

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

April 17, 2013

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:

F. Thomas Eck, IV, Chair
Phyllis Randall, Vice-Chair
Francis Stevens
Thomas Gifford
Jim Ginnell
Bob Boynton
Matthew K. Kim
David Rubinstein
Linda Broady-Myers

The following Board members were absent:

Jeffrey Adkins
Rosemary Wilson
Andrew Reisinger

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

Gordon Dixon, Director
Christine Martine, Executive Director
Mark Courtney, Senior Director
Liz Hayes, Fair Housing Administrator
Deanda Shelton, Assistant Fair Housing Administrator
Emily Trent, Administrative Assistant
Angela Keefe-Thomas, Fair Housing Investigator
Matthew Benson, Fair Housing Investigator
Trudy Miller, Fair Housing Investigator

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

Mr. Eck called the meeting to order at 10:00 A.M.

Call to Order

A motion was made by Mr. Boynton and seconded by Mr. Eck to approve the Agenda. The motion passed

Agenda

unanimously. Members voting "Yes" were: Boynton, Broady-Myers, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

A motion was made by Mr. Gifford and seconded by Mr. Stevens to approve the February 13, 2013, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Boynton, Broady-Myers, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

There was no public comment.

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

In the matter of **FHB File Number 2013-00480, Frederick Kelly v. Marina Point Council of Unit Owners, Inc. Board of Directors**, the matter was deferred to the next Board meeting for further investigation.

In the matter of **FHB File Number 2012-03115, Monique Jade Lafleur v. Cambridge Station Association**, the complaint was withdrawn and the matter was removed from the agenda.

In the matter of **FHB File Number 2013-00051, Richard Zasimowich v. Lisa Jones, Riverdale Management Company and Poquoson Place Apartments, LLC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Arthur Rosenblum, Riverdale Management Company, CFO, was present and addressed the Board. A motion was made by Ms. Randall 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, Broady-Myers, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

In the matter of **FHB File Number 2013-00687, Cathy Parks v. People Incorporated Housing Group, Connie Middleton and Riverside Place Apartments, LLC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Dr. Michael Ruse, People Incorporated

Minutes

Public Comment

Fair Housing Administrator's Report

FHB File Number 2013- 00480, Frederick Kelly v. Marina Point Council of Unit Owners, Inc. Board of Directors

FHB File Number 2012- 03115, Monique Jade Lafleur v. Cambridge Station Association

FHB File Number 2013- 00051, Richard Zasimowich v. Lisa Jones, Riverdale Management Company and Poquoson Place Apartments, LLC

FHB File Number 2013- 00687, Cathy Parks v. People Incorporated Housing Group, Connie Middleton and Riverside Place Apartments, LLC

Housing Group, representative, was present and addressed the Board. A motion was made by Mr. Ginnell and seconded by Ms. Broady-Myers to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Boynton, Broady-Myers, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

In the matter of **FHB File Number 2013-01185, Brenda Jones v. Sharon Cason-Card, Angela Revish, Christine Fair, Beacon Residential Management Limited Partnership and BC Sugar Maple, LLC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Supplemental Final Investigative Report. Heather Lockerman, attorney for the respondents, was present and addressed the Board. A motion was made by Mr. Gifford and seconded by Mr. Kim to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Rubinstein and Stevens. Members voting "No" were Broady-Meyers and Randall.

FHB File Number 2013-01185, Brenda Jones v. Sharon Cason-Card, Angela Revish, Christine Fair, Beacon Residential Management Limited Partnership and BC Sugar Maple, LLC

In the matter of **FHB File Number 2012-03804, Lakesha and McKinley Coley v. Laura Howlett**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ginnell and seconded by Mr. Boynton to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Boynton, Broady-Myers, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

FHB File Number 2012-03804, Lakesha and McKinley Coley v. Laura Howlett

In the matter of **FHB File Number 2012-01853, Brenda Jones v. Fox Hill Mutual Homes, Inc.**, 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.

FHB File Number 2012-01853, Brenda Jones v. Fox Hill Mutual Homes, Inc.

At 10:48 A.M., Ms. Randall offered a motion which was seconded by Ms. Broady-Myers, 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

Closed Session

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, Deanda Shelton and Liz Hayes.

