

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

February 15, 2012

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:

Phyllis Randall, Chair
F. Thomas Eck, IV, Vice-Chair
Matthew K. Kim
Rosemary Wilson
Thomas Gifford
Bob Boynton
Linda Broady-Myers
Andrew Reisinger
Jim Ginnell
Francis Stevens

The following Board members were absent: David Rubinstein
Jeffrey Adkins

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

Gordon Dixon, Director
Christine Martine, Executive Director
Liz Hayes, Fair Housing Administrator
Deanda Shelton, Assistant Fair Housing Administrator
Jeffrey Williams, Board Administrator
Emily Trent, Administrative Assistant
Angela Keefe-Thomas, Fair Housing Investigator
Matt Vincent, Fair Housing Investigator
Trudy Miller, Fair Housing Investigator

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

Chair Randall called the meeting to order at 10:02 A.M. **Call to Order**

A motion was made by Mr. Kim and seconded by Ms. Broady-Myers to approve the Agenda. The motion passed unanimously. Members voting "Yes" were: Broady-Myers, **Agenda**

Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

A motion was made by Mr. Gifford and seconded by Mr. Kim to approve the December 8, 2011, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Broady-Myers, Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

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 2011-04837, John O'Brien v. Leisureville Unit Owners Association Board of Directors**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Steven Lauer, attorney for the respondent, was present and addressed the Board. A motion was made by Mr. Eck and seconded by Mr. Ginnell to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Broady-Myers, Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

FHB File Number 2011-
04837, John O'Brien v.
Leisureville Unit Owners
Association Board of
Directors

In the matter of **FHB File Number 2011-04983, Gloria Glover v. Hopewell Redevelopment and Housing Authority**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Gloria Glover, complainant, and Yolanda Stokes, Power of Attorney, for the complainant, were present and addressed the Board. A motion was made by 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: Broady-Myers, Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

FHB File Number 2011-
04983, Gloria Glover v.
Hopewell Redevelopment
and Housing Authority

In the matter of **FHB File Number 2010-01881, Terra Bacon v. Terrace Properties, LLC, Shanel Corporation, and Vince Feranti**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, and Official Consultation

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

Memorandum from the Office of the Attorney General as well as supplemental memoranda. Terra Bacon, complainant, Neil Kuchinsky, attorney for the respondents, and Vince Feranti, respondent, were present and addressed the Board.

At 10:57 A.M., Ms. Randall 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, Angela Keefe-Thomas and Deanda Shelton.

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. Terrace Properties, LLC, Shanel Corporation, and Vince Feranti

At 11:49 A.M., a motion was made by Ms. Randall 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: 10-0

AYES: Broady-Myers, Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Adkins and Rubinstein.

In the matter of **FHB File Number 2010-01881, Terra Bacon v. Terrace Properties, LLC, Shanel Corporation, and Vince Feranti**, a motion was made by Ms. Wilson and seconded by Ms. Broady-Myers to defer the case until staff does further investigation on whether the respondent's policy is a pre-text to discrimination against families with children. The motion passed by majority vote. Members voting "Yes" were: Broady-Myers, Boynton, Ginnell, Kim, Randall, Stevens and Wilson. Members voting "No" were: Eck, Gifford and Reisinger.

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

The Board recessed from 11:55 A.M. to 12:05 P.M.

Break

In the matter of **FHB File Number 2011-03468, William J. Deshazo v. Gonzalee Ford**, 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. Kim to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Broady-Myers, Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

FHB File Number 2011-03468, William J. Deshazo v. Gonzalee Ford

In the matter of **FHB File Number 2011-04812, Sara Antes v. Investors USA III, 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 Ms. Broady-Myers to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Broady-Myers, Boynton, Eck, Gifford, Ginnell, Kim,

FHB File Number 2011-04812, Sara Antes v. Investors USA III, LLC

Randall, Reisinger, Stevens and Wilson.

In the matter of **FHB File Number 2012-00589, Mohamed Saad v. Bank of America**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Kim and seconded by Mr. Ginnell to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Broady-Myers, Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

FHB File Number 2012-00589, Mohamed Saad v. Bank of America

In the matter of **FHB File Number 2012-00753, Patricia Castellano v. Jacqueline Tran**, 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. Kim to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Broady-Myers, Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

FHB File Number 2012-00753, Patricia Castellano v. Jacqueline Tran

In the matter of **FHB File Number 2012-00177, James Summers v. Curtis Coulthard and Curtis C. Coulthard & June Johnston co-trustees Coulthard Family Trust**, 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 Ms. Broady-Myers to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Broady-Myers, Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

FHB File Number 2012-00177, James Summers v. Curtis Coulthard and Curtis C. Coulthard & June Johnston co-trustees Coulthard Family Trust

In the matter of **FHB File Number 2012-00990, Beulah Arrington v. Newport News Redevelopment and Housing Authority and Lisa Burden**, a motion was made by Mr. Eck and seconded by Mr. Kim to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Broady-Myers, Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

FHB File Number 2012-00990, Beulah Arrington v. Newport News Redevelopment and Housing Authority and Lisa Burden

In the matter of **FHB File Number 2012-00362, Jody Nescola v. Frances Beatty and 506 South Braddock**

FHB File Number 2012-00362, Jody Nescola v.

Street, LLC, a motion was made by Mr. Eck and seconded by Mr. Kim to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Broady-Myers, Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

Frances Beatty and 506 South Braddock Street, LLC

In the matter of **FHB File Number 2012-01427, Tiffany Sparks v. Marion "Betsy" Kimmelshue, Ann Hodgins Lehman, and The Hodgins, LLC**, a motion was made by Mr. Eck and seconded by Mr. Kim to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Broady-Myers, Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

FHB File Number 2012-01427, Tiffany Sparks v. Marion "Betsy" Kimmelshue, Ann Hodgins Lehman, and The Hodgins, LLC

In the matter of **FHB File Number 2009-03646, Robert and Ann Lebrun v. Cedarwood Condominium Association, Inc.**, a motion was made by Ms. Boynton and seconded by Ms. Broady-Myers to approve the terms of the settlement as presented. The motion passed unanimously. Members voting "Yes" were: Broady-Myers, Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

FHB File Number 2009-03646, Robert and Ann Lebrun v. Cedarwood Condominium Association, Inc.

A motion was made by Ms. Broady-Myers and seconded by Mr. Ginnell to approve the proposed response to the public comment for the Periodic and Small Business Review. The motion passed unanimously. Members voting "Yes" were Broady-Myers, Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

Administrative Issues

A motion was made by Ms. Randall and seconded by Ms. Wilson to retain the Board's Public Participation Guidelines, and Fair Housing Certification Regulations as is. The motion passed unanimously. Members voting "Yes" were Broady-Myers, Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

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

Old Business

At 12:37 P.M., Ms. Randall offered a motion which was seconded by Mr. Boynton, that the Board meeting be recessed and that the Fair Housing Board immediately

Closed Session

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):

Old Business - Litigation Report

At 12:55 P.M., a motion was made by Ms. Randall and seconded by Ms. Broady-Myers 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: 10-0

AYES: Broady-Myers, Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Adkins and

Rubinstein.

A motion was made by Ms. Randall and seconded by Ms. Wilson to allow the Board counsel to proceed with litigation as advised. The motion passed unanimously. Members voting “Yes” were Broady-Myers, Boynton, Eck, Gifford, Ginnell, Kim, Randall, Reisinger, Stevens and Wilson. **Old Business**

The Board adjourned at 12:59 P.M.

Phyllis Randall, Chair

Gordon Dixon, Secretary

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