

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

April 11, 2007

The Fair Housing Board Meeting was held at the Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia. The following Board members were present:

**David B. Rubinstein, Chairman
Jeffrey Adkins
Cynthia Clare
Penny Johnson
Martin Maples
Robert Ruais**

The following Board Members were not present: Neil Bhatt, Laura Dupuy, Mark Berven, Rhonda Harmon, and James Schuyler

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

**Jay DeBoer, Director
David Ashe, Chief Deputy Director
Karen O'Neal, Deputy Director
Liz Hayes, Fair Housing Administrator
Christine Martine, Executive Director
Chris Olson, Administrative Assistant
Deanda Shelton, Assistant Fair Housing Administrator
Trudy Miller, Fair Housing Investigator
Angela Keefe-Thomas, Fair Housing Investigator
Karen Taylor, Fair Housing Specialist
Arthur Ryan, Fair Housing Investigator**

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

Chairman Rubinstein called the meeting to order at 10:10 AM.

Call to Order

A motion was made by Ms. Clare and seconded by Mr. Maples to approve the Agenda. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

Agenda

A motion was made by Mr. Maples and seconded by Mr. Ruais to approve the following minutes: February 7, 2007, Fair Housing Board Meeting. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

Minutes

No one addressed the Board during the Public Comment period.

Public Comment

Liz Hayes updated the Board on the current investigative case load. No action was taken by the Board.

**Fair Housing
Administrators Report**

Ms. Hayes introduced Arthur Ryan as the new Fair Housing Investigator.

In the matter of FHB File Number 2005-04587, Victor Valerio and America Mogolon v. Chase Manhattan, the Board agreed without dissent to defer this matter to their next scheduled Board meeting to allow staff the opportunity to collect additional information.

**FHB File Number 2005-
04587, Victor Valerio
and America Mogolon v.
Chase Manhattan**

In the matter of FHB File Number 2006-03767, Carolyn Westbrook v. Beverly Hills, Inc., Wilton Properties, Inc., Pam Proffitts and Tyler Wiloughby, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Grimes Creasy, Attorney for the respondents, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

**FHB File Number 2006-
03767, Carolyn
Westbrook v. Beverly
Hills, Inc., Wilton
Properties, Inc., Pam
Proffitts and Tyler
Wiloughby**

In the matter of FHB File Number 2007-01675, Rosa Black v. CTX Mortgage Company, LLC, 2728 Holding Corporation d/b/a Centex Homes, Timothy Eller, Lori Jenkins, Deb Pearson and Julie Cook, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Maples and seconded by Mr. Ruais to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

**FHB File Number 2007-
01675, Rosa Black v.
CTX Mortgage
Company, LLC, 2728
Holding Corporation
d/b/a Centex Homes,
Timothy Eller, Lori
Jenkins, Deb Pearson
and Julie Cook**

In the matter of FHB File Number 2007-02021, Jeff and Elizabeth Crawford v. Mark K. Reeter, William E. Cole and Jerry L. Jones, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Jeff Crawford, the complainant, was present and addressed the Board. A motion was made by Mr. Maples and seconded by Mr. Adkins to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

FHB File Number 2007-02021, Jeff and Elizabeth Crawford v. Mark K. Reeter, William E. Cole and Jerry L. Jones

In the matter of FHB File Number 2007-00715, Linda and Ricky Sweeney v. Ellis and Ingeborg Holloway, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Ricky Sweeney, the complainant, and Scott Kezman, Attorney for the respondents, were present and addressed the Board. A motion was made by Ms. Clare and seconded by Ms. Johnson to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

FHB File Number 2007-00715, Linda and Ricky Sweeney v. Ellis and Ingeborg Holloway

In the matter of FHB File Number 2006-04239, Etta Stephenson and Gerald Gennarelli v. Teresa Shaw, Marsh Run Manufactured Home Community and Lautrec, Ltd., the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Yoora Pack, Attorney for the respondents, was present and addressed the Board. A motion was made by Mr. Ruais and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

FHB File Number 2006-04239, Etta Stephenson and Gerald Gennarelli v. Teresa Shaw, Marsh Run Manufactured Home Community and Lautrec, Ltd.

