

# VIRGINIA FAIR HOUSING BOARD

## MINUTES OF MEETING

March 5, 2014

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:

Jim Ginnell, Vice-Chair  
F. Thomas 'Tom' Eck, IV  
Bob Boynton  
Matthew K. Kim  
Thomas 'Tim' Gifford (arrived at 10:07 A.M.)  
Rosemary Wilson  
Erica Woods-Warrior  
Mark Kinser  
Kevin Lewis

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

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

Nick Christner, Acting 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  
Trudy Miller, Fair Housing Investigator  
Loraine Schroeder, Fair Housing Investigator  
Jeffrey Williams, Board Administrator  
Dominica McGowen, Fair Housing Investigator

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

Mr. Ginnell called the meeting to order at 10:04 A.M.

**Call to Order**

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

**Agenda**

unanimously. Members voting "Yes" were: Boynton, Eck, Ginnell, Kim, Kinser, Lewis, Wilson and Woods-Warrior.

A motion was made by Mr. Boynton and seconded by Mr. Kim to approve the December 11, 2013, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Boynton, Ginnell, Kim, Kinser, Lewis and Woods-Warrior.

**Minutes**

Mr. Eck and Ms. Wilson abstained from voting in this matter.

There was no public comment.

**Public Comment**

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

**Fair Housing  
Administrator's Report**

Tim Gifford arrived at 10:07 A.M.

**Arrival of Board Member**

In the matter of **FHB File Number 2013-01756, Mohamed Rahiman v. Bank of America, N.A., George Alberson, Bernard Jones, and Nancy Anaya**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, request for reconsideration, and supplemental Final Investigative Report. Mohamed Rahiman, complainant, was present and addressed the Board. A motion was made by Mr. Boynton and seconded by Ms. Wilson to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Boynton, Gifford, Ginnell, Kim, Lewis, Wilson and Woods-Warrior. Member voting "No" was: Kinser.

**FHB File Number 2013-  
01756, Mohamed  
Rahiman v. Bank of  
America, N.A., George  
Alberson, Bernard Jones,  
and Nancy Anaya**

Due to potential conflict of interest, Mr. Eck recused and excused himself from the meeting. He did not participate or vote in this matter.

In the matter of **FHB File Number 2014-00025, Ruth Glass v. DTH Management Group Limited, Jerry Spear, Dallas Graves, and Drakes Branch Elderly Limited Partnership**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, and supplemental Final Investigative Report. Dallas Graves, respondent, was present and addressed the Board. A motion was made by

**FHB File Number 2014-  
00025, Ruth Glass v. DTH  
Management Group  
Limited, Jerry Spear,  
Dallas Graves, and  
Drakes Branch Elderly  
Limited Partnership**

Mr. Gifford 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, Kinser, Lewis, Wilson and Woods-Warrior.

In the matter of **FHB File Number 2013-03304, Tony V. Harold v. HSBC Mortgage**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, and supplemental Final Investigative Report. Tony V. Harold, complainant, and Alexander Vincent, attorney for the respondent, were present and addressed the Board. A motion was made 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: Boynton, Eck, Gifford, Ginnell, Kim, Kinser, Lewis, Wilson and Woods-Warrior.

**FHB File Number 2013-03304, Tony V. Harold v. HSBC Mortgage**

In the matter of **FHB File Number 2013-00660, Melissa & Jerry Barnes v. Eve Carol Clark-Bell, Donald and Alvene Buckley, Ernie and Francis Padden, Candy Geary, Heidi Neff, Caroon Industries, Inc., Caroon Farms Civic League and Caroons Farms Architectural Committee**, 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. Commander Jerry Barnes, complainant, was present and addressed the Board, and read a statement from Melissa Barnes, complainant. Jeffery Nuckolls, attorney for the respondents, was present and addressed the Board.

