

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

August 25, 2021

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:

Dean Lynch
Candice L. Bennett
Alyia Gaskins
Amanda Pohl
Amanda Buyalos
Scott Astrada
T. Nicole Hebbe

Board member absent from the meeting:

Myra Howard, Chair
Larry Murphy, Vice-Chair
Sherman Gillums
Linda Melton
Colin Arnold

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

Mary Broz-Vaughan, Director
Christine Martine, Executive Director
Jim Chapman, Board Administrator
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
Dominica McGowen, Fair Housing Investigator
Lorraine Schroeder, Fair Housing Investigator

Tom Payne, Senior Assistant Attorney General, and Helen Hardiman, Assistant Attorney General, with the Office of the Attorney General were present.

Mr. Dean called the meeting to order at 10:08 A.M.

Call to Order

A motion was made by Ms. Bennett and seconded by Ms. Buyalos to approve the Agenda. The motion passed unanimously. Members voting "Yes" were: Astrada,

Agenda

Bennett, Buyalos, Gaskins, Hebbe, Lynch and Pohl.

A motion was made by Ms. Bennett and seconded by Ms. Gaskins to approve the June 14, 2021, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Gaskins, Hebbe, Lynch and Pohl.

Minutes

Ms. Martine went through the names on the board meeting sign in sheet asking each person who signed it if they wanted to address the board. She then told these individuals that they would have the opportunity to speak when their agenda item was called.

Attendance

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 2021-01590, Sarah Vialette and Kendall Zortman v. CBM Mortgage Inc.**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. Sarah Vialette, complainant, was present and addressed the Board. Robert J. Light, Esq., attorney for the respondent, addressed the Board by teleconference. A motion was made by Ms. Bennett and seconded by Ms. Pohl to find no reasonable cause that the respondent discriminated against the complainants by subjecting them to discriminatory financing based upon religion. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Gaskins, Hebbe, Lynch and Pohl.

**FHB File Number 2021-
01590, Sarah Vialette and
Kendall Zortman v. CBM
Mortgage Inc.**

In the matter of **FHB File Number 2021-01610, Janet and Autumn Pakravan v. Virginia Beach Department of Housing and Neighborhood Preservation Homeless Program and PIN Ministry**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. A motion was made by Ms. Bennett and seconded by Ms. Gaskins to find no reasonable cause that the respondents discriminated against the complainants by offering discriminatory terms and conditions; retaliating against the complainants or refusing to make a reasonable accommodation based upon disability. The motion passed unanimously. Members voting "Yes" were: Astrada,

**FHB File Number 2021-
01610, Janet and Autumn
Pakravan v. Virginia
Beach Department of
Housing and
Neighborhood
Preservation Homeless
Program and PIN
Ministry**

Bennett, Buyalos, Gaskins, Hebbe, Lynch and Pohl.

In the matter of **FHB File Number 2021-00140, Thomas S. Bryant v. Daniel U. S. Properties, LP and Somerby Imperial Plaza, LLC**, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Supplemental Final Investigative Report. A motion was made by Ms. Bennett and seconded by Ms. Buyalos to find no reasonable cause that the respondents discriminated against the complainants by offering discriminatory terms and conditions of rental based upon race and disability. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Gaskins, Hebbe, Lynch and Pohl.

FHB File Number 2021-00140, Thomas S. Bryant v. Daniel U. S. Properties, LP and Somerby Imperial Plaza, LLC

In the matter of **FHB File Number 2021-00734, Melissa White v. Green Tree Apartments LLC, and Oak Grove Associates LLC dba Templeton Property**, the case was deferred for additional information.

FHB File Number 2021-00734, Melissa White v. Green Tree Apartments LLC, and Oak Grove Associates LLC dba Templeton Property

In the matter of **FHB File Number 2021-01681, Harold Walker v. CAPREIT Residential Management, LLC and St. Luke Apartments, LLC**, the Board reviewed the record which consisted of the Final Investigative Report, Supplemental Final Investigation Report, and Case Analysis. Eileen Heasley, representative for the respondents, was present and addressed the Board. A motion was made by Ms. Bennett and seconded by Mr. Astrada to find no reasonable cause that the respondents discriminated against the complainant by offering discriminatory terms and conditions, privileges or in services and facilities or refusing to make a reasonable accommodation based upon disability. The motion passed by majority vote. Members voting "Yes" were: Astrada, Bennett, Buyalos, Gaskins, Hebbe and Lynch. Member voting "No" was Pohl.

