

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

June 12, 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 (arrived at 10:20 A.M.)
Bob Boynton
Matthew K. Kim
Linda Broady-Myers
Jeffrey Adkins
Rosemary Wilson
Andrew Reisinger

The following Board members were absent:

Francis Stevens
Thomas Gifford
Jim Ginnell
David Rubinstein

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
Domenica McGowen, Fair Housing Investigator
Loraine Schroeder, 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 10:05 A.M.

Call to Order

A motion was made by Mr. Boynton and seconded by Mr. Kim to approve the Agenda. The motion passed unanimously. Members voting "Yes" were: Adkins, Boynton, Broady-Myers, Eck, Kim, Reisinger and Wilson.

Agenda

A motion was made by Ms. Broady-Myers and seconded by Mr. Boynton to approve the April 17, 2013, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Adkins, Boynton, Broady-Myers, Eck, Kim, Reisinger and Wilson.

Minutes

There was no public comment.

Public Comment

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

**Fair Housing
Administrator's Report**

In the matter of **FHB File Number 2013-01039, Terri J. Watkins v. SHP-BV, LLC, SHP Management Company, and Brian Frost**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Terri J. Watkins, complainant, and Barrie Bowers, attorney for respondents, were present and addressed the Board. A motion was made by Ms. Broady-Myers and seconded by Ms. Wilson to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Boynton, Broady-Myers, Eck, Kim, Reisinger and Wilson.

FHB File Number 2013-01039, Terri J. Watkins v. SHP-BV, LLC, SHP Management Company, and Brian Frost

Phyllis Randall, Board Member, arrived at 10:20 A.M.

Arrival of Board Member

In the matter of **FHB File Number 2013-00024, Bertha Johnson v. Richmond Redevelopment and Housing Authority**, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Recommendation, and Supplemental Final Investigative Report. Robbi Gray, attorney for respondent, was present and addressed the Board. A motion was made by Mr. Kim and seconded by Ms. Wilson to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Boynton, Broady-Myers, Eck, Kim, Randall, Reisinger and Wilson.

FHB File Number 2013-00024, Bertha Johnson v. Richmond Redevelopment and Housing Authority

In the matter of **FHB File Number 2013-00480, Frederick Kelly v. Marina Point Council of Unit Owners, Inc.**

FHB File Number 2013-00480, Frederick Kelly v.

Board of Directors, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, Supplemental Final Investigative Report and Official Consultation Memorandum from the Office of the Attorney General.

Marina Point Council of Unit Owners, Inc. Board of Directors

At 10:51 A.M., Ms. Wilson offered a motion which was seconded by Ms. Randall, 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 Dominica McGowen.

Closed Session

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

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

At 11:21 A.M., a motion was made by Mr. Reisinger 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 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: Adkins, Boynton, Broady-Myers, Eck, Kim, Randall, Reisinger and Wilson.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Gifford, Ginnel, Stevens and Rubinstein.

In the matter of **FHB File Number 2013-00480, Frederick Kelly v. Marina Point Council of Unit Owners, Inc. Board of Directors**, a motion was made by Mr. Kim and seconded by Ms. Broady-Myers to find reasonable cause that the Respondents discriminated against the Complainant by refusing to make a reasonable accommodation to telephonic access to Council Board meetings based upon disability. The motion passed by majority vote. Members voting "Yes" were: Adkins, Boynton, Broady-Myers, Eck, Kim, Randall and Wilson. Board member voting "No" was Reisinger. A motion was made by Mr. Kim and seconded by Ms. Broady-Myers to find no reasonable cause that the Respondents discriminated against the Complainant by refusing to make a reasonable modification of a ramp to the premise. The motion passed by majority vote. Members voting "Yes" were: Adkins, Boynton, Broady-Myers, Eck, Kim, Randall and Reisinger. Board member voting "No" was Wilson.

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

In the matter of **FHB File Number 2011-03487, Valleshia Griffin v. Glen Ridge Commons, LP, Barbara Smith, Krisin Noble, and Kettler Management, Inc.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Boynton and seconded by Mr. Kim to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Boynton, Broady-Myers, Eck, Kim, Randall, Reisinger and Wilson.

FHB File Number 2011-03487, Valleshia Griffin v. Glen Ridge Commons, LP, Barbara Smith, Krisin Noble, and Kettler Management, Inc.

In the matter of **FHB File Number 2013-00135, Sheree**

FHB File Number 2013-

Thomas v. Towns of Forest Hills Homeowners Association and Cavalier Management Company, 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. Boynton to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Boynton, Broady-Myers, Eck, Kim, Randall, Reisinger and Wilson.

00135, Sheree Thomas v. Towns of Forest Hills Homeowners Association and Cavalier Management Company

In the matter of **FHB File Number 2013-00186, Charles Collins v. Beth Herring, Samantha Churcher, Centrum Management LLC, and Centrum – Prince William, II, 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 by Mr. Kim and seconded by Ms. Wilson to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Boynton, Broady-Myers, Eck, Kim, Randall, Reisinger and Wilson.

FHB File Number 2013-00186, Charles Collins v. Beth Herring, Samantha Churcher, Centrum Management LLC, and Centrum – Prince William, II, LP

The Board recessed from 11:30 A.M. to 11:40 A.M.