In the matter of FHB File Number 2006-04197, John and Susan DeHart v. Jack (John) Lewis, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Official Attorney General Memorandum. Jack Lewis, the respondent, was present and addressed the Board. A motion was made by Mr. Ruais and seconded by Mr. Maples to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

FHB File Number 2006-04197, John and Susan DeHart v. Jack (John) Lewis

In the matter of **FHB File Number 2006-00801, Kyle Moore, Wendy Moser, and Justin Hyler v. Glenwood D. Howerton and Linda Howerton**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Official Attorney General Memorandum. Glenwood Howerton, the respondent, was present and addressed the Board.

FHB File Number 2006-00801, Kyle Moore, Wendy Moser, and Justin Hyler v. Glenwood D. Howerton and Linda Howerton

At 11:07 AM. Ms. Clare made a motion which was seconded by Mr. Maples, that the Board recess and the 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, David Ashe, and Liz Hayes,.

Closed Meeting

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

24. FHB File Number 2006-00801, Kyle Moore, Wendy Moser, and Justin Hyler v. Glenwood D. Howerton and Linda Howerton

At 11:20 AM., a motion was made by Ms. Clare and seconded by Ms. Johnson 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 and 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: 6-0

AYES Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein

NAYS: None

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: Bhatt, Berven, Dupuy, Harmon,
and Schuyler

In the matter of **FHB File Number 2006-00801, Kyle Moore, Wendy Moser, and Justin Hyler v. Glenwood D. Howerton and Linda Howerton**, a motion was made by Mr. Ruais and seconded by Ms. Clare to find reasonable cause against Mr. Howerton in regards to engaging in discriminatory terms and conditions based on race, discriminatory statements based on race, refusal to rent based on race, and that Mr. Howerton interfered with the Complainants' rights granted under the Virginia Fair Housing Laws. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

FHB File Number 2006-00801, Kyle Moore, Wendy Moser, and Justin Hyler v. Glenwood D. Howerton and Linda Howerton

A motion was made by Mr. Ruais and seconded by Ms. Johnson to find no reasonable cause in the matters against Ms. Howerton. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

In the matter of **FHB File Number 2007-01902, Christina Muzyka and Humberto Araulo v. Oaks Apartments**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

FHB File Number 2007-01902, Christina Muzyka and Humberto Araulo v. Oaks Apartments

In the matter of **FHB File Number 2007-01439, Madlyn Baez v. George Pratt, Peggy Crutchfield and Denita Square**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

FHB File Number 2007-01439, Madlyn Baez v. George Pratt, Peggy Crutchfield and Denita Square

In the matter of **FHB File Number 2007-02017, Rhan Anderson v. T.**

FHB File Number 2007-

Gibson Hobbs and Diane Hobbs, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

02017, Rhan Anderson v. T. Gibson Hobbs and Diane Hobbs

In the matter of **FHB File Number 2007-00928, Linda Myers v. Gerald and Carol Simmons**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

FHB File Number 2007-00928, Linda Myers v. Gerald and Carol Simmons

In the matter of **FHB File Number 2006-05065, Toby and Kimberly Zimmerman v. Gary Howie, Howie Properties, LLC, and Amy Siler**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

FHB File Number 2006-05065, Toby and Kimberly Zimmerman v. Gary Howie, Howie Properties, LLC, and Amy Siler

In the matter of **FHB File Number 2006-05232, Kelvin Horsey v. Spring Valley Townhouse Association, Spring Valley Townhouse Association Board of Directors, Sevlyn Alman and James Carver**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

FHB File Number 2006-05232, Kelvin Horsey v. Spring Valley Townhouse Association, Spring Valley Townhouse Association Board of Directors, Sevlyn Alman and James Carver

In the matter of **FHB File Number 2007-01313, Danielle Campbell v. Academy Hill Ltd. Partnership, Emma Bright and Humphrey Management Company**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

FHB File Number 2007-01313, Danielle Campbell v. Academy Hill Ltd. Partnership, Emma Bright and Humphrey Management Company

In the matter of **FHB File Number 2007-00929, Norman and Cynthia Murray v. Jimmy Berry and Estate of W.P. Beard**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

FHB File Number 2007-00929, Norman and Cynthia Murray v. Jimmy Berry and Estate of W.P. Beard

In the matter of **FHB File Number 2007-01897, Tonya Fredericks v. Weinstein Properties, Melissa Christian and Rio Road Associates**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

