VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

February 9, 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
Matthew K. Kim
Andrew Reisinger
F. Thomas Eck, IV
Phyllis Randall
Jim Ginnell
Jeffrey Adkins

Board members not present: Rosario Carrera
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.

Call to Order

Chairman Rubinstein called the meeting to order at 10:06 A.M.

Agenda

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

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Minutes

A motion was made by Mr. Kim and seconded by Ms. Randall to approve the December 8, 2010, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Ginnell, Kim, Randall, Reisinger and Rubinstein.

Public Comment

There was no public comment.

Fair Housing Administrator's Report

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

File Number 2009-01473, Fair Housing Board v. Valley Builders, Inc., Lessard Group, Inc., Gumenick Properties, LLC and Monument Square, LLC

In the matter of **File Number 2009-01473, Fair Housing Board v. Valley Builders, Inc., Lessard Group, Inc., Gumenick Properties, LLC and Monument Square, LLC,** the Board deferred the matter to the April 20, 2011, Board meeting.

FHB File Number 2011-01891, Terry Hinton v. TABAC, LC, River City Real Estate, Inc., Jonathan Copp and Charles Armstrong

In the matter of **FHB File Number 2011-01891, Terry Hinton v. TABAC, LC, River City Real Estate, Inc., Jonathan Copp and Charles Armstrong,** the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Charles Armstrong, President, River City Real Estate, Inc., was present and addressed the Board. A motion was made by Mr. Ginnell and seconded by Mr. Eck to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Ginnell, Kim, Randall, Reisinger and Rubinstein.

FHB File Number 2011-01997, Savon Stephens v. Donna Gaydick, Sandra Becker, CAPREIT Residential Management, LLC, and Twin Hickory Senior Associates, LP

In the matter of **FHB File Number 2011-01997, Savon Stephens v. Donna Gaydick, Sandra Becker, CAPREIT Residential Management, LLC, and Twin Hickory Senior Associates, LP,** the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Savon Stephens, complainant, and David Solodar, attorney for the respondents, were present and addressed the Board. A motion was made by Mr. Reisinger and seconded by Ms. Randall to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Ginnell, Kim, Randall, Reisinger

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and Rubinstein.

FHB File Number 2010-01052, Vicky Wells v. Kenneth Saunders

In the matter of **FHB File Number 2010-01052, Vicky Wells v. Kenneth Saunders,** 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. Kenneth Saunders, respondent, and Frank Wright, Attorney for respondent, were present and addressed the Board.

Closed Session

At 10:44 A.M., Mr. Eck offered a motion which was seconded by Mr. Kim, 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.

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

10. FHB File Number 2010-01052, Vicky Wells v. Kenneth Saunders

At 11:06 A.M., a motion was made by Mr. Eck and seconded by Mr. Reisinger that the Board reconvene in open session.

Certification

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

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

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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: 7-0

AYES: Adkins, Eck, Ginnell, Kim, Randall, Reisinger and Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Bhatt, Carrera, Epps, Gifford and Maples.

FHB File Number 2010-01052, Vicky Wells v. Kenneth Saunders

In the matter of **FHB File Number 2010-01052, Vicky Wells v. Kenneth Saunders,** a motion was made by Mr. Rubinstein and seconded by Ms. Randall to find reasonable cause that the respondent made discriminatory statements based upon race. The motion passed by majority vote. Members voting "Yes" were: Adkins, Ginnell, Kim, Randall, Reisinger and Rubinstein. Member voting “No” was: Eck.

A motion was made by Mr. Rubinstein and seconded by Mr. Adkins to find reasonable cause that the respondent made discriminatory statements based upon familial status. The motion passed by majority vote. Members voting "Yes" were: Adkins, Ginnell, Kim, Randall and Rubinstein. Members voting “No” were: Eck and Reisinger.

A motion was made by Mr. Eck and seconded by Mr. Reisinger to find no reasonable cause that the respondent refused to rent or subjected complainant to discriminatory terms and conditions based on race or familial status, interfered with the complainant’s exercising or enjoying her fair housing rights in violation of Virginia Code §36-96.5 based upon race. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Ginnell, Kim, Randall, Reisinger and Rubinstein.

A motion was made by Mr. Eck and seconded by Mr. Reisinger to find no reasonable cause that the respondent

DRAFT

interfered with the complainant's exercising or enjoying her fair housing rights in violation of Virginia Code §36-96.5 based upon familial status. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Ginnell, Kim, Randall, Reisinger and Rubinstein.

FHB File Number 2010-01029, RRCSB-AAA v. Village at Griffinsburg Homeowners Association

In the matter of **FHB File Number 2010-01029, RRCSB-AAA v. Village at Griffinsburg Homeowners Association,** 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. Stephen Lewellyn, attorney for the respondent, and Elizabeth Fry, witness, were present and addressed the Board. A motion was made by Ms. Randall 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, Eck, Ginnell, Kim, Randall, Reisinger and Rubinstein.

FHB File Number 2011-01306, Linda and Richard Watts v. Karen Taylor, Carol Payne, and Liberia Development Corporation

In the matter of **FHB File Number 2011-01306, Linda and Richard Watts v. Karen Taylor, Carol Payne, and Liberia Development Corporation,** the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Phillip Menkey, attorney for the respondent, was present and addressed the Board. A motion was made by Ms. Randall 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, Eck, Ginnell, Kim, Randall, Reisinger and Rubinstein.

