the building or portion thereof was initially ordered to be vacated or kept vacant.

Applicants: Chong Hao Su

Applicants: Signature: 苏崇豪 [suchong5@gmail.com](mailto:suchong5@gmail.com)



THE CERTIFICATE OF THE SERVICE

I, Chong Hao Su service the concerned documents to the city prosecutor office in  
the Cincinnati city hall in 801 Plum street Cincinnati city Ohio 45202 by the  
general mail.

APPLICANT: Chong Hao Su

Applicants: Signature: 苏崇豪

A handwritten signature in black ink that reads "Chong Su". The signature is written in a cursive, flowing style.

Month April / Date 28 /2011

Clerk of Court

Supreme court of Ohio

65 South Front St., 8<sup>th</sup> Fl.,

Columbus Ohio 43215-3431