

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

April 14, 2010

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
Stephen McMaster, Vice-Chairman
Tonye Epps
Neil Bhatt
Jim Ginnell
Robert Ruais
Rosario Carrera
Martin Maples
Jeffrey Adkins (arrived 10:06 a.m.)
Phyllis Randall

Board members not present: Penny Johnson

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
Aysan Sanchez, Fair Housing Investigator
Matt Vincent, 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 10:04 **Call to Order** A.M.

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

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

A motion was made by Mr. Bhatt and seconded by Ms. Epps to approve the March 3, 2010, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall, Ruais and Rubinstein.

Minutes

Liz Hayes updated the Board on the current investigative case load. Ms. Hayes introduced Matt Vincent, Fair Housing Investigator. No action was taken by the Board.

**Fair Housing
Administrator's Report**

Board member Jeffrey Adkins arrived at 10:05 a.m.

Arrival of Board Member

In the matter of **FHB File Number 2010-01953, Richard and Nancy McGuire v. Joe Franklin, Janet Treadwell, Franklin Management Company, and Taylor Arms Apartments, LLC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Patrick Pettitt, attorney for respondent, appeared 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: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall, Ruais and Rubinstein.

FHB File Number 2010-01953, Richard and Nancy McGuire v. Joe Franklin, Janet Treadwell, Franklin Management Company, and Taylor Arms Apartments, LLC

In the matter of **FHB File Number 2009-02724, Michael Fishel v. Windsor Plaza Condominium Association, Inc. Board of Directors and Windsor Plaza Condominium Association, Inc.**, 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. Michael Fishel, complainant, and Marla Diaz, attorney for the respondent, were present and addressed the Board.

FHB File Number 2009-02724, Michael Fishel v. Windsor Plaza Condominium Association, Inc. Board of Directors and Windsor Plaza Condominium Association, Inc.

At 10:35 A.M., Mr. Maples offered a motion which was seconded by Ms. Carrera, 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

Closed Session

§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):

13. FHB File Number 2009-02724, Michael Fishel v. Windsor Plaza Condominium Association, Inc. Board of Directors and Windsor Plaza Condominium Association, Inc.

At 11:29 A.M., a motion was made by Mr. Maples and seconded by Ms. Carrera 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: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall, Ruais and Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Johnson.

In the matter of **FHB File Number 2009-02724, Michael Fishel v. Windsor Plaza Condominium Association, Inc. Board of Directors and Windsor Plaza Condominium Association, Inc.** A motion was made by Mr. Ginnell and seconded by Mr. Maples to find reasonable cause that the Respondent discriminated against Complainant by failing to make a reasonable accommodation based upon disability. The motion passed unanimously. Members voting "Yes" were: Adkins, Carrera, Epps, Ginnell, Maples, McMaster, Randall, Ruais and Rubinstein.

FHB File Number 2009-02724, Michael Fishel v. Windsor Plaza Condominium Association, Inc. Board of Directors and Windsor Plaza Condominium Association, Inc.

Mr. Bhatt did not vote or discuss the matter due to possible conflict of interest.

In the matter of **FHB File Number 2010-01630, Demosthenis Grivas v. Gurpreet Birgi and Inderbir Singh**, 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. Ruais to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall, Ruais and Rubinstein.

FHB File Number 2010-01630, Demosthenis Grivas v. Gurpreet Birgi and Inderbir Singh

In the matter of **FHB File Number 2010-01568, Tara Goodman-Castillo v. Lynette Gabriel, Stephen D. Bell Company, Bell Partners, Inc., Crystal Crosby, and G & I VI Laurel Springs, LLC**, 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. Ginnell to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall, Ruais and Rubinstein.

FHB File Number 2010-01568, Tara Goodman-Castillo v. Lynette Gabriel, Stephen D. Bell Company, Bell Partners, Inc., Crystal Crosby, and G & I VI Laurel Springs, LLC

In the matter of **FHB File Number 2010-01790, John Woodson v. Gregory McMullan Estate**, 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. Carrera to close the case with a finding of no reasonable cause. The motion passed unanimously.

