

# VIRGINIA FAIR HOUSING BOARD

## MINUTES OF MEETING

October 7, 2009

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  
Jeffrey Adkins  
Tonye Epps  
Stephen McMaster  
Martin Maples  
Rosario Carrera  
Jim Ginnell  
Neil Bhatt

Board members not present: Penny Johnson  
Robert Ruais

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

Jay DeBoer, Director  
Mark Courtney, Deputy Director  
Christine Martine, Executive Director  
Liz Hayes, Fair Housing Administrator  
Deanda Shelton, Assistant Fair Housing Administrator  
Emily Trent, Administrative Assistant  
Trudy Miller, Fair Housing Investigator  
Angela Keefe-Thomas, Fair Housing Investigator  
Karen Taylor, Fair Housing Specialist  
Yvette Barnes, Fair Housing Investigator  
Aysan Sanchez, 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 10:05 Call to Order  
A.M.

A motion was made by Mr. Maples and seconded by Ms. Epps to approve the Agenda. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

**Agenda**

There was no public comment.

**Public Comment**

A motion was made by Mr. Bhatt and seconded by Mr. Maples to approve the July 29, 2009, Fair Housing Board Meeting. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

**Minutes**

A motion was made by Mr. McMaster and seconded by Ms. Epps to approve the July 29, 2009, Fair Housing & Real Estate Regulation Review Committee Meeting. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

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

**Fair Housing  
Administrator's Report**

In the matter of **FHB File Number 2009-00405, Larissa Wells and Jamie Davis v. Gantt Investment Corporation, Paul W. Scott and Faye H. Scott**, 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. Grimes Creasy, attorney for the complainant, Larissa Wells Davis, complainant, John Nelson, attorney for the respondent, and Debra Gantt, respondent appeared and addressed the Board. A motion was made by Mr. Rubinstein and seconded by Ms. Epps to find reasonable cause that the respondent, Gantt Investment Corporation is vicariously liable for a discriminatory statement made by its employee. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

**FHB File Number 2009-00405, Larissa Wells and Jamie Davis v. Gantt Investment Corporation, Paul W. Scott and Faye H. Scott**

A motion was made by Mr. McMaster and seconded by Mr. Bhatt to find no reasonable cause to believe the respondents, Paul Scott and Faye Scott discriminated against the complainants in the terms and conditions of their rental based on race. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

A motion was made by Mr. Bhatt and seconded by Ms. Epps to find no reasonable cause to believe the respondents, Gantt Investment Corporation, Paul and Faye Scott, discriminated against the complainants in the terms and conditions of their rental based on race. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

In the matter of **FHB File Number 2009-03979, Sandra Miller v. Akia Brown, Edgewood Management Corporation and MCF-SCF Ltd.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Yoora Pak, attorney for the respondent, was present and addressed the Board. A motion was made by Mr. McMaster and seconded by Mr. Ginnell to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

**FHB File Number 2009-03979, Sandra Miller v. Akia Brown, Edgewood Management Corporation and MCF-SCF Ltd.**

In the matter of **FHB File Number 2009-01956, Daniel Rothenhoefer v. Thomas Houseknecht and Elizabeth Epps**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Supplemental Final Investigative Report. Daniel Rothenhoefer, complainant, was present and addressed the Board. A motion was made by Mr. McMaster and seconded by Mr. Ginnell to forward the case to the Office of the Attorney General for an Official Consultation Opinion. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and

**FHB File Number 2009-01956, Daniel Rothenhoefer v. Thomas Houseknecht and Elizabeth Epps**

Rubinstein.

In the matter of **FHB File Number 2009-03366, Angie Stone v. Claude and Virginia Royal**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Supplemental Final Investigative Report. James Stringfield, attorney for the respondent, was present and addressed the Board. A motion was made by Mr. McMaster and seconded by Ms. Carrera to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

**FHB File Number 2009-03366, Angie Stone v. Claude and Virginia Royal**

In the matter of **FHB File Number 2009-04300, Richard Guerrero and Fatima Parada v. Jean Sawyer, Hung Le, Hugh Carmichael and Dittmar Company**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Richard Baughman, managing partner for Dittmar Company, respondent, was present and addressed the Board. A motion was made by Ms. Randall 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, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