Break

In the matter of **FHB File Number 2013-01221, Mae Horsey v. Hampton Oaks Homeowner's Association**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was by Ms. Randall and seconded by Mr. Boynton to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Boynton, Broady-Myers, Eck, Kim, Randall, Reisinger and Wilson.

FHB File Number 2013-01221, Mae Horsey v. Hampton Oaks Homeowner's Association

In the matter of **FHB File Number 2013-01505, Toddrick Smith v. Mallonee School Lofts, LLC, Emily Sanfratella, East Bank Street Properties, LLC, and Plum Street Partners, LLC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was by Ms. Wilson and seconded by Mr. Kim to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Boynton, Broady-Myers, Eck, Kim, Randall, Reisinger and Wilson.

FHB File Number 2013-01505, Toddrick Smith v. Mallonee School Lofts, LLC, Emily Sanfratella, East Bank Street Properties, LLC, and Plum Street Partners, LLC

In the matter of **FHB File Number 2012-03874, Hetti Cheagle v. Anna Fitzgerald, Cliffs Edge Lofts Manager, LLC, and Cliffs Edge Lofts, LLC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was by Mr. Boynton 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: Adkins, Boynton, Broady-Myers, Eck, Kim, Randall, Reisinger and Wilson.

FHB File Number 2012-03874, Hetti Cheagle v. Anna Fitzgerald, Cliffs Edge Lofts Manager, LLC, and Cliffs Edge Lofts, LLC

In the matter of **FHB File Number 2013-00317, Francis Pittman Britt v. Raina Smith, FF Properties, LP, and Fairfield Mayflower Seaside, LLC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was by Ms. Wilson and seconded by Mr. Kim to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Boynton, Broady-Myers, Eck, Kim, Randall, Reisinger and Wilson.

FHB File Number 2013-00317, Francis Pittman Britt v. Raina Smith, FF Properties, LP, and Fairfield Mayflower Seaside, LLC

In the matter of **FHB File Number 2013-01507, Ernestine Fells-Robinson v. Colony Management Company**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was by Mr. Boynton and seconded by Mr. Reisinger to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Boynton, Eck, Kim, Randall, Reisinger and Wilson.

FHB File Number 2013-01507, Ernestine Fells-Robinson v. Colony Management Company

Ms. Broady-Myers abstained from voting or discussion in the matter due to possible conflict of interest.

In the matter of **FHB File Number 2013-01936, Kristin Seay v. Dee Burkes Miller**, a motion was made by Ms. Randall 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: Adkins, Boynton, Broady-Myers, Eck, Kim, Randall, Reisinger and Wilson.

FHB File Number 2013-01936, Kristin Seay v. Dee Burkes Miller

In the matter of **FHB File Number 2013-02080, Ebony Lee v. Jitendra S. Desai and Varsha J. Desai**, a motion was made by Ms. Randall 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: Adkins, Boynton, Broady-Myers, Eck, Kim, Randall, Reisinger and Wilson.

FHB File Number 2013-02080, Ebony Lee v. Jitendra S. Desai and Varsha J. Desai

In the matter of **FHB File Number 2013-02192, Jessica Fridley v. New Castle Manor Limited Partnership and Hunt & Associates Elderly Housing Corporation**, a motion was made by Ms. Randall 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: Adkins, Boynton, Broady-Myers, Eck, Kim, Randall, Reisinger and Wilson.

FHB File Number 2013-02192, Jessica Fridley v. New Castle Manor Limited Partnership and Hunt & Associates Elderly Housing Corporation

In the matter of **FHB File Number 2013-01854, Joseph and April Verdelotti v. Kristine King and Ann D. King**, a motion was made by Ms. Randall 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: Adkins, Boynton, Broady-Myers, Eck, Kim, Randall, Reisinger and Wilson.

FHB File Number 2013-01854, Joseph and April Verdelotti v. Kristine King and Ann D. King

In the matter of **FHB File Number 2013-02046, Annelise Frey and Jan Hafer v. Malukah Smith and Breezewood Apartments Associates, LP**, a motion was made by Ms. Randall 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: Adkins, Boynton, Broady-Myers, Eck, Kim, Randall, Reisinger and Wilson.

FHB File Number 2013-02046, Annelise Frey and Jan Hafer v. Malukah Smith and Breezewood Apartments Associates, LP

In the matter of the **File Number 2006-01339, Commonwealth of Virginia ex rel Fair Housing Board v. Charlottesville Redevelopment & Housing Authority**, a motion was made by Ms. Wilson and seconded by Mr. Kim to approve the settlement terms as presented. The motion passed unanimously. Members voting "Yes" were: Adkins, Boynton, Broady-Myers, Eck, Kim, Randall, Reisinger and Wilson.

File Number 2006-01339, Commonwealth of Virginia ex rel Fair Housing Board v. Charlottesville Redevelopment & Housing Authority

Tom Payne gave the Board a litigation update.

New Business

The Board adjourned at 12:00 P.M.

F. Thomas Eck, IV, Chair

Gordon Dixon, Secretary

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