**FHB File Number 2013-00660, Melissa & Jerry Barnes v. Eve Carol Clark-Bell, Donald and Alvene Buckley, Ernie and Francis Padden, Candy Geary, Heidi Neff, Caroon Industries, Inc., Caroon Farms Civic League and Caroons Farms Architectural Committee**

At 11:10 A.M., Mr. Eck offered a motion which was seconded by Ms. Wilson, 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, Deanda Shelton, Karen Taylor, Nick Christner and Liz Hayes.

**Closed Session**

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

**10. FHB File Number 2013-00660 - Melissa & Jerry Barnes v. Eve Carol Clark-Bell, Donald and Alvene Buckley, Ernie and Francis Padden, Candy Geary, Heidi Neff, Caroon Industries, Inc., Caroon Farms Civic League and Caroons Farms Architectural Committee**

At 11:40 A.M., a motion was made by Ms. Wilson 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, Eck, Gifford, Ginnell, Kim, Kinser, Lewis, Wilson and Woods-Warrior.

NAYS: None.

ABSENT DURING THE VOTE: None.

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

The Board recessed from 11:41 A.M. to 11:45 A.M.

**Break**

In the matter of **FHB File Number 2013-00660, Melissa & Jerry Barnes v. Eve Carol Clark-Bell, Donald and Alvene Buckley, Ernie and Francis Padden, Candy Geary, Heidi Neff, Caroon Industries, Inc., Caroon Farms Civic League and Caroons Farms Architectural Committee**, 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 made by Ms. Wilson and seconded by Mr. Gifford to find reasonable cause that the respondents Eve Carol Clark-Bell, Donald Buckley, Ernie Padden, Caroon Industries, Inc., Caroon Farms Civic League and Caroon Farms Architectural Committee discriminated against the complainants by refusing to permit a reasonable modification of the complainant's premises at the complainant's expense based upon disability and by refusing to make a reasonable based upon disability. The motion passed by majority vote. Members voting "Yes" were: Boynton, Gifford, Ginnell, Kim, Kinser, Lewis, Wilson and Woods-Warrior. Member voting "No" was Eck.

**FHB File Number 2013-00660, Melissa & Jerry Barnes v. Eve Carol Clark-Bell, Donald and Alvene Buckley, Ernie and Francis Padden, Candy Geary, Heidi Neff, Caroon Industries, Inc., Caroon Farms Civic League and Caroons Farms Architectural Committee**

A motion was made by Mr. Boynton and seconded by Mr. Kim to find no reasonable cause against respondents Alvene Buckley, Francis Padden, Candy Geary and Heidi Neff in their personal capacity. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Kinser, Lewis, Wilson and Woods-Warrior.

In the matter of **FHB File Number 2013-02906, Stephen M. and Michelle E. Kassab v. Bank of America and Jonathan Norris**, 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: Boynton, Eck, Gifford, Ginnell, Kim, Kinser, Lewis, Wilson and Woods-Warrior.

**FHB File Number 2013-02906, Stephen M. and Michelle E. Kassab v. Bank of America and Jonathan Norris**

In the matter of **FHB File Number 2013-03502, Faith**

**FHB File Number 2013-**

**Love Barber v. Shenandoah Associates LP, Thelma Cardoso and Ben Weitz**, 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. Boynton to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Kinser, Lewis, Wilson and Woods-Warrior.

**03502, Faith Love Barber v. Shenandoah Associates LP, Thelma Cardoso and Ben Weitz**

In the matter of **FHB File Number 2014-00925, Sandra Hoover and Edwin Hoover v. Debra Woodward**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, and revised Case Analysis and Supplemental Final Investigative Report. A motion was made by Mr. Boynton 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, Kinser, Lewis, Wilson and Woods-Warrior.

**FHB File Number 2014-00925, Sandra Hoover and Edwin Hoover v. Debra Woodward**

In the matter of **FHB File Number 2014-01663, Housing Opportunities Made Equal v. Carol J. Donaldson**, a motion was made by Mr. Eck 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, Kinser, Lewis, Wilson and Woods-Warrior.