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

11. FHB File Number 2012-01853, Betty Jones v. Fox Hill Mutual Homes, Inc.

At 11:13 A.M., a motion was made by Mr. Stevens and seconded by Mr. Ginnell 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: 9-0

AYES: Boynton, Broady-Myers, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Adkins, Reisinger

and Wilson.

In the matter of **FHB File Number 2012-01853, Brenda Jones v. Fox Hill Mutual Homes, Inc.**, 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. A motion was by Mr. Gifford and seconded by Mr. Boynton to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Boynton, Eck, Gifford, Kim and Rubinstein. Members voting "No" were Broady-Meyers, Ginnell, Randall and Stevens.

FHB File Number 2012-01853, Brenda Jones v. Fox Hill Mutual Homes, Inc.

In the matter of **FHB File Number 2013-01394, Lillie A. Robinson v. Newport News Redevelopment & Housing Authority**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Lillie A. Robinson, complainant, and Matthew Meadows, attorney for the respondents, were present and addressed the Board. A motion was made by Mr. Gifford and seconded by Mr. Stevens to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Rubinstein and Stevens. Members voting "No" were Broady-Meyers and Randall.

FHB File Number 2013-01394, Lillie A. Robinson v. Newport News Redevelopment & Housing Authority

In the matter of **FHB File Number 2013-00682, Pearline Hamler v. Dawn Wise, Centrum Management, LLC and Centrum Ironbridge, LP**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Pearline Hamler, complainant, was present and addressed the Board. A motion was made by Mr. Kim and seconded by Mr. Gifford to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens. Member voting "No" was Broady-Meyers.

FHB File Number 2013-00682, Pearline Hamler v. Dawn Wise, Centrum Management, LLC and Centrum Ironbridge, LP

The Board recessed from 11:37 A.M. to 11:48 A.M.

Break

In the matter of **FHB File Number 2013-01410, Arthur Gordon v. Peninsula Property Homes, LLC Danielle Turcott, and Gay C. Huffman as Trustee for Hardin**

FHB File Number 2013-01410, Arthur Gordon v. Peninsula Property

Real Estate Investment Trust, a motion was made by Mr. Boynton and seconded by Ms. Broady-Myers to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Boynton, Broady-Myers, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

Homes, LLC Danielle Turcott, and Gay C. Huffman as Trustee for Hardin Real Estate Investment Trust

A motion was made by Ms. Broady-Myers and seconded by Mr. Boynton to adopt the proposed Fair Housing Regulations as final. The motion passed unanimously. Members voting "Yes" were: Boynton, Broady-Myers, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

Administrative Issues

A motion was made by Mr. Gifford and seconded by Mr. Kim to accept the April 17, 2013, Education Committee report as presented. The motion passed unanimously. Members voting "Yes" were: Boynton, Broady-Myers, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

Tom Payne gave the Board a litigation update.

New Business

At 11:58 A.M., Mr. Boynton offered a motion which was seconded by Mr. Stevens, 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 pertaining to legal matters within the jurisdiction of the Board 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.

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

-New Business-Litigation Summary

At 12:25 P.M., a motion was made by Mr. Boynton and seconded by Ms. Randall 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 Real Estate 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: 9-0

AYES: Boynton, Broady-Myers, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

NAYS: None.

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: Adkins, Reisinger and Wilson.

A motion was made by Ms. Randall and seconded by Mr. Ginnell to approve the settlement in File Number 2010-02896, Frances Owens v. Wilton Real Estate Corp, Edudailey, et al. The motion passed unanimously. Members voting "Yes" were: Boynton, Broady-Myers, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens. **New Business**

A motion was made by Mr. Boynton and seconded by Mr. Stevens to authorize the Office of the Attorney General to appeal File Number 2009-02724 Michael Fishels v. Windsor Plaza Condominium Association Inc. and Windsor Plaza Condominium Association Inc. Board of Directors. The motion passed unanimously. Members voting "Yes" were: Boynton, Broady-Myers, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

The Board adjourned at 12:26 P.M.

F. Thomas Eck, IV, Chair

Gordon Dixon, Secretary

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