FHB File Number 2010-01790, John Woodson v. Gregory McMullan Estate

Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall, Ruais and Rubinstein.

In the matter of **FHB File Number 2010-02977, Sonnet Williams v. Terrace Properties, LLC, Vincent Ferranti, and Shanel Corporation**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. McMaster 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, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall, Ruais and Rubinstein.

FHB File Number 2010-02977, Sonnet Williams v. Terrace Properties, LLC, Vincent Ferranti, and Shanel Corporation

In the matter of **FHB File Number 2009-03646, Robert and Ann Lebrun v. 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 Supplemental Final Investigative Report. A motion was made by Mr. Ruais and seconded by Ms. Epps to find reasonable cause that the Respondents discriminated against Complainant based upon familial status.

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

In the matter of **FHB File Number 2009-01956, Daniel Rothenhoefer v. Thomas Houseknect and Elizabeth Epps**, 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, and minutes of the December 9, 2009 Fair Housing Board meeting.

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

At 11:46 A.M., Mr. McMaster 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 Jay DeBoer.

Closed Session

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

as agenda item(s):

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

At 12:13 P.M., a motion was made by Mr. Ruais and seconded by Ms. Randall 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: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall, Ruais and Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Johnson.

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. Maples to reconsider the Board's decision to find reasonable cause and instead find no reasonable cause against Elizabeth Epps for vicarious liability for the

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

statements made by the respondent Thomas Houseknecht. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall, Ruais and Rubinstein.

In the matter of the **File Number 2010-02548, Housing Opportunities Made Equal of Virginia, Inc. (HOME) v. David S. Nelson**, a motion was made by Mr. Ruais and seconded by Mr. Bhatt to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall, Ruais and Rubinstein.

File Number 2010-02548, Housing Opportunities Made Equal of Virginia, Inc. (HOME) v. David S. Nelson

In the matter of the **File Number 2010-02432, Housing Opportunities Made Equal of Virginia, Inc. (HOME) v. Ronald Schlarman**, a motion was made by Mr. Ruais and seconded by Mr. Bhatt to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall, Ruais and Rubinstein.

File Number 2010-02432, Housing Opportunities Made Equal of Virginia, Inc. (HOME) v. Ronald Schlarman

In the matter of the **File Number 2010-02945, Tuoi T. Tran and Loan T. Phuong v. Steven Peacock**, a motion was made by Mr. Ruais and seconded by Mr. Bhatt to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall, Ruais and Rubinstein.

File Number 2010-02945, Tuoi T. Tran and Loan T. Phuong v. Steven Peacock

In the matter of the **File Number 2010-01029, RRCSB-AAA v. Edwin Gentry, Village of Griffinsburg Homeowners Association and Culpepper County Board of Supervisors**, a motion was made by Mr. Ruais and seconded by Mr. Bhatt to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall, Ruais and Rubinstein.

File Number 2010-01029, RRCSB-AAA v. Edwin Gentry, Village of Griffinsburg Homeowners Association and Culpepper County Board of Supervisors

In the matter of the **File Number 2008-01804, Karen Smith v. RGB, Inc. d/b/a Holiday Trav-L-Park**, a motion was made by Mr. McMaster and seconded by Mr. Ruais to approve the settlement terms as presented. The motion

File Number 2008-01804, Karen Smith v. RGB, Inc. d/b/a Holiday Trav-L-Park

passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall, Ruais and Rubinstein.

In the matter of the **File Number 2009-02288, Housing Opportunities Made Equal v. Kenneth and Shelley Wise**, a motion was made by Mr. McMaster and seconded by Mr. Ruais to approve the consent order as presented. The motion passed unanimously. Members voting "Yes" were: Adkins, Bhatt, Carrera, Epps, Ginnell, Maples, McMaster, Randall, Ruais and Rubinstein. **File Number 2009-02288, Housing Opportunities Made Equal v. Kenneth and Shelley Wise**

Ms. Martine and Mr. DeBoer presented the Board with a **New Business** legislative update.

The Board adjourned at 12:55 p.m.

David B. Rubinstein, Chairman

Jay W. DeBoer, Secretary

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