

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

December 9, 2009

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
Tonye Epps
Stephen McMaster
Martin Maples
Neil Bhatt

Board members not present: Penny Johnson
Robert Ruais
Jeffrey Adkins
Rosario Carrera
Jim Ginnell

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

Jay DeBoer, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Liz Hayes, Fair Housing Administrator
Deanda Shelton, Assistant Fair Housing Administrator
Emily Trent, Administrative Assistant
Trudy Miller, Fair Housing Investigator
Angela Keefe-Thomas, Fair Housing Investigator
Karen Taylor, Fair Housing Specialist
Yvette Barnes, Fair Housing Investigator
Aysan Sanchez, 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 10:18 **Call to Order**
A.M.

A motion was made by Ms. Randall and seconded by Mr. **Agenda**
Martin to approve the Agenda. The motion passed

unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

Helen O'Beirne, Director for the Center for Housing Leadership, updated the Board Legislative Agenda items for the Center for Housing Leadership. No action was taken by the Board.

Public Comment

A motion was made by Mr. McMaster and seconded by Mr. Bhatt to approve the October 7, 2009, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

Minutes

Liz Hayes updated the Board on the current investigative case load. No action was taken by the Board.

**Fair Housing
Administrator's Report**

In the matter of **FHB File Number 2010-00601, Geraldine B. Todd v. Richmond Redevelopment and Housing Authority, and Rayne Jones-Fultz**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Jeffrey Shapiro, attorney for the respondent, appeared and addressed the Board. A motion was made by Mr. Bhatt and seconded by Mr. Maples to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Bhatt, Epps, Maples, Randall and Rubinstein. Members voting "No" was McMaster.

FHB File Number 2010-00601, Geraldine B. Todd v. Richmond Redevelopment and Housing Authority, and Rayne Jones-Fultz

In the matter of **FHB File Number 2010-00479, Geraldine B. Todd v. Benson and Cynthia S. Woo**, 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. Benson Woo, attorney for the respondent, was present and addressed the Board. A motion was made by Mr. Maples and seconded by Mr. Bhatt to close the case with a finding of no reasonable cause. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

FHB File Number 2010-00479, Geraldine B. Todd v. Benson and Cynthia S. Woo

In the matter of **FHB File Number 2010-00787, William Marshall v. Jimmi Rowland, John Neal, Neighborhood Properties, Inc. BL LLC, and Neighborhood Properties, Inc.**, the Board reviewed the record which consisted of the

FHB File Number 2010-00787, William Marshall v. Jimmi Rowland, John Neal, Neighborhood

Final Investigative Report and Case Analysis and Recommendation and Supplemental Final Investigative Report. Jimmi Rowland, Respondent, and William Tanner, attorney for the respondent, were present and addressed the Board. A motion was made by Mr. Maples and seconded by Ms. Randall to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

**Properties, Inc. BL LLC,
and Neighborhood
Properties, Inc.**

In the matter of **FHB File Number 2009-01239, Gary Spencer v. Marion Watkins, Quality Investments Management Company, Inc., and LTT Associates, 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. Charles Twine, respondent representative, appeared and addressed the Board.

**FHB File Number 2009-
01239, Gary Spencer v.
Marion Watkins, Quality
Investments Management
Company, Inc., and LTT
Associates, LLC**

The Board recessed from 11:00 A.M. to 11:09 A.M.

Break

At 11:10 A.M., Ms. Epps offered a motion which was seconded by Mr. Maples, 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 Yvette Barnes.

Closed Session

In the matter of **FHB File Number 2009-01239, Gary Spencer v. Marion Watkins, Quality Investments Management Company, Inc., and LTT Associates, LLC**, a motion was made by Mr. McMaster and seconded by Mr. Maples to close the case with a finding of no reasonable cause for refusing to rent, engaging in discriminatory terms and conditions and refusal to make reasonable accommodations. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

**FHB File Number 2009-
01239, Gary Spencer v.
Marion Watkins, Quality
Investments Management
Company, Inc., and LTT
Associates, LLC**

A motion was made by Mr. McMaster and seconded by Mr.

Bhatt to find reasonable cause for making discriminatory statements based on handicap. The motion passed by majority vote. Members voting "Yes" were: Bhatt, Epps, McMaster, Randall and Rubinstein. Member voting "No" was Maples.

