VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

April 20, 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
Matthew K. Kim
Andrew Reisinger
F. Thomas Eck, IV
Phyllis Randall
Jim Ginnell
Tonye Epps
Martin Maples
Neil Bhatt
Thomas Gifford

Board members not present: Rosario Carrera
Jeffrey Adkins

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

Nick Christner, 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
Trudy Miller, Fair Housing Investigator
Matt Vincent, Fair Housing Investigator

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

Call to Order

Chairman Rubinstein called the meeting to order at 10:06 A.M.

Agenda

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

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and Rubinstein.

Minutes

A motion was made by Mr. Eck and seconded by Ms. Randall to approve the February 9, 2011, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

A motion was made by Mr. Ginnell and seconded by Mr. Gifford to approve the April 8, 2011, Fair Housing Board Training minutes. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

Public Comment

There was no public comment.

Fair Housing Administrator's Report

Liz Hayes updated the Board on the current investigative case load.

File Number 2009-01473, Fair Housing Board v. Valley Builders, Inc., Lessard Group, Inc., Gumenick Properties, LLC and Monument Square, LLC

In the matter of **File Number 2009-01473, Fair Housing Board v. Valley Builders, Inc., Lessard Group, Inc., Gumenick Properties, LLC and Monument Square, 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. Andrew Sherrod, attorney for Gumenick Properties LLC, and Monument Square, LLC. John Franklin, III, attorney for Lessard Group, Inc. and Jack McLaurin, Architect for Lessard Group, Inc., were present and addressed the Board.

Closed Session

At 10:30 A.M., Mr. Kim 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 Deanda Shelton.

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

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7. FHB File Number 2009-01473, Fair Housing Board v. Valley Builders, Inc., Lessard Group, Inc., Gumenick Properties, LLC, and Monument Square, LLC

At 11:15 A.M., a motion was made by Mr. Maples and seconded by Mr. Gifford that the Board reconvene in open session.

Certification

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

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: Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Adkins and Carrera.

File Number 2009-01473, Fair Housing Board v. Valley Builders, Inc., Lessard Group, Inc., Gumenick Properties, LLC and Monument Square, LLC

In the matter of **File Number 2009-01473, Fair Housing Board v. Valley Builders, Inc., Lessard Group, Inc., Gumenick Properties, LLC and Monument Square, LLC,** a motion was made by Mr. Eck and seconded by Mr. Reisinger to find no reasonable cause that the respondents violated §36-96.3.B.3 of the *Code of Virginia* regarding design and construction requirements for covered multi-

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family dwellings with respect to townhomes offering elevator options. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

A motion was made by Ms. Randall and seconded by Mr. Eck to find reasonable cause that the respondents Valley Builders, Inc., Gumenick Properties, LLC, and Monument Square, LLC violated §36-96.3.B.1 of the *Code of Virginia* regarding access and use of common areas of the subject property. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

FHB File Number 2011-01997, Savon Stephens v. Donna Gaydick, Sandra Becker, CAPREIT Residential Management, LLC, and Twin Hickory Senior Associates, LP

In the matter of **FHB File Number 2011-01997, Savon Stephens v. Donna Gaydick, Sandra Becker, CAPREIT Residential Management, LLC, and Twin Hickory Senior Associates, LP,** the Board reviewed complainant Savon Stephens, reconsideration request. Savon Stephens, complainant, and David Solodar, attorney for the respondents, were present and addressed the Board. A motion was made by Mr. Reisinger and seconded by Mr. Eck to deny the reconsideration request as no new information was presented. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

Break

The Board recessed from 11:36 A.M. to 11:45 A.M.

FHB File Number 2010-00199, Thomas and Donna Champion v. Nicholas Fiels and Wells Fargo Home Mortgage of Hawaii

In the matter of **FHB File Number 2010-00199, Thomas and Donna Champion v. Nicholas Fiels and Wells Fargo Home Mortgage of Hawaii,** the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Reisinger and seconded by Mr. Eck to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Randall, Reisinger and Rubinstein.

Mr. Maples abstained from voting in this matter.

FHB File Number 2010-01346, Karen Holben v.

