

# VIRGINIA FAIR HOUSING BOARD

## MINUTES OF MEETING

September 27, 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  
Matthew K. Kim  
Thomas Gifford  
Jim Ginnell  
Andrew Reisinger  
Jeffrey Adkins  
Bob Boynton

The following Board members were absent:

F. Thomas Eck, IV, Vice-Chair  
David Rubinstein  
Rosemary Wilson  
Linda Broady-Myers  
Francis Stevens

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

Gordon Dixon, Director  
Christine Martine, Executive Director  
Mark Courtney, Senior Manager  
Liz Hayes, Fair Housing Administrator  
Deanda Shelton, Assistant Fair Housing Administrator  
Emily Trent, Administrative Assistant  
Angela Keefe-Thomas, Fair Housing Investigator  
Matthew Benson, Fair Housing Investigator

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

Ms. Randall called the meeting to order at 10:05 A.M.

**Call to Order**

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

**Agenda**

A motion was made by Mr. Gifford and seconded by Mr. Ginnell to approve the June 14, 2012, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Adkins, Boynton, Gifford, Ginnell, Kim, Randall and Reisinger.

**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 2012-03109, Maude Turner v. City of Virginia Beach**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Maude Turner, complainant, and Kay Wilson, attorney for the respondent, were present and addressed the Board. A motion was made by Mr. Gifford 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, Boynton, Gifford, Ginnell, Kim, Randall and Reisinger.

**FHB File Number 2012-03109, Maude Turner v. City of Virginia Beach**

In the matter of **FHB File Number 2010-01881, Terra Bacon v. Terrace Properties, LLC, Shanel Corporation, and Vince Ferranti**, 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. Lawrence Bacon, witness, Neil Kuchinski, attorney for the respondents, and Vince Ferranti, respondent, were present and addressed the Board.

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

At 10:59 A.M., Mr. Adkins 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, Deanda Shelton and Liz Hayes.

**Closed Session**

This motion is made with respect to the matter(s) identified

as agenda item(s):

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

At 11:45 A.M., a motion was made by Mr. Adkins 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: 7-0

AYES: Adkins, Boynton, Gifford, Ginnell, Kim, Randall and Reisinger.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Broady-Myers, Eck, Rubinstein, Stevens and Wilson.

In the matter of **FHB File Number 2010-01881, Terra Bacon v. Terrace Properties, LLC, Shanel Corporation, and Vince Ferranti**, a motion was made by Mr. Adkins and seconded by Ms. Randall to find reasonable cause the **FHB File Number 2010-01881, Terra Bacon v. Terrace Properties, LLC, Shanel Corporation, and**

respondents discriminated against the complainant by refusing to rent. The motion failed. Members voting "Yes" were: Adkins, Ginnell, and Randall. Members voting "No" were: Boynton, Gifford, Kim and Reisinger.

**Vince Ferranti**

A motion was made by Mr. Ginnell and seconded by Mr. Kim to find reasonable cause the respondents discriminated against the complainant by imposing discriminatory terms and conditions. The motion passed by majority vote. Members voting "Yes" were Adkins, Boynton, Kim, Ginnell and Randall. Members voting "No" were Gifford and Reisinger.

A motion was made by Mr. Reisinger and seconded by Mr. Gifford to find no reasonable cause the respondent discriminated against the complainant by refusing to rent. The motion passed by majority vote. Members voting "Yes" were Boynton, Gifford, Kim and Reisinger. Members voting "No" were Adkins, Ginnell and Randall.

The Board recessed from 12:12 P.M. to 12:20 P.M.

**Break**

In the matter of **FHB File Number 2010-00882, Jody Nescola v. Samuel and Gail Long**, 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. Samuel Long, respondent, was present and addressed the Board.

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

At 12:20 P.M., Ms. Randall offered a motion which was seconded by Mr. Reisinger, 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):

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

At 12:35 P.M., a motion was made by Ms. Randall and seconded by Mr. Reisinger 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, Boynton, Gifford, Ginnell, Kim, Randall and Reisinger.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Broady-Myers, Eck, Rubinstein, Stevens and Wilson.

In the matter of **FHB File Number 2010-00882, Jody Nescola v. Samuel and Gail Long**, 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. Samuel Long, respondent, was present and addressed the Board. A motion was made by Ms. Randall and seconded by Mr. Gifford to find no reasonable cause the respondents discriminated against the complainant by

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

making discriminatory statements based on familial status. The motion passed unanimously. Members voting "Yes" were: Adkins, Boynton, Gifford, Ginnell, Kim, Randall and Reisinger.

A motion was made by Ms. Randall and seconded by Mr. Ginnell to find no reasonable cause the respondents discriminated against the complainant by refusing to rent or negotiate based on familial status. The motion passed unanimously. Members voting "Yes" were: Adkins, Boynton, Gifford, Ginnell, Kim, Randall and Reisinger.

In the matter of **FHB File Number 2011-04838, Pamela Edwards and Joshua Jones v. Patrice Freeman, Cliff Testerman, Virginia Housing Development Authority and Rooftop of Virginia Community Action Program**, 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. Samuel Long, respondent, was present and addressed the Board. Pamela Edwards, complainant, addressed the Board via telephone. Godfrey Pinn, attorney for the respondents, was present and addressed the Board.

**FHB File Number 2011-04838, Pamela Edwards and Joshua Jones v. Patrice Freeman, Cliff Testerman, Virginia Housing Development Authority and Rooftop of Virginia Community Action Program**

At 12:56 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 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, Deanda Shelton and Liz Hayes.