In the matter of **FHB File Number 2010-00555, Larry Tuthill v. Eva Papaefthimiou and Department of Housing and Community Development**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. McMaster and seconded by Mr. Bhatt to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

FHB File Number 2010-00555, Larry Tuthill v. Eva Papaefthimiou and Department of Housing and Community Development

In the matter of **FHB File Number 2009-04610, Judith E. Vido v. Grace Street, L.P., Beacon Residential Management, L.P., and Betsy Bighinatti**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Bhatt and seconded by Mr. Maples to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

FHB File Number 2009-04610, Judith E. Vido v. Grace Street, L.P., Beacon Residential Management, L.P., and Betsy Bighinatti

In the matter of **FHB File Number 2009-03646, Cedarwood Condominium Association, Inc. and Cedarwood Condominium Association, Inc. Board of Directors**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Supplement to the Final Investigative Report. A motion was made by Mr. McMaster and seconded by Mr. Bhatt to refer the case to the Office of the Attorney General for an official consultation opinion. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

FHB File Number 2009-03646, Cedarwood Condominium Association, Inc. and Cedarwood Condominium Association, Inc. Board of Directors

The Board recessed from 12:40 P.M. to 12:54 P.M.

Break

In the matter of **FHB File Number 2009-01956, Daniel Rothenhoefer v. Thomas Houseknecht and Elizabeth Epps**, the Board reviewed the record which consisted of the

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

Final Investigative Report and Case Analysis and **Houseknecht and Recommendation, and Official Consultation Memorandum Elizabeth Epps** from the Office of the Attorney General.

At 1:10 P.M., Mr. Rubinstein offered a motion which was seconded by Mr. Maples, 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 Yvette Barnes.

Closed Session

In the matter of **FHB File Number 2009-01956, Daniel Rothenhoefer v. Thomas Houseknecht and Elizabeth Epps**, a motion was made by Ms. Randall and seconded by Mr. Bhatt to find no reasonable cause that the Respondents discriminated against the Complainant by refusing to continue renting, terms and conditions of a rental, or failure to make reasonable modifications, based upon handicap. The motion passed by majority vote. Members voting "Yes" were Bhatt, McMaster, Randall and Rubinstein. Members voting "No" were Epps and Maples.

FHB File Number 2009-01956, Daniel Rothenhoefer v. Thomas Houseknecht and Elizabeth Epps

A motion was made by Ms. Randall and seconded by Mr. Maples to find reasonable cause that Respondent Houseknecht discriminated against the Complainant by making a discriminatory statement based upon handicap. The motion passed by majority vote. Members voting "Yes" were Epps, Maples, McMaster, Randall and Rubinstein. Member voting "No" was Bhatt.

A motion was made by Ms. Randall and seconded by Mr. Bhatt to find no reasonable cause that Respondent Epps discriminated against the Complainant by making a discriminatory statement based upon handicap. The motion failed. Members voting "Yes" were Bhatt, Randall and Rubinstein. Members voting "No" were Epps, Maples and McMaster.

A motion was made by Mr. Maples and seconded by Ms. Epps to find reasonable cause that Respondent Epps

discriminated against the Complainant by making a discriminatory statement based upon handicap. The motion failed. Member voting "Yes" was Maples. Members voting "No" were Bhatt, Epps, Maples, McMaster and Rubinstein.

A motion was made by Ms. Randall and seconded by Mr. Bhatt to find no reasonable cause that Respondent Epps discriminated against the Complainant by making a discriminatory statement based upon handicap. The motion failed. Members voting "Yes" were Bhatt, Randall and Rubinstein. Members voting "No" were Epps, Maples and McMaster.

A motion was made by Mr. Bhatt and seconded by Mr. Maples to find reasonable cause to believe Respondent Epps is vicariously liable for discriminatory statements made by her agent, Thomas Houseknecht, based upon handicap. The motion passed unanimously. Members voting "Yes" were Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

In the matter of **FHB File Number 2009-02366, Nancy Hall v. Roseberry Community Association Board of Directors**, a motion was made by Ms. Randall and seconded by Mr. McMaster to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

FHB File Number 2009-02366, Nancy Hall v. Roseberry Community Association Board of Directors