FHB File Number 2007-01897, Tonya Fredericks v. Weinstein Properties, Melissa Christian and Rio Road Associates

In the matter of **FHB File Number 2007-05561, Sherri and Carl Smith v. Patricia Ann Tate and David Roland**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

FHB File Number 2007-05561, Sherri and Carl Smith v. Patricia Ann Tate and David Roland

In the matter of **FHB File Number 2007-00078, Arthur and Loretta Herborn v. Patricia Ann Tate and David Roland**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

FHB File Number 2007-00078, Arthur and Loretta Herborn v. Patricia Ann Tate and David Roland

In the matter of **FHB File Number 2007-02018, Shawna D. Haskins v. Veronica Cerrud, KSI Management and Columbia Heights, LP**, the Board agreed without dissent to defer this matter to its next scheduled Board meeting due to the lack of quorum required

FHB File Number 2007-02018, Shawna D. Haskins v. Veronica Cerrud, KSI Management and Columbia Heights, LP

In the matter of **FHB File Number 2006-03528, Lorraine Gordon v. Gary Price and Evelyn Price**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Official Attorney General Memorandum. A motion was made by Mr. Maples and seconded by Mr. Ruais to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

FHB File Number 2006-03528, Lorraine Gordon v. Gary Price and Evelyn Price

The Board considered the matters of **FHB File Number 2007-01150, Rochelle Cicero v. Frank Humphreys; FHB File Number 2007-02881, Samuel Sellers v. Timber Ridge Townhomes, LLC; and FHB File Number 2007-02950, Gregory Fauver v. Stellar Belmont LLC, Lauren Rojack and Stellar Advisors Realty Management**. A motion was made by Ms. Clare and seconded by Mr. Ruais to approve the terms of the conciliation agreements as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Adkins, Clare, Johnson, Maples, Ruais, and Rubinstein.

Conciliation Agreements

Mr. DeBoer updated the Board on the 2007 legislative session. No action was taken by the Board.

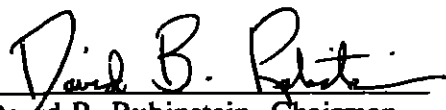
Legislation Update

The Board discussed Board member attendance at Board meetings. The Board agreed without dissent to have Mr. Rubinstein draft a letter to all Board members stressing the importance of attendance at all Board Meetings.


Other Business

There being no further business, the meeting adjourned at 11:46 AM.

Adjourn



David B. Rubinstein, Chairman



Jay W. DeBoer, Secretary

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: David B. Rubinstein
2. Title: Chairman - Virginia Fair Housing Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

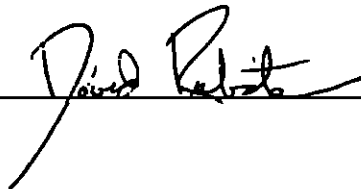
_____ *n/a* _____

6. I declare that:

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

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

Dated: April 11, 2007

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

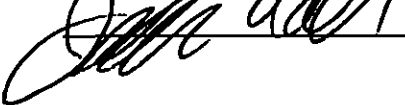
1. Name: Jeffrey Wayne Adkins
2. Title: Member - Virginia Fair Housing Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

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

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

Dated: April 11, 2007

Signature:  _____

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Cynthia M. Clare
2. Title: Member - Virginia Fair Housing Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: 7 HB File Number
2007-02018
6. I declare that:
 - (a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: President, KSL
Management
 - (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: April 11, 2007

Signature: Cynthia M. Clare

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

TRANSACTIONAL DISCLOSURE STATEMENT

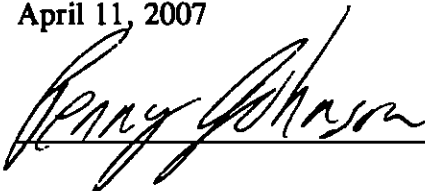
1. Name: Penny Johnson
2. Title: Member - Virginia Fair Housing Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

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

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

Dated: April 11, 2007

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Martin E. Maples
2. Title: Member - Virginia Fair Housing Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

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

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

Dated: April 11, 2007

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Robert D. Ruais
2. Title: Member - Virginia Fair Housing Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:
 - (a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

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

Dated: April 11, 2007

Signature: 