

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

August 24, 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
Jeffrey Adkins
Thomas Gifford

The following Board members were absent: Jim Ginnell
Neil Bhatt
Linda Broady-Myers
Francis Stevens

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 10:05 **Call to Order**
A.M.

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

A motion was made by Mr. Gifford and seconded by Mr. Kim to approve the June 22, 2011, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Gifford, Kim, 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 **FHB File Number 2011-03581, Joan Barnes v. Jean Depcrynski, Clayton Shepherd, and Main Street Homes**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, Supplemental Final Investigative Report. Joan Barnes, complainant, and Vernon McClure, Jr., President of Main Street Homes, were present and addressed the Board. A motion was made by Mr. Eck 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, Gifford, Kim, Randall, Reisinger and Rubinstein.

FHB File Number 2011-03581, Joan Barnes v. Jean Depcrynski, Clayton Shepherd, and Main Street Homes

In the matter of **FHB File Number 2011-03916, Claude Thompson v. Richmond Redevelopment and Housing Authority**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Maxine Cholmondely, Interim CEO & General Counsel, for the respondent, was present and addressed the Board. A motion was made by Ms. Randall 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, Eck, Gifford, Kim, Randall, Reisinger and Rubinstein.

FHB File Number 2011-03916, Claude Thompson v. Richmond Redevelopment and Housing Authority

In the matter of **FHB File Number 2011-02976, Elsa Elhilo and Mona Abdulla v. Jean Sawyer, Richard Baughman, Goins Iona D. Bair and Dittmar Company**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Supplemental Final Investigative Report. Robert Duffett, Counsel for the Respondents, was present and addressed the Board. A motion was made by

FHB File Number 2011-02976, Elsa Elhilo and Mona Abdulla v. Jean Sawyer, Richard Baughman, Goins Iona D. Bair and Dittmar Company

Mr. Gifford 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, Gifford, Kim, Reisinger and Rubinstein. Member voting "No" was: Randall.

In the matter of **FHB File Number 2011-02477, Housing Opportunities Made Equal of Virginia, Inc. v. Robert Owens, Space Properties, LLC, and Gaslight Properties, LLC**, 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. Amy Nelson, Director of H.O.M.E., representative for the complainant, addressed the Board.

FHB File Number 2011-02477, Housing Opportunities Made Equal of Virginia, Inc. v. Robert Owens, Space Properties, LLC, and Gaslight Properties, LLC

In the matter of **FHB File Number 2011-01048, Gloria Lewis v. Robert Owens, Richard Owens, Gaslight Properties, LLC, and Space Properties, LLC**, 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.

FHB File Number 2011-01048, Gloria Lewis v. Robert Owens, Richard Owens, Gaslight Properties, LLC, and Space Properties, LLC

At 11:00 A.M., Mr. Eck offered a motion which was seconded by Mr. Gifford, 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):

13. FHB File Number 2011-02477, Housing Opportunities Made Equal of Virginia, Inc. v. Robert Owens, Space Properties, LLC, and Gaslight Properties, LLC

12. FHB File Number 2011-01048, Gloria Lewis v.

Robert Owens, Richard Owens, Gaslight Properties, LLC, and Space Properties, LLC

At 11:30 A.M., a motion was made by Mr. Eck and seconded by Mr. Gifford 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: 7-0

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

NAYS: None.

ABSENT DURING THE VOTE: None.

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

In the matter of **FHB File Number 2011-01048, Gloria Lewis v. Robert Owens, Richard Owens, Gaslight Properties, LLC, and Space Properties, LLC**, a motion was made by Ms. Randall and seconded and Mr. Gifford to find reasonable cause that the respondents discriminated against the complainant by failing to make a reasonable accommodation based upon disability. The motion passed

FHB File Number 2011-01048, Gloria Lewis v. Robert Owens, Richard Owens, Gaslight Properties, LLC, and Space Properties, LLC

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

In the matter of **FHB File Number 2011-02477, Housing Opportunities Made Equal of Virginia, Inc. v. Robert Owens, Space Properties, LLC, and Gaslight Properties, LLC**, a motion was made by Mr. Rubinstein and seconded by Mr. Adkins to find reasonable cause to believe that H.O.M.E. is an aggrieved party due to the alleged discrimination committed against the complainant in companion case FHB File Number 2011-01048. The motion passed by majority vote. Members voting "Yes" were: Adkins, Kim, Randall and Rubinstein. Members voting "No" were Eck, Gifford and Reisinger.

FHB File Number 2011-02477, Housing Opportunities Made Equal of Virginia, Inc. v. Robert Owens, Space Properties, LLC, and Gaslight Properties, LLC

In the matter of **FHB File Number 2011-01585, Sophia Shelton v. Space Properties, LLC, Robert Owens, and Hopkins Land Company, LLC**, 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. Sophia Shelton, complainant, was present and addressed the Board. A motion was made by Ms. Randall and seconded by Mr. Reisinger to find reasonable cause that the respondents discriminated against the complainant by failing to make reasonable accommodations. The motion passed by majority vote. Members voting "Yes" were: Adkins, Gifford, Kim, Randall, Reisinger and Rubinstein. Member voting "No" was Eck.