**FHB File Number 2009-04300, Richard Guerrero and Fatima Parada v. Jean Sawyer, Hung Le, Hugh Carmichael and Dittmar Company**

In the matter of **FHB File Number 2009-04121, Donna Fox-Boldin v. Rush Homes, Rush Lifetime Homes, and Allison Wingfield**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Bhatt 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, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

**FHB File Number 2009-04121, Donna Fox-Boldin v. Rush Homes, Rush Lifetime Homes, and Allison Wingfield**

In the matter of **FHB File Number 2009-01074, Phyllis Rogers v. Nancy O'Donnell, Tom Bless, American Management Company, Inc., and Harbour Square**

**FHB File Number 2009-01074, Phyllis Rogers v. Nancy O'Donnell, Tom**

**Associates**, 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. Phyllis Rogers, complainant, and Nancy O'Donnell, respondent, appeared and addressed the Board.

**Bless, American  
Management Company,  
Inc., and Harbour  
Square Associates**

The Board recessed from 11:40 A.M. to 11:50 A.M.

**Break**

At 11:51 A.M., Mr. McMaster offered a motion which was seconded by Mr. Bhatt, 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 Deanda Shelton.

**Closed Session**

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

**13. FHB File Number 2009-01074, Phyllis Rogers v. Nancy O'Donnell, Tom Bless, American Management Company, Inc., and Harbour Square Associates**

At 12:38 P.M., a motion was made by Mr. Bhatt and seconded by Mr. McMaster 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: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Johnson and Ruais.

In the matter of **FHB File Number 2009-01074, Phyllis Rogers v. Nancy O'Donnell, Tom Bless, American Management Company, Inc., and Harbour Square Associates**, a motion was made by Mr. Maples and seconded by Mr. McMaster to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were Bhatt, Epps, Ginnell, Maples, McMaster and Rubinstein. Members voting "No" were Adkins, Carrera and Randall.

**FHB File Number 2009-01074, Phyllis Rogers v. Nancy O'Donnell, Tom Bless, American Management Company, Inc., and Harbour Square Associates**

In the matter of **FHB File Number 2009-01401, Norma Hutchinson v. Malcolm W. Alls, Priscilla Hottle and M.W.A., Inc.**, 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. Lloyd Martin, attorney for Malcolm W. Alls, respondent, was present and addressed the Board. A motion was made by Ms. Randall and seconded by Ms. Epps to find reasonable cause that the Respondent discriminated against the Complainant regarding refusal to rent, discriminatory terms and conditions and reasonable accommodation based on handicap. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps,

**FHB File Number 2009-01401, Norma Hutchinson v. Malcolm W. Alls, Priscilla Hottle and M.W.A., Inc.**

Ginnell, Maples, Randall and Rubinstein.

Due to possible conflict of interest, Mr. McMaster did not vote or participate in discussion in this matter.

In the matter of **FHB File Number 2009-02366, Nancy Hall v. Roseberry Community Association 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. Nancy Hall, complainant, was present and addressed the Board. A motion was made by Mr. Bhatt and seconded by Mr. Ginnell to find reasonable cause that the Respondent discriminated against the Complainant regarding refusal to make reasonable accommodation based on handicap. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

**FHB File Number 2009-02366, Nancy Hall v. Roseberry Community Association Board of Directors**

In the matter of **FHB File Number 2009-04070, Tamiko Wilson v. WNH Limited Partnership**, 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 Ms. Epps to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

**FHB File Number 2009-04070, Tamiko Wilson v. WNH Limited Partnership**

In the matter of **FHB File Number 2009-04379, Jo Silas v. Jennifer Gormley**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Adkins and seconded by Mr. Ginnell to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

**FHB File Number 2009-04379, Jo Silas v. Jennifer Gormley**

In the matter of **FHB File Number 2009-04044,**

**FHB File Number 2009-**

**Benjamin McCoy v. Annie Gurtmir**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. McMaster and seconded by Mr. Ginnell to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

**04044, Benjamin McCoy v. Annie Gurtmir**

In the matter of **FHB File Number 2009-03614, Fair Housing Board v. Emerson Companies, LLC**, a motion was made by Mr. Adkins and seconded by Mr. Ginnell to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