FHB File Number 2011-00167, Hope Roots v. Crawford Bay at Olde Towne, A Condominium

In the matter of **FHB File Number 2011-00167, Hope Roots v. Crawford Bay at Olde Towne, A Condominium,** 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. Kim 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, Eck, Ginnell, Kim, Randall, Reisinger and Rubinstein.

FHB File Number 2011-02185, Daniel Boggs v.

In the matter of **FHB File Number 2011-02185, Daniel Boggs v. Debra Oldakawski,** the Board reviewed the

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Debra Oldakawski

record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Randall and seconded by Mr. Eck to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Ginnell, Kim, Randall, Reisinger and Rubinstein.

FHB File Number 2011-01837, Adrienne and Fred Daniels v. Sphinx Land Development, LLC

In the matter of **FHB File Number 2011-01837, Adrienne and Fred Daniels v. Sphinx Land Development, LLC,** the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Eck and seconded by Mr. Adkins to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Adkins, Eck, Ginnell, Kim, Reisinger and Rubinstein. Member voting "No" was Randall.

File Number 2011-02197, Fair Housing Board v. Stephanie Eley

In the matter of the **File Number 2011-02197, Fair Housing Board v. Stephanie Eley,** a motion was made by Ms. Randall 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, Eck, Ginnell, Kim, Randall, Reisinger and Rubinstein.

File Number 2011-01468, Sharon Juarex and Israel Juarex v. W. B. Baker and Judy Baker

In the matter of the **File Number 2011-01468, Sharon Juarex and Israel Juarex v. W. B. Baker and Judy Baker,** a motion was made by Ms. Randall 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, Eck, Ginnell, Kim, Randall, Reisinger and Rubinstein.

File Number 2011-02186, Harold Smith v. Ben Benson and Ocean Land Trust, Ltd.

In the matter of the **File Number 2011-02186, Harold Smith v. Ben Benson and Ocean Land Trust, Ltd.,** a motion was made by Ms. Randall 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, Eck, Ginnell, Kim, Randall, Reisinger and Rubinstein.

File Number 2011-01981, Housing Opportunities Made Equal v. Laura

In the matter of the **File Number 2011-01981, Housing Opportunities Made Equal v. Laura Watrous, Brett Watrous and Gilmarc of Virginia, LLC,** a motion was

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made by Ms. Randall 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, Eck, Ginnell, Kim, Randall, Reisinger and Rubinstein.

Watrous, Brett Watrous and Gilmarc of Virginia, LLC

In the matter of the **File Number 2010-04379, Jodi Cerv v. Robert C. Kesling and Rosemary Kesling,** a motion was made by Ms. Randall 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, Eck, Ginnell, Kim, Randall, Reisinger and Rubinstein.

File Number 2010-04379, Jodi Cerv v. Robert C. Kesling and Rosemary Kesling

In the matter of **File Number 2010-00055, Roosevelt Smith v. Juan Jimenez,** the Board deferred the matter to the April 20, 2011, Board meeting.

File Number 2010-00055, Roosevelt Smith v. Juan Jimenez

The Board recessed from 11:42 A.M. to 11:50 A.M.

Break

At 11:53 A.M., Mr. Eck offered a motion which was seconded by Mr. Kim, 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.

Closed Session

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

19. FHB File Number 2009-01956, Daniel Rothenhoefer v. Thomas Houseknecht and;

FHB File Number 2009-2089 VA Fair Housing Board v. KBS, Inc., Oakland Chase Associates, LP, Timmons Group, Inc. and Tetra Companies, LLC

At 12:18 P.M., a motion was made by Mr. Eck and seconded by Mr. Reisinger at the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed

Certification

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meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

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: 7-0

AYES: Adkins, Eck, Ginnell, Kim, Randall, Reisinger and Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Bhatt, Carrera, Epps, Gifford and Maples.

File Number 2009-01956, Daniel Rothenhoefer v. Thomas Houseknecht

In the matter of the **File Number 2009-01956, Daniel Rothenhoefer v. Thomas Houseknecht,** a motion was made by Ms. Randall and seconded by Mr. Ginnell to approve a non-suit in this matter with the stipulation to re-file in six months if Daniel Rothenhoefer, complainant, contacts the Board's counsel. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Ginnell, Kim, Randall, Reisinger and Rubinstein.

File Number 2009-2089 VA Fair Housing Board v. KBS, Inc., Oakland Chase Associates, LP, Timmons Group, Inc. and Tetra Companies, LLC

In the matter of **File Number 2009-2089 VA Fair Housing Board v. KBS, Inc., Oakland Chase Associates, LP, Timmons Group, Inc. and Tetra Companies, LLC,** a motion was made to approve the settlement terms as presented and give counsel the authority to negotiate settlement on similar terms. The motion passed

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unanimously. Members voting "Yes" were: Adkins, Eck, Ginnell, Kim, Randall, Reisinger and Rubinstein.

Administrative Issues

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

A motion was made by Mr. Eck and seconded by Mr. Reisinger to give the Board Chair authority to extend the time for issuing charge after a reasonable cause finding until the next Board meeting at the request of the Fair Housing Administrator. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Ginnell, Kim, Randall, Reisinger and Rubinstein.

The Board adjourned at 12:44 p.m.

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David B. Rubinstein, Chairman

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Gordon Dixon, Secretary

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