

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

April 11, 2012

The Fair Housing Board Meeting was held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

Phyllis Randall, Chair  
F. Thomas Eck, IV, Vice-Chair  
David Rubinstein  
Matthew K. Kim  
Rosemary Wilson  
Thomas Gifford  
Bob Boynton  
Jim Ginnell

The following Board members were absent: Linda Broady-Myers  
Francis Stevens  
Andrew Reisinger  
Jeffrey Adkins

DPOR Staff present for all or part of the meeting included:

Christine Martine, Executive Director  
Liz Hayes, Fair Housing Administrator  
Deanda Shelton, Assistant Fair Housing Administrator  
Emily Trent, Administrative Assistant  
Angela Keefe-Thomas, Fair Housing Investigator  
Matt Vincent, Fair Housing Investigator  
Trudy Miller, Fair Housing Investigator

Tom Payne, Assistant Attorney General with the Office of the Attorney General, was present.

Chair Randall called the meeting to order at 10:00 A.M. **Call to Order**

A motion was made by Mr. Boynton and seconded by Ms. Wilson to approve the Agenda. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson. **Agenda**

A motion was made by Ms. Wilson and seconded by Mr. **Minutes**

Eck to approve the February 15, 2012, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

There was no public comment.

Liz Hayes updated the Board on the current investigative case load.

In the matter of **FHB File Number 2010-00882, Jody Nescola v. Samuel and Gail Long**, the case was deferred to the June 14, 2012, Fair Housing Board meeting in order to obtain additional information.

In the matter of **FHB File Number 2011-02837, Brian Tatum v. John Vanevander**, the case was deferred to the June 14, 2012, Fair Housing Board meeting.

In the matter of **FHB File Number 2011-03039, Katherine and David Zichichi v. John T. Hopkins and John T. and Ruth Hopkins Revocable Living Trust**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, and Official Consultation Memorandum from the Office of the Attorney General. Katherine Zichichi, complainant, was present and addressed the Board.

At 10:17 A.M., Ms. Randall offered a motion which was seconded by Mr. Boynton, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Liz Hayes and Trudy Miller.

This motion is made with respect to the matter(s) identified as agenda item(s):

**8. FHB File Number 2011-03039, Katherine and David Zichichi v. John T. Hopkins and John T. and Ruth**

**Public Comment**

**Fair Housing  
Administrator's Report**

**FHB File Number 2010-00882, Jody Nescola v. Samuel and Gail Long**

**FHB File Number 2011-02837, Brian Tatum v. John Vanevander**

**FHB File Number 2011-03039, Katherine and David Zichichi v. John T. Hopkins and John T. and Ruth Hopkins Revocable Living Trust**

**Closed Session**

### **Hopkins Revocable Living Trust**

At 10:30 A.M., a motion was made by Mr. Eck and seconded by Mr. Rubinstein that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

### **Certification**

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 8-0

AYES: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Adkins, Broady-Myers, Reisinger and Stevens.

In the matter of **FHB File Number 2011-03039, Katherine and David Zichichi v. John T. Hopkins and John T. and Ruth Hopkins Revocable Living Trust**, a motion was made by Mr. Rubinstein and seconded by Mr. Boynton to find reasonable cause that the Respondents discriminated against the Complainants by refusing to rent; imposing discriminatory terms and conditions on the rental of the dwelling and refusing to make reasonable accommodations

**FHB File Number 2011-03039, Katherine and David Zichichi v. John T. Hopkins and John T. and Ruth Hopkins Revocable Living Trust**

based upon disability. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

In the matter of **FHB File Number 2012-01011, Evelyn Armstrong and Bobby Canada v. David Merryman**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Evelyn Armstrong and Bobby Canada, complainants, and David Merryman, respondent, were present and addressed the Board. A motion was made by Mr. Ginnell and seconded by Ms. Wilson to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

**FHB File Number 2012-01011, Evelyn Armstrong and Bobby Canada v. David Merryman**

In the matter of **FHB File Number 2012-00920, Teri Southall v. Salem Fields Townhomes, LP**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Wilson and seconded by Mr. Gifford to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