In the matter of **FHB File Number 2010-01346, Karen Holben v. James L. Lum, II and Lumland Properties**

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James L. Lum, II and Lumland Properties LLC

LLC, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Reisinger and seconded by Mr. Eck to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Randall, Reisinger and Rubinstein. Member voting "No" was Maples.

FHB File Number 2011-01248, Ahmed Shehata v. GMAC Mortgage, LLC and Jason Stevenson

In the matter of **FHB File Number 2011-01248, Ahmed Shehata v. GMAC Mortgage, LLC and Jason Stevenson,** 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. Kim to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

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

In the matter of **File Number 2010-01881, Terra Bacon v. Vince Ferranti, Terrace Properties LLC, and Shanel Corporation,** 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.

Closed Session

At 12:01 P.M., Ms. Randall 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 and Liz Hayes.

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

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

At 12:54 P.M., a motion was made by Mr. Maples and seconded by Ms. Epps that the Board reconvene in open

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session.

Certification

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

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: Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Adkins and Carrera.

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

In the matter of **File Number 2010-01881, Terra Bacon v. Vince Ferranti, Terrace Properties LLC, and Shanel Corporation,** 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. Vince Ferranti, respondent, was present and addressed the Board. A motion was made by Ms. Randall and seconded by Mr. Bhatt to defer the case to obtain further information. The motion passed by majority vote. Members voting "Yes" were Bhatt, Epps, Gifford, Ginnell, Kim, Randall and Rubinstein. Members voting "No" were Eck, Maples and Reisinger.

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File Number 2010-01498, Anthony Nsiah v. Fairfax Redevelopment and Housing Authority/HDCD Two, LP, and Yvonne Moore

In the matter of **File Number 2010-01498, Anthony Nsiah v. Fairfax Redevelopment and Housing Authority/HDCD Two, LP, and Yvonne Moore,** 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. A motion was made by Ms. Randall and seconded by Mr. Gifford to find reasonable cause the respondents discriminated against the complainant by imposing discriminatory terms and conditions based on familial status. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

File Number 2011-02479, Susan Garrett v. Canh Van Nguyen & Thanh-Tham T. Nguyen

In the matter of the **File Number 2011-02479, Susan Garrett v. Canh Van Nguyen & Thanh-Tham T. Nguyen,** a motion was made by Mr. Ginnell and seconded by Mr. Eck to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

File Number 2011-00067, Agustin Vega v. Midway Manor Associates, Bush Construction Corporation

In the matter of the **File Number 2011-00067, Agustin Vega v. Midway Manor Associates, Bush Construction Corporation,** a motion was made by Mr. Ginnell and seconded by Mr. Eck to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

File Number 2011-03586, Andrea Atkinson and Reginald Atkinson v. Massie's Mobile Home Park

In the matter of the **File Number 2011-03586, Andrea Atkinson and Reginald Atkinson v. Massie's Mobile Home Park,** a motion was made by Mr. Ginnell and seconded by Mr. Eck to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

File Number 2010-04043, Patricia Walsh v.

In the matter of the **File Number 2010-04043, Patricia Walsh v. Briarwood Hearth Owners' Association, Inc.,** a

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Briarwood Hearth Owners' Association, Inc.

motion was made by Mr. Ginnell and seconded by Mr. Reisinger to approve the settlement terms as presented. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

Break

The Board recessed from 1:15 P.M. to 1:31 P.M.

Litigation Update

Tom Payne, Assistant Attorney General, presented the Board with a litigation update on FHB File Number 2009-01956, Daniel Rothenhoefer v. Thomas Houseknecht. No action was taken by the Board.

File Number 2010-00055, Roosevelt Smith v. Juan Jimenez

In the matter of the **File Number 2010-00055, Roosevelt Smith v. Juan Jimenez,** a motion was made by Mr. Gifford and seconded by Mr. Maples to approve the settlement terms as presented. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

Administrative Issues

A motion was made by Mr. Eck and seconded by Mr. Gifford to adopt the proposed Fair Housing regulations. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

Education

A motion was made by Ms. Epps and seconded by Mr. Reisinger to accept the April 20, 2011, Education Committee Report. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Gifford, Ginnell, Kim, Maples, Randall, Reisinger and Rubinstein.

The Board adjourned at 2:03 p.m.

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David B. Rubinstein, Chairman

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Gordon Dixon, Secretary

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