**FHB File Number 2014-01663, Housing Opportunities Made Equal v. Carol J. Donaldson**

In the matter of **FHB File Number 2014-01311, Christopher Morris and Christina Morris v. Perchwood LLC, Michael Whitford**, a motion was made by Mr. Eck 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, Kinser, Lewis, Wilson and Woods-Warrior.

**FHB File Number 2014-01311, Christopher Morris and Christina Morris v. Perchwood LLC, Michael Whitford**

In the matter of **FHB File Number 2014-01856, Christina Harris v. FCLA, LP, BECO Asset Management, LLC, Eric Olson and Gayle Simons**, a motion was made by Mr. Eck and seconded by Mr. Boynton to approve the terms of

**FHB File Number 2014-01856, Christina Harris v. FCLA, LP, BECO Asset Management, LLC, Eric**

the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Kinser, Lewis, Wilson and Woods-Warrior.

**Olson and Gayle Simons**

In the matter of **FHB File Number 2013-02831, Linda Artson v. Sheila Beverly and Greenwich Hill Homeowners Association**, a motion was made by Mr. Eck 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, Kinser, Lewis, Wilson and Woods-Warrior.

**FHB File Number 2013-02831, Linda Artson v. Sheila Beverly and Greenwich Hill Homeowners Association**

A motion was made by Mr. Ginnell and seconded by Ms. Wilson to adopt the following resolution to honor the years of dedicated service by former Board Member Phyllis Randall to the Board:

**Resolution**

#### **RESOLUTION IN HONOR OF**

**Phyllis Randall**

WHEREAS, **Phyllis Randall**, has faithfully and diligently served as a member of the Fair Housing Board since 2009; and

WHEREAS, **Phyllis Randall**, has devoted generously of her time, talent and leadership to the Board; and

WHEREAS, **Phyllis Randall**, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Fair Housing Board wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Fair Housing Board this fifth day of March, 2014 that **Phyllis Randall** be given all honors and respect due her for her outstanding service to the Commonwealth and its citizens and the Fair Housing Board; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held.

The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Kinser, Lewis, Wilson and Woods-Warrior.

A motion was made by Ms. Wilson and seconded by Mr. **Resolution** Boynton to adopt the following resolution to honor the years of dedicated service by former Board Member Jeffrey Adkins to the Board:

### **RESOLUTION IN HONOR OF**

Jeffrey Adkins

WHEREAS, **Jeffrey Adkins**, has faithfully and diligently served as a member of the Fair Housing Board since 2005; and

WHEREAS, **Jeffrey Adkins**, has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, **Jeffrey Adkins**, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Fair Housing Board wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Fair Housing Board this fifth day of March, 2014 that **Jeffrey Adkins** be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Fair Housing Board; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Kinser, Lewis, Wilson and Woods-Warrior.

Ms. Martine opened the floor for nominations for the position of Chair of the Fair Housing Board. Tim Gifford nominated Jim Ginnell for the position of Chair. A motion was made by Tim Gifford and seconded by Ms. Wilson to close the nominations. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Kinser, Lewis, Wilson and Woods-Warrior. With no other nominations, Jim Ginnell was named Chair by acclamation.

#### **Election of Officers**

Ms. Martine opened the floor for nominations for the position of Vice-Chair of the Fair Housing Board. Bob Boynton nominated Tom Eck for the position of Vice-Chair. A motion was made by Bob Boynton and seconded by Jim Ginnell to close the nominations. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Kinser, Lewis, Wilson and Woods-Warrior. With no other nominations, Tom Eck was named Vice-Chair by acclamation.

Tom Payne gave the Board a litigation update. No action was taken by the Board.

#### **New Business**

The Board adjourned at 12:10 P.M.

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Jim Ginnell, Chair

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Nick Christner, Acting Secretary