In the matter of **FHB File Number 2010-00984, Jose & Sonia Duran v. Larry Wayland, and Meadowcreek/Lynnbrook Residential, LLC, d/b/a Lynbrook & Meadow Creek Apartments at Mark Center**, a motion was made by Ms. Randall and seconded by Mr. McMaster to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

FHB File Number 2009-00984, Jose & Sonia Duran v. Larry Wayland, and Meadowcreek/Lynnbrook Residential, LLC, d/b/a Lynbrook & Meadow Creek Apartments at Mark Center

In the matter of **FHB File Number 2010-01460, Kristen Seay v. Virginia Edmonds, Connie Hickman, and Virginia Rentals LLC**, a motion was made by Ms. Randall and seconded by Mr. McMaster to approve the terms of the conciliation agreement as agreed to by the parties. The

FHB File Number 2010-01460, Kristen Seay v. Virginia Edmonds, Connie Hickman, and Virginia Rentals LLC

motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

In the matter of **FHB File Number 2009-03637, Cheryl Brown v. Robert Owens, Eric Bastian, Gas Light Properties, LLC, and Space Properties/Gas Light, LLC**, a motion was made by Ms. Randall and seconded by Mr. McMaster to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

FHB File Number 2009-03637, Cheryl Brown v. Robert Owens, Eric Bastian, Gas Light Properties, LLC, and Space Properties/Gas Light, LLC

In the matter of **FHB File Number 2009-03864, Housing Opportunities Made Equal of VA, Inc. v. Robert Owens, Eric Bastian, Gas Light Properties, LLC; and Space Properties/Gas Light, LLC**, a motion was made by Ms. Randall and seconded by Mr. McMaster to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

FHB File Number 2009-03864, Housing Opportunities Made Equal of VA, Inc. v. Robert Owens, Eric Bastian, Gas Light Properties, LLC; and Space Properties/Gas Light, LLC

In the matter of **FHB File Number 2010-00453, William Ray Lambert v. Hopewell Heights Associates, LP, and Aretha Jackson**, a motion was made by Ms. Randall and seconded by Mr. McMaster to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

FHB File Number 2010-00453, William Ray Lambert v. Hopewell Heights Associates, LP, and Aretha Jackson

In the matter of **FHB File Number 2010-00174, Zejdn Brezinska v. Douglas Kline, and Sherwood Apartments, LLC**, a motion was made by Ms. Randall and seconded by Mr. McMaster to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

FHB File Number 2010-00174, Zejdn Brezinska v. Douglas Kline, and Sherwood Apartments, LLC

In the matter of **FHB File Number 2009-04380, Norma Sapp & LaVance Lockhart v. Board of Trustees, Westridge Swim and Racquet Club, Inc., A Community Association, Christina Hernandez, and Westridge Swim and Racquet Club, Inc., A Community Association**, a motion was made by Ms. Randall and seconded by Mr. McMaster to approve the terms of the conciliation

FHB File Number 2009-04380, Norma Sapp & LaVance Lockhart v. Board of Trustees, Westridge Swim and Racquet Club, Inc., A Community Association,

agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

In the matter of the **File Number 2010-00928, Rodney Hairston & Angelika Gibson v. The Tara Faye Corporation, Trustee of the 905 Highland Avenue Land Trust**, a motion was made by Ms. Randall and seconded by Mr. McMaster to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

Christina Hernandez, and Westridge Swim and Racquest Club, Inc., A Community Association
File Number 2010-00928, Rodney Hairston & Angelika Gibson v. The Tara Faye Corporation, Trustee of the 905 Highland Avenue Land Trust

In the matter of the **File Number 2009-00405, Larissa Ann Davis (formerly Larissa Ann Wells) and Jaime Davis v. Debra Gantt and Gantt Investment Corporation**, a motion was made by Ms. Randall and seconded by Mr. McMaster to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

File Number 2009-00405, Larissa Ann Davis (formerly Larissa Ann Wells) and Jaime Davis v. Debra Gantt and Gantt Investment Corporation

In the matter of the **File Number 2008-02318, John Marsinko v. David Oliver and Keystone Management**, a motion was made by Mr. McMaster and seconded by Mr. Maples to approve the settlement terms as presented. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein

File Number 2008-02318, John Marsinko v. David Oliver and Keystone Management

The Board adjourned at 2:45 p.m.

David B. Rubinstein, Chairman

Jay W. DeBoer, Secretary