

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

April 11, 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
David Rubinstein
Matthew K. Kim
Rosemary Wilson
Thomas Gifford
Bob Boynton
Jim Ginnell

The following Board members were absent: Linda Broady-Myers
Francis Stevens
Andrew Reisinger
Jeffrey Adkins

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

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
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 10:00 A.M. **Call to Order**

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

A motion was made by Ms. Wilson and seconded by Mr. **Minutes**

Eck to approve the February 15, 2012, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

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 2010-00882, Jody Nescola v. Samuel and Gail Long**, the case was deferred to the June 14, 2012, Fair Housing Board meeting in order to obtain additional information.

FHB File Number 2010-00882, Jody Nescola v. Samuel and Gail Long

In the matter of **FHB File Number 2011-02837, Brian Tatum v. John Vanevander**, the case was deferred to the June 14, 2012, Fair Housing Board meeting.

FHB File Number 2011-02837, Brian Tatum v. John Vanevander

In the matter of **FHB File Number 2011-03039, Katherine and David Zichichi v. John T. Hopkins and John T. and Ruth Hopkins Revocable Living Trust**, 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. Katherine Zichichi, complainant, was present and addressed the Board.

FHB File Number 2011-03039, Katherine and David Zichichi v. John T. Hopkins and John T. and Ruth Hopkins Revocable Living Trust

At 10:17 A.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 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 Trudy Miller.

Closed Session

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

8. FHB File Number 2011-03039, Katherine and David Zichichi v. John T. Hopkins and John T. and Ruth

Hopkins Revocable Living Trust

At 10:30 A.M., a motion was made by Mr. Eck and seconded by Mr. Rubinstein 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: 8-0

AYES: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Adkins, Broady-Myers, Reisinger and Stevens.

In the matter of **FHB File Number 2011-03039, Katherine and David Zichichi v. John T. Hopkins and John T. and Ruth Hopkins Revocable Living Trust**, a motion was made by Mr. Rubinstein and seconded by Mr. Boynton to find reasonable cause that the Respondents discriminated against the Complainants by refusing to rent; imposing discriminatory terms and conditions on the rental of the dwelling and refusing to make reasonable accommodations

FHB File Number 2011-03039, Katherine and David Zichichi v. John T. Hopkins and John T. and Ruth Hopkins Revocable Living Trust

based upon disability. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

In the matter of **FHB File Number 2012-01011, Evelyn Armstrong and Bobby Canada v. David Merryman**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Evelyn Armstrong and Bobby Canada, complainants, and David Merryman, respondent, were present and addressed the Board. A motion was made by Mr. Ginnell and seconded by Ms. Wilson to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

FHB File Number 2012-01011, Evelyn Armstrong and Bobby Canada v. David Merryman

In the matter of **FHB File Number 2012-00920, Teri Southall v. Salem Fields Townhomes, LP**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Wilson and seconded by Mr. Gifford to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

FHB File Number 2012-00920, Teri Southall v. Salem Fields Townhomes, LP

In the matter of **FHB File Number 2012-00646, Teshura Kee 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. Eck and seconded by Ms. Wilson to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

FHB File Number 2012-00646, Teshura Kee v. Bank of America

In the matter of **FHB File Number 2012-00644, Annette Donigan v. James Crossing, LP**, 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 Ms. Wilson and seconded by Mr. Gifford to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

FHB File Number 2012-00644, Annette Donigan v. James Crossing, LP

In the matter of **FHB File Number 2012-00974, Brenda Yancey v. Dawn Albert, Rock Creek, LC and Oliver Properties, LLC**, a motion was made by Mr. Rubinstein and seconded by Mr. Boynton to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

FHB File Number 2012-00974, Brenda Yancey v. Dawn Albert, Rock Creek, LC and Oliver Properties, LLC

In the matter of **FHB File Number 2011-02477, Housing Opportunities Made Equal of Virginia, Inc. v. Gaslight Properties, LLC, Space Properties, LLC, Robert Owens and Richard Owens**, a motion was made by Mr. Rubinstein and seconded by Mr. Boynton to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

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

In the matter of **FHB File Number 2011-02870, Housing Opportunities Made Equal of Virginia, Inc. v. Space Properties, LLC, Hopkins Land Company, LLC and Robert Owens**, a motion was made by Mr. Rubinstein and seconded by Mr. Boynton to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

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

In the matter of **FHB File Number 2012-01756, Elaine Faye Walker v. Westgate Resorts, Ltd., Westgate Resorts, Ltd., LP, and Nicole Williams**, a motion was made by Mr. Rubinstein and seconded by Mr. Boynton to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

FHB File Number 2012-01756, Elaine Faye Walker v. Westgate Resorts, Ltd., Westgate Resorts, Ltd., LP, and Nicole Williams

In the matter of **FHB File Number 2009-04395, JoAnn and John Womack v. James Berry and Estate of W.P. Beard**, a motion was made by Mr. Boynton and seconded by Ms. Wilson to approve the terms of the settlement as presented. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

FHB File Number 2009-04395, JoAnn and John Womack v. James Berry and Estate of W.P. Beard

A motion was made by Mr. Eck and seconded by Mr. Boynton to accept the April 11, 2012, Education Committee report as presented. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson. **Administrative Issues**

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

At 11:07 A.M., Mr. Eck offered a motion which was seconded by Mr. Boynton, 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):

Old Business - Litigation Report

At 11:19 A.M., a motion was made by Mr. Eck and seconded by Mr. Boynton 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: 8-0

AYES: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Wilson.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Adkins, Broady-Myers, Reisinger and Stevens.

The Board adjourned at 11:22 A.M.

Phyllis Randall, Chair

Gordon Dixon, Secretary