

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

June 22, 2011

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:

David B. Rubinstein, Chairman
Phyllis Randall, Vice-Chair
Matthew K. Kim
Andrew Reisinger
F. Thomas Eck, IV
Jim Ginnell
Jeffrey Adkins
Tonye Epps
Martin Maples
Neil Bhatt
Thomas Gifford

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

Gordon Dixon, Director
Mark Courtney, Deputy Director
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

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

Chairman Rubinstein called the meeting to order at 10:03 **Call to Order**
A.M.

A motion was made by Mr. Gifford and seconded by Mr. **Agenda**
Kim to approve the Agenda. The motion passed
unanimously. Members voting "Yes" were: Adkins, Bhatt,
Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall,
Reisinger and Rubinstein.

A motion was made by Ms. Randall and seconded by Mr. Maples to approve the April 20, 2011, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

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 **File Number 2010-01237, Lisa Mullins v. Maryetta Nikki Habib**, the Board deferred the matter to the August 24, 2011, Board meeting.

**File Number 2010-01237,
Lisa Mullins v. Maryetta
Nikki Habib**

In the matter of **FHB File Number 2010-01881, Terra Bacon v. Vince Ferranti, Terrace Properties LLC, and Shanel Corporation**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, Supplemental Final Investigative Report, and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. Terra Bacon, complainant, was present and addressed the Board.

**FHB File Number 2010-
01881, Terra Bacon v.
Vince Ferranti, Terrace
Properties LLC, and
Shanel Corporation**

At 10:18 A.M., Ms. Randall offered a motion which was seconded by Mr. Maples, 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 Angela Keefe-Thomas.

Closed Session

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

11. FHB File Number 2010-01881, Terra Bacon v. Vince Ferranti, Terrace Properties LLC, and Shanel Corporation

At 10:58 A.M., a motion was made by Mr. Eck and

seconded by Mr. Adkins 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: 11-0

AYES: Adkins, Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: None.

In the matter of **FHB File Number 2010-01881, Terra Bacon v. Vince Ferranti, Terrace Properties LLC, and Shanel Corporation**, a motion was made by Mr. Bhatt and seconded by Mr. Maples to find reasonable cause that the respondent discriminated against the complainant by refusing to rent or negotiate based on familial status and by imposing discriminatory terms and conditions based upon familial status. The motion passed by majority vote. Members voting "Yes" were: Adkins, Bhatt, Epps, Gifford, Ginnell, Maples, Randall and Rubinstein. Member voting "No" were: Eck, Kim and Reisinger.

FHB File Number 2010-01881, Terra Bacon v. Vince Ferranti, Terrace Properties LLC, and Shanel Corporation

In the matter of **FHB File Number 2011-03775, George Weatherford v. Tecora Holland, Hall Keen Management, Inc. and Hotel Danville Company**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. George Weatherford, complainant, was present and addressed the Board. A motion was made by Mr. Adkins and seconded by Mr. Gifford to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

FHB File Number 2011-03775, George Weatherford v. Tecora Holland, Hall Keen Management, Inc. and Hotel Danville Company

In the matter of **FHB File Number 2011-01689, Georgia Glass v. Sherrie Eanes, Barry Eanes, and Audubon Apartments, LLC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Georgia Glass, complainant, was present and addressed the Board. A motion was made by Mr. Gifford and seconded by Mr. Ginnell to close the case with a finding of no reasonable cause on all counts. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

FHB File Number 2011-01689, Georgia Glass v. Sherrie Eanes, Barry Eanes, and Audubon Apartments, LLC

The Board recessed from 11:26 A.M. to 11:35 A.M.

Break

In the matter of **FHB File Number 2011-02672, Craig Taylor v. Bank of America and Brian T. Moynihan**, 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 Mr. Eck and seconded by Mr. Gifford to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

FHB File Number 2011-02672, Craig Taylor v. Bank of America and Brian T. Moynihan

In the matter of **FHB File Number 2011-03591, Yvonne Reeves and Rochelle Reeves v. Melton's Run LP**, the Board deferred the matter to the August 24, 2011, Board meeting.

FHB File Number 2011-03591, Yvonne Reeves and Rochelle Reeves v. Melton's Run LP

In the matter of **FHB File Number 2011-03380, Promila Rajput v. Howard L. & Renate Bubel**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Randall 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, Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

FHB File Number 2011-03380, Promila Rajput v. Howard L. & Renate Bubel

In the matter of **FHB File Number 2011-03379, Taiwo Agbaje v. Gold Key Resorts, Crystal Strom, and Jackie Bush**, 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. Maples to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

FHB File Number 2011-03379, Taiwo Agbaje v. Gold Key Resorts, Crystal Strom, and Jackie Bush

In the matter of **FHB File Number 2009-01473, Fair Housing Board v. Lessard Group, Inc.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. A motion was made by Mr. Bhatt and seconded by Mr. Gifford to close the case with a finding of no reasonable cause against architect Lessard Group, Inc. concerning the accessibility of residential mailbox receptacles. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

FHB File Number 2009-01473, Fair Housing Board v. Lessard Group, Inc.

In the matter of **FHB File Number 2010-04087, Holly Burdell and Larry Barfield v. Holly and Susan Forkner**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, Supplemental Final Investigative Report, and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. Terra Bacon, complainant, was present and addressed the Board. A motion was made by Ms. Randall and seconded

FHB File Number 2010-04087, Holly Burdell and Larry Barfield v. Holly and Susan Forkner

by Mr. Eck to find reasonable cause that the respondents discriminated against the complainants by refusing to rent to them, by offering them different terms and conditions for the rental, and by making discriminatory statements based on familial status. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

In the matter of the **File Number 2011-03032, Heather Foster v. Rose W. Wyne, Trustee**, a motion was made by Mr. Adkins and seconded by Mr. Kime to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

**File Number 2011-03032,
Heather Foster v. Rose
W. Wyne, Trustee**

In the matter of the **File Number 2011-03467, Jing Dong and Grace Jinliu Wang v. Kristen Clegg, Greg Fleminster, Janine Landers, Grace Montenegro, Dittmar Company, Randolph Towers Association II, LC**, a motion was made by Mr. Adkins and seconded by Mr. Kime to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

**File Number 2011-03467,
Jing Dong and Grace
Jinliu Wang v. Kristen
Clegg, Greg Fleminster,
Janine Landers, Grace
Montenegro, Dittmar
Company, Randolph
Towers Association II, LC**

In the matter of the **File Number 2011-02934, Jennifer Yard v. Janice Gill, Bonaventure Realty Group, BPMS Cascades, LLC**, a motion was made by Mr. Adkins and seconded by Mr. Kime to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

**File Number 2011-02934,
Jennifer Yard v. Janice
Gill, Bonaventure Realty
Group, BPMS Cascades,
LLC**

Neil Bhatt left the meeting at 11:50 A.M.

**Departure of Board
Member**

Tonye Epps gave the Board the Fair Housing Education Committee Report. A motion was made by Mr. Eck and seconded by Ms. Randall to approve the Fair Housing Education Report. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Eck, Epps,

Administrative Issues

Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

Board Members Jim Ginnell and Matthew Kim volunteered to serve on the Fair Housing Education Committee. No action was taken by the Board.

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

The Board adjourned at 12:23 p.m.

David B. Rubinstein, Chairman

Gordon Dixon, Secretary

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