**FHB File Number 2012-00920, Teri Southall v. Salem Fields Townhomes, LP**

In the matter of **FHB File Number 2012-00646, Teshura Kee v. Bank of America**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Eck and seconded by Ms. Wilson to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

**FHB File Number 2012-00646, Teshura Kee v. Bank of America**

In the matter of **FHB File Number 2012-00644, Annette Donigan v. James Crossing, LP**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, and Supplemental Final Investigative Report. A motion was made by Ms. Wilson and seconded by Mr. Gifford to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

**FHB File Number 2012-00644, Annette Donigan v. James Crossing, LP**

In the matter of **FHB File Number 2012-00974, Brenda Yancey v. Dawn Albert, Rock Creek, LC and Oliver Properties, LLC**, a motion was made by Mr. Rubinstein and seconded by Mr. Boynton to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

**FHB File Number 2012-00974, Brenda Yancey v. Dawn Albert, Rock Creek, LC and Oliver Properties, LLC**

In the matter of **FHB File Number 2011-02477, Housing Opportunities Made Equal of Virginia, Inc. v. Gaslight Properties, LLC, Space Properties, LLC, Robert Owens and Richard Owens**, a motion was made by Mr. Rubinstein and seconded by Mr. Boynton to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

**FHB File Number 2011-02477, Housing Opportunities Made Equal of Virginia, Inc. v. Gaslight Properties, LLC, Space Properties, LLC, Robert Owens and Richard Owens**

In the matter of **FHB File Number 2011-02870, Housing Opportunities Made Equal of Virginia, Inc. v. Space Properties, LLC, Hopkins Land Company, LLC and Robert Owens**, a motion was made by Mr. Rubinstein and seconded by Mr. Boynton to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

**FHB File Number 2011-02870, Housing Opportunities Made Equal of Virginia, Inc. v. Space Properties, LLC, Hopkins Land Company, LLC and Robert Owens**

In the matter of **FHB File Number 2012-01756, Elaine Faye Walker v. Westgate Resorts, Ltd., Westgate Resorts, Ltd., LP, and Nicole Williams**, a motion was made by Mr. Rubinstein and seconded by Mr. Boynton to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

**FHB File Number 2012-01756, Elaine Faye Walker v. Westgate Resorts, Ltd., Westgate Resorts, Ltd., LP, and Nicole Williams**

In the matter of **FHB File Number 2009-04395, JoAnn and John Womack v. James Berry and Estate of W.P. Beard**, a motion was made by Mr. Boynton and seconded by Ms. Wilson to approve the terms of the settlement as presented. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

**FHB File Number 2009-04395, JoAnn and John Womack v. James Berry and Estate of W.P. Beard**

A motion was made by Mr. Eck and seconded by Mr. Boynton to accept the April 11, 2012, Education Committee report as presented. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

**Administrative Issues**

Tom Payne gave the Board an update on pending litigation. No action was taken by the Board.

**Old Business**

At 11:07 A.M., Mr. Eck offered a motion which was seconded by Mr. Boynton, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne and Liz Hayes.

**Closed Session**

This motion is made with respect to the matter(s) identified as agenda item(s):

**Old Business - Litigation Report**

At 11:19 A.M., a motion was made by Mr. Eck and seconded by Mr. Boynton that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

**Certification**

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public

business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 8-0

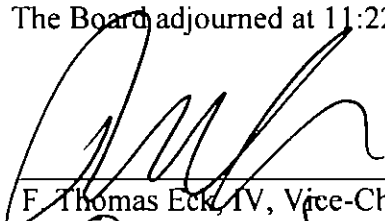
AYES: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

NAYS: None.

ABSENT DURING THE VOTE: None.

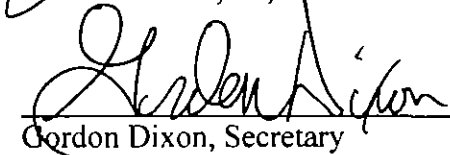
ABSENT DURING THE MEETING: Adkins, Broady-Myers, Reisinger and Stevens.