FHB File Number 2011-01585, Sophia Shelton v. Space Properties, LLC, Robert Owens, and Hopkins Land Company, LLC

A motion was made by Mr. Eck and seconded by Mr. Kim to find no reasonable cause that the respondents discriminated against the complainants by using retaliation for exercising her Fair Housing rights. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Gifford, Kim, Randall, Reisinger and Rubinstein.

In the matter of **FHB File Number 2011-02870, Housing Opportunities Made Equal of Virginia, Inc. v. Space Properties, LLC, Robert Owens, and Hopkins Land Company, LLC**, 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. Amy Nelson, Director of H.O.M.E., representative for the

FHB File Number 2011-02870, Housing Opportunities Made Equal of Virginia, Inc. v. Space Properties, LLC, Robert Owens, and Hopkins Land Company, LLC

complainant, addressed the Board. A motion was made by Mr. Rubinstein and seconded by Mr. Adkins to find reasonable cause to believe that H.O.M.E. is an aggrieved party due to the alleged discrimination committed against the complainant in companion case FHB File Number 2011-01585. The motion passed by majority vote. Members voting "Yes" were: Adkins, Randall, Reisinger and Rubinstein. Members voting "No" were Eck, Gifford and Kim.

In the matter of **FHB File Number 2011-01048, Gloria Lewis v. Robert Owens, Richard Owens, Gaslight Properties, LLC, and Space Properties, LLC**, 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. Gifford and seconded by Mr. Eck to find no reasonable cause that the respondents discriminated against the complainants by using retaliation for exercising her Fair Housing rights. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Gifford, Kim, Randall, Reisinger and Rubinstein.

FHB File Number 2011-01048, Gloria Lewis v. Robert Owens, Richard Owens, Gaslight Properties, LLC, and Space Properties, LLC

In the matter of **FHB File Number 2011-01478, Jennifer O'Malley v. Terry Coffey and Manegold Property, LLC**, 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, and a letter from Janice L. Redinger, Counsel for Terry Coffey, respondent. Terry Coffey, respondent, was present and addressed the Board. A motion was made by Ms. Randall and seconded by Mr. Eck to close the case with a finding of no reasonable cause on all counts. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Gifford, Kim, Randall, Reisinger and Rubinstein.

FHB File Number 2011-01478, Jennifer O'Malley v. Terry Coffey and Manegold Property, LLC

In the matter of **FHB File Number 2011-01939, Housing Opportunities Made Equal of Virginia, Inc. v. Terry Coffey and Manegold Property, LLC**, 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

FHB File Number 2011-01939, Housing Opportunities Made Equal of Virginia, Inc. v. Terry Coffey and Manegold Property, LLC

General. Terry Coffey, respondent, was present and addressed the Board. A motion was made by Mr. Eck and seconded by Mr. Reisinger to close the case with a finding of no reasonable cause on all counts. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Gifford, Kim, Randall, Reisinger and Rubinstein.

The Board recessed from 12:10 P.M. to 12:23 P.M.

Break

In the matter of **FHB File Number 2011-04392, Aleta Mack v. Brett Kussmaul, Debbie Gordon, The Breeden Company, Inc., and Thousand Oaks Apartments, LLC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Aleta Mack, complainant, was present and addressed the Board. A motion was made by Mr. Kim 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, Eck, Gifford, Kim, Randall, Reisinger and Rubinstein.

FHB File Number 2011-04392, Aleta Mack v. Brett Kussmaul, Debbie Gordon, The Breeden Company, Inc., and Thousand Oaks Apartments, LLC

In the matter of **FHB File Number 2011-03571, Yvonne Reeves and Rochelle Reeves v. Melton's Run LP**, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Recommendation and Supplemental Final Investigative Report. A motion was made by Mr. Gifford 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, Eck, Gifford, Kim, Randall, Reisinger and Rubinstein.

FHB File Number 2011-03571, Yvonne Reeves and Rochelle Reeves v. Melton's Run LP

In the matter of **FHB File Number 2011-03799, Monica Logan v. Michael Davis and City of Danville Department of Community Development**, 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. Eck to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Gifford, Kim, Randall, Reisinger and Rubinstein.