**Closed Session**

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

**10. FHB File Number 2011-04838, Pamela Edwards and Joshua Jones v. Patrice Freeman, Cliff Testerman, Virginia Housing Development Authority and Rooftop of Virginia Community Action Program**

At 1:25 P.M., a motion was made by Ms. Randall 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: 7-0

AYES: Adkins, Boynton, Gifford, Ginnell, Kim, Randall and Reisinger.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Broady-Myers, Eck, Rubinstein, Stevens and Wilson.

In the matter of **FHB File Number 2011-04838, Pamela Edwards and Joshua Jones v. Patrice Freeman, Cliff Testerman, Virginia Housing Development Authority and Rooftop of Virginia Community Action Program**, a motion was made by Ms. Randall and seconded by Mr. Gifford to find no reasonable cause against Patrice Freeman, Cliff Testerman, and Rooftop of Virginia Community Action Program. The motion passed unanimously. Members voting "Yes" were: Adkins, Boynton, Gifford, Ginnell, Kim, Randall and Reisinger.

**FHB File Number 2011-04838, Pamela Edwards and Joshua Jones v. Patrice Freeman, Cliff Testerman, Virginia Housing Development Authority and Rooftop of Virginia Community Action Program**

A motion was made by Mr. Boynton and seconded by Mr. Gifford to find reasonable cause the respondent, Virginia Housing Development Authority, discriminated against the complainant by refusing to make a reasonable accommodation based on disability. The motion passed unanimously. Members voting "Yes" were: Adkins, Boynton, Gifford, Ginnell, Kim, Randall and Reisinger.

The Board recessed from 1:30 P.M. to 1:37 P.M.

**Break**

In the matter of **FHB File Number 2012-02540, Ariel Azevedo v. Hope Hallaman, Jennifer Westerman, Capitol Asset Management, LLC, dba Legend Property Group, and 75 Commerce, LLC**, 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. Ginnell to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Boynton, Gifford, Ginnell, Kim, Randall and Reisinger.

**FHB File Number 2012-02540, Ariel Azevedo v. Hope Hallaman, Jennifer Westerman, Capitol Asset Management, LLC, dba Legend Property Group, and 75 Commerce, LLC**

In the matter of **FHB File Number 2012-02738, Alvin West v. Wayne Lambert and Tallseven Properties, LLC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Randall to refer the matter to the Office of the Attorney General for Consultation. There being no second, the motion failed. 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 majority vote. Members voting "Yes" were: Adkins, Boynton, Gifford, Ginnell, Kim and Reisinger. Member voting "No" was Randall.

**FHB File Number 2012-02738, Alvin West v. Wayne Lambert and Tallseven Properties, LLC**

In the matter of **FHB File Number 2012-03279, Crystal and Alex Madrid v. Autumn McQuay, King Properties, Inc., and RB Limited, LLC**, 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 Mr. Gifford to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Boynton, Gifford, Ginnell, Kim, Randall and Reisinger.

**FHB File Number 2012-03279, Crystal and Alex Madrid v. Autumn McQuay, King Properties, Inc., and RB Limited, LLC**

In the matter of **FHB File Number 2012-02634, Mahesh**

**FHB File Number 2012-**

**Sikka and Sunaina Sikka v. River's Bend Community Association, Inc.**, a motion was made by Mr. Adkins 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: Adkins, Boynton, Gifford, Ginnell, Kim, Randall and Reisinger.

**02634, Mahesh Sikka and Sunaina Sikka v. River's Bend Community Association, Inc.**

In the matter of **FHB File Number 2012-03067, Mark Hartley v. 1020 Tilden Street, LLC**, a motion was made by Mr. Adkins 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: Adkins, Boynton, Gifford, Ginnell, Kim, Randall and Reisinger.

**FHB File Number 2012-03067, Mark Hartley v. 1020 Tilden Street, LLC**

In the matter of **FHB File Number 2012-03337, Walter Tilghman v. Sherri McNamara, Property Manager; ICAFS, Inc. t/a General Services Corporation, Management Company; OBSA, L.L.C., Owner**, a motion was made by Mr. Adkins 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: Adkins, Boynton, Gifford, Ginnell, Kim, Randall and Reisinger.

**FHB File Number 2012-03337, Walter Tilghman v. Sherri McNamara, Property Manager; ICAFS, Inc. t/a General Services Corporation, Management Company; OBSA, L.L.C., Owner**

In the matter of **FHB File Number 2012-03646, Shirley Moran v. Tim Toller and Legacy Capital, LLC**, a motion was made by Mr. Adkins 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: Adkins, Boynton, Gifford, Ginnell, Kim, Randall and Reisinger.

**FHB File Number 2012-03646, Shirley Moran v. Tim Toller and Legacy Capital, LLC**

In the matter of **FHB File Number 2011-02837, Brian Tatum v. John Vandevander**, a motion was made by Mr. Adkins 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: Adkins, Boynton, Gifford, Ginnell, Kim, Randall and Reisinger.

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

At 2:00 P.M., Mr. Boynton offered a motion which was seconded by Mr. Reisinger, 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 – Settlement Agreement – File No. 2009-04256 – Kathryn L. Sack v. Kathy Hughes, George and Stephen McClellan Trustees of Trust of Stephen A. McClellan Estate**

At 2:05 P.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: 7-0

AYES: Adkins, Boynton, Gifford, Ginnell, Kim, Randall and Reisinger.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Broady-Myers, Eck, Rubinstein, Stevens and Wilson.

A motion was made by Ms. Randall and seconded by Mr. Reisinger to accept the settlement terms as presented in Kathryn L. Sack v. Kathy Hughes, George and Stephen McClellan Trustees of Trust of Stephen A. McClellan Estate. The motion passed unanimously. Members voting "Yes" were: Adkins, Boynton, Gifford, Ginnell, Kim, Randall and Reisinger. **Old Business**

The Board adjourned at 2:07 P.M.

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Phyllis Randall, Chair

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Gordon Dixon, Secretary