**FHB File Number 2009-03614, Fair Housing Board v. Emerson Companies, LLC**

In the matter of **FHB File Number 2009-04103, Fair Housing Board v. Pauline Pullin**, a motion was made by Mr. Adkins and seconded by Mr. Ginnell to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

**FHB File Number 2009-04103, Fair Housing Board v. Pauline Pullin**

In the matter of **FHB File Number 2009-02652, Leonard Granda & Kristin Lazor-Granda v. Carol Stirner, Millenium Management, Co., and Ashbrook Homeowners Association**, a motion was made by Mr. Adkins and seconded by Mr. Ginnell to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

**FHB File Number 2009-02652, Leonard Granda & Kristin Lazor-Granda v. Carol Stirner, Millenium Management, Co., and Ashbrook Homeowners Association**

In the matter of **FHB File Number 2009-02548, National Fair Housing Alliance v. Clark Brodersen**, a motion was made by Mr. Adkins and seconded by Mr. Ginnell to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and

**FHB File Number 2009-02548, National Fair Housing Alliance v. Clark Brodersen**

Rubinstein.

In the matter of **FHB File Number 2009-02223, Melissa Cartwright v. Connie Cooke, Sherry Milliron, and Spruce Village Apartments**, a motion was made by Mr. Adkins and seconded by Mr. Ginnell to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

**FHB File Number 2009-02223, Melissa Cartwright v. Connie Cooke, Sherry Milliron, and Spruce Village Apartments**

In the matter of **FHB File Number 2010-00044, Piedmont Housing Alliance v. Virginia McFadden and Edward McFadden**, a motion was made by Mr. Adkins and seconded by Mr. Ginnell to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

**FHB File Number 2010-00044, Piedmont Housing Alliance v. Virginia McFadden and Edward McFadden**

In the matter of **FHB File Number 2010-00198, John M. Lalumandier v. ACS Management Co., Lexington Village Association, Inc. Board of Directors, and Lexington Village Association Inc.**, a motion was made by Mr. Adkins and seconded by Mr. Ginnell to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

**FHB File Number 2010-00198, John M. Lalumandier v. ACS Management Co., Lexington Village Association, Inc. Board of Directors, and Lexington Village Association Inc.**

In the matter of **FHB File Number 2009-03946, Treena Fartsi v. Suntrust Mortgage, Inc.**, a motion was made by Mr. Adkins and seconded by Mr. Ginnell to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

**FHB File Number 2009-03946, Treena Fartsi v. Suntrust Mortgage, Inc.**

In the matter of **FHB File Number 2008-01789, Wythe County Board of Supervisors**, the Board was updated on the Consent Order. No action was taken by the Board.

**FHB File Number 2008-01789, Wythe County Board of Supervisors**

At 1:24 P.M., Mr. Bhatt offered a motion which was

**Closed Session**

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 and Liz Hayes.

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

**24. File Number 2008-00428, Sherry Morris, Parish Hall and William Hall v. Estel and Leona McClanahan**

**25. File Number 2008-03985, Tammy Krenzer v. James A. Lee and Sarah W. Lee**

At 1:37 P.M., a motion was made by Mr. McMaster 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: 9-0

AYES: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Johnson and Ruais.

In the matter of the **File Number 2008-00428, Sherry Morris, Parish Hall and William Hall v. Estel and Leona McClanahan**, a motion was made by Mr. Ginnell and seconded by Mr. McMaster to approve the settlement terms as presented. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

**File Number 2008-00428, Sherry Morris, Parish Hall and William Hall v. Estel and Leona McClanahan**

In the matter of the **File Number 2008-03985, Tammy Krenzer v. James A. Lee and Sarah W. Lee**, a motion was made by Mr. Ginnell and seconded by Mr. McMaster to approve the settlement terms as presented. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

**File Number 2008-03985, Tammy Krenzer v. James A. Lee and Sarah W. Lee**

The Board reviewed the Education Committee Report. A motion was made by Mr. Ginnell and seconded by Mr. McMaster to accept the October 7, 2009, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall and Rubinstein.

**Education Committee Report**

Liz Hayes updated the Board on the Fair Housing and Real Estate Regulation Review Committee. No action was taken by the Board.

**Administrative Issues**

The Board adjourned at 1:45 p.m.

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David B. Rubinstein, Chairman

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Jay W. DeBoer, Secretary

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