FHB File Number 2011-03799, Monica Logan v. Michael Davis and City of Danville Department of Community Development

In the matter of **FHB File Number 2011-02461, Young Chan Oh aka Brian Oh v. Dora Munzo, Greg Edwards,**

FHB File Number 2011-02461, Young Chan Oh

and Century South Condominium Council of Co-owners, 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. Kim to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Gifford, Kim, Randall, Reisinger and Rubinstein.

aka Brian Oh v. Dora Munzo, Greg Edwards, and Century South Condominium Council of Co-owners

In the matter of the **File Number 2010-01237, Lisa Mullins v. Maryetta Nikki Habib**, a motion was made by Mr. Adkins and seconded by Mr. Reisinger to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Gifford, Kim, Randall, Reisinger and Rubinstein.

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

In the matter of the **File Number 2010-04087, Holly Burdell and Larry Barfield v. Holly and Susan Forkner**, a motion was made by Mr. Adkins and seconded by Mr. Reisinger to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Gifford, Kim, Randall, Reisinger and Rubinstein.

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

In the matter of the **File Number 2011-04726, Denise Meredith v. Marcette Route**, a motion was made by Mr. Adkins and seconded by Mr. Reisinger to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Gifford, Kim, Randall, Reisinger and Rubinstein.

File Number 2011-04726, Denise Meredith v. Marcette Route

In the matter of the **File Number 2011-04827, Virginia Fair Housing Board v. BPMS Cascades LLC, and Marlyn Development Corporation**, a motion was made by Mr. Adkins and seconded by Mr. Reisinger to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Gifford, Kim, Randall, Reisinger and Rubinstein.

File Number 2011-04827, Virginia Fair Housing Board v. BPMS Cascades LLC, and Marlyn Development Corporation

In the matter of the **File Number 2010-01498, Anthony Nsiah v. Yvonne Moore, Housing Services Specialist and Fairfax County Redevelopment and Housing Authority**,

File Number 2010-01498, Anthony Nsiah v. Yvonne Moore, Housing Services

a motion was made by Mr. Adkins and seconded by Mr. Reisinger to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Gifford, Kim, Randall, Reisinger and Rubinstein.

**Specialist and Fairfax
County Redevelopment
and Housing Authority**

In the matter of the **File Number 2009-02089, Fair Housing Board v. Lessard Group, Inc.**, Tom Payne updated the Board on the settlement agreement. No action was taken by the Board.

**File Number 2009-02089,
Fair Housing Board v.
Lessard Group, Inc.**

In the matter of the **File Number 2009-01473, Fair Housing Board v. Monument Square, LLC, Valley Builders, Inc., Lessard Group, Inc., and Gumenick Properties, LLC**, a motion was made by Mr. Gifford and seconded by Mr. Adkins to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Gifford, Kim, Randall, Reisinger and Rubinstein.

**File Number 2009-02089,
Fair Housing Board v.
Lessard Group, Inc.**

In the matter of **FHB File Number 2011-04315, Dorice Tanner-Shepher v. David E. and Diane S. Mann**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Gifford and seconded by Mr. Reisinger to close the case with a finding of no reasonable cause on all counts. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Gifford, Kim, Randall, Reisinger and Rubinstein.

**FHB File Number 2011-
04315, Dorice Tanner-
Shepher v. David E. and
Diane S. Mann**

David Rubinstein presented the Fair Housing Education Committee Report to the Board. A motion was made by Ms. Randall and seconded by Ms. Kim to approve the Fair Housing Education Report. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Gifford, Kim, Randall, Reisinger and Rubinstein.

Administrative Issues

A motion was made by Mr. Gifford and seconded by Mr. Kim to adopt the following resolution to honor the years of dedicated service by former Board Member Martin E. Maples to the Board:

Resolution

RESOLUTION IN HONOR OF

Martin E. Maples

WHEREAS, **Martin E. Maples**, has faithfully and diligently served as a member of the Fair Housing Board since 2003; and

WHEREAS, **Martin E. Maples**, has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, **Martin E. Maples**, 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 twenty-fourth day of August, 2011 that **Martin E. Maples** 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: Adkins, Eck, Gifford, Kim, Randall, Reisinger and Rubinstein.

A motion was made by Mr. Gifford and seconded by Mr. Kim to adopt the following resolution to honor the years of dedicated service by former Board Member Tonye R. Epps to the Board:

Resolution

RESOLUTION IN HONOR OF

Tonye R. Epps

WHEREAS, **Tonye R. Epps**, has faithfully and diligently served as a member of the Fair Housing Board since 2007;

and

WHEREAS, **Tonye R. Epps**, has devoted generously of her time, talent and leadership to the Board; and

WHEREAS, **Tonye R. Epps**, 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 twenty-fourth day of August, 2011 that **Tonye R. Epps** 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: Adkins, Eck, Gifford, Kim, Randall, Reisinger and Rubinstein.

Andrew Reisinger left the meeting at 1:13 p.m.

Departure of Board Member

Tom Payne gave the Board an update on pending litigation. No action was taken by the Board.

Old Business

The Board adjourned at 1:25 p.m.

Phyllis Randall, Vice-Chair

Gordon Dixon, Secretary