The Board adjourned at 11:22 A.M.



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F. Thomas Eck, IV, Vice-Chair



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Gordon Dixon, Secretary

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Rosemary Wilson  
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board  
(Name of Board)
4. Meeting/IFF Date: April 11, 2012  
(Date)

5. I have a personal interest in the following transaction:

\_\_\_\_\_ (Agenda Item)

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

\_\_\_\_\_

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

Rosemary Wilson  
Signature

4/11/12  
Date



**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Phyllis Randall  
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board  
(Name of Board)
4. Meeting/IFF Date: April 11, 2012  
(Date)

5. I have a personal interest in the following transaction:

\_\_\_\_\_  
(Agenda Item)

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

Phyllis Randall  
Signature

April 11, 12  
Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: David Rubinstein  
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board  
(Name of Board)
4. Meeting/IFF Date: April 11, 2012  
(Date)

5. I have a personal interest in the following transaction:

\_\_\_\_\_  
(Agenda Item)

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

\_\_\_\_\_  
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

David Rubinstein  
Signature

4/11/12  
Date

STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: F. Thomas Eck, IV  
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board  
(Name of Board)
4. Meeting/IFF Date: April 11, 2012  
(Date)

5. I have a personal interest in the following transaction:

\_\_\_\_\_  
(Agenda Item)

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

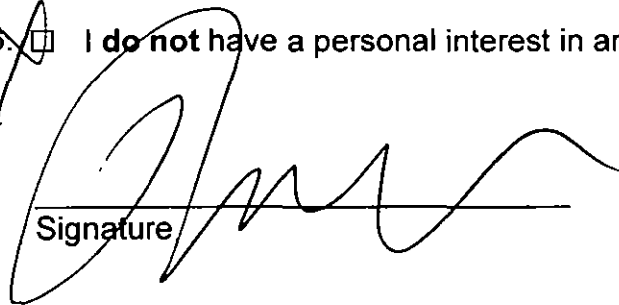
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

Signature



Date

4/11/2012

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Thomas C. Gifford  
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board  
(Name of Board)
4. Meeting/IFF Date: April 11, 2012  
(Date)

5. I have a personal interest in the following transaction:

\_\_\_\_\_  
(Agenda Item)

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

  
Signature

4/10/12  
Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Matthew K. Kim  
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board  
(Name of Board)
4. Meeting/IFF Date: April 11, 2012  
(Date)

5. I have a personal interest in the following transaction:

\_\_\_\_\_  
(Agenda Item)

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

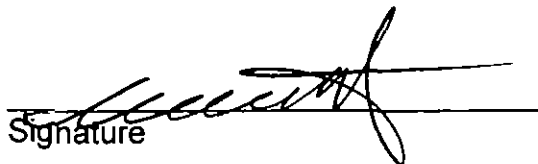
\_\_\_\_\_  
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

  
Signature

\_\_\_\_\_  
Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Bob Boynton  
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board  
(Name of Board)
4. Meeting/IFF Date: April 11, 2012  
(Date)

5. I have a personal interest in the following transaction:

N/A  
(Agenda Item)

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

N/A

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

N/A

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6.  I do not have a personal interest in any transactions taken at this meeting.

Robert A. Boynton  
Signature

April 11, 2012  
Date

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Jim Ginnell  
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board  
(Name of Board)
4. Meeting/IFF Date: April 11, 2012  
(Date)

5. I have a personal interest in the following transaction:

\_\_\_\_\_  
(Agenda Item)

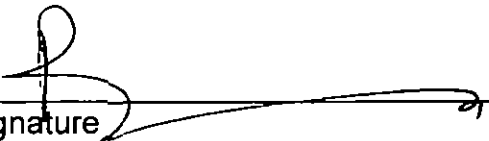
Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

\_\_\_\_\_

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6.  I **do not** have a personal interest in any transactions taken at this meeting.

  
Signature

4/11/12  
Date