FHB File Number 2021-01681, Harold Walker v. CAPREIT Residential Management, LLC and St. Luke Apartments, LLC

In the matter of **FHB File Number 2021-00375, Sahira and Blanca Khan v. Kim Istvan, North Beauregard Associates LP and Kay Management Co. Inc.**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. B. Patrick O'Grady, Esq., attorney for the respondents, was present and addressed the Board. A motion was made by Ms. Bennett and seconded by Ms. Buyalos to find no reasonable cause

FHB File Number 2021-00375, Sahira and Blanca Khan v. Kim Istvan, North Beauregard Associates LP and Kay Management Co. Inc.

that the respondents discriminated against the complainants by making a discriminatory statement or by offering discriminatory terms and conditions based upon national origin. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Gaskins, Hebbe, Lynch and Pohl.

In the matter of **FHB File Number 2020-02280, Tatiana Anikina-Dick and Norman Dick Jr. v. The Woods Association**, the Board reviewed the record which consisted of the Final Investigative Report, revised Final Investigative Report, and Case Analysis. Tatiana Anikina-Dick and Norman Dick, Jr., complainants, submitted a written statement, which was presented to the Board. A motion was made by Ms. Bennett and seconded by Ms. Buyalos to find no reasonable cause that the respondents discriminated against the complainants by imposing discriminatory terms and conditions based upon national origin or disability. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Gaskins, Hebbe, Lynch and Pohl.

FHB File Number 2020-02280, Tatiana Anikina-Dick and Norman Dick Jr. v. The Woods Association

In the matter of **FHB File Number 2019-00856, Bryan Dillon and Susanna Dillon v. Joshua Nabatkhorian and 1009 King Street, LLC**, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Official Consultation Memorandum from the Office of the Attorney General. A motion was made by Ms. Bennett and seconded by Ms. Hebbe to find no reasonable cause that the respondents discriminated against the complainants by refusing to rent, imposing discriminatory terms and conditions and refusing to make a reasonable accommodation based upon disability. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Gaskins, Hebbe, Lynch and Pohl.

FHB File Number 2019-00856, Bryan Dillon and Susanna Dillon v. Joshua Nabatkhorian and 1009 King Street, LLC

In the matter of **FHB File Number 2020-02805, Chastity Garcia v. Lawrence White Everett**, the Board reviewed the record which consisted of the Final Investigative Report, Supplemental Final Investigative Report, Case Analysis, and Official Consultation Memorandum from the Office of the Attorney General. A motion was made by Ms. Gaskins and seconded by Ms. Pohl to find reasonable cause that the respondent discriminated against the complainant by refusing to rent and making discriminatory statements based upon familial status. The motion passed unanimously.

FHB File Number 2020-02805, Chastity Garcia v. Lawrence White Everett

Members voting "Yes" were: Astrada, Bennett, Buyalos, Gaskins, Hebbe, Lynch and Pohl.

In the matter of **FHB File Number 2020-02928, Housing Opportunities Made Equal, Inc. v. Lawrence White Everett**, the Board reviewed the record which consisted of the Final Investigative Report, Supplemental Final Investigative Report, Case Analysis, and Official Consultation Memorandum from the Office of the Attorney General. A motion was made by Ms. Bennett and seconded by Mr. Astrada to find reasonable cause that the respondent discriminated against the complainant by refusing to rent based on familial status and making discriminatory statements based on familial status. The motion passed by majority vote. Members voting "Yes" were: Astrada, Bennett, Gaskins, Hebbe, Lynch and Pohl. Member voting "No" was Buyalos.

FHB File Number 2020-02928, Housing Opportunities Made Equal, Inc. v. Lawrence White Everett

In the matter of **FHB File Number 2021-01326, Yolanda Madyun v. CRC Property Management LLC and Potomac Station LP**, a motion was made by Ms. Bennett and seconded by Ms. Gaskins to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Gaskins, Hebbe, Lynch and Pohl.

FHB File Number 2021-01326, Yolanda Madyun v. CRC Property Management LLC and Potomac Station LP

In the matter of **FHB File Number 2021-02096, Amy Cloeter and John Cloeter v. Windward Condominium Unit Owners Association, Inc.**, a motion was made by Ms. Bennett and seconded by Ms. Gaskins to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Gaskins, Hebbe, Lynch and Pohl.

FHB File Number 2021-02096, Amy Cloeter and John Cloeter v. Windward Condominium Unit Owners Association, Inc.

In the matter of **FHB File Number 2021-02279, The Equal Rights Center v. Cartwright Associates LLC**, a motion was made by Ms. Bennett and seconded by Ms. Gaskins to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Gaskins, Hebbe, Lynch and Pohl.

FHB File Number 2021-02279, The Equal Rights Center v. Cartwright Associates LLC

In the matter of **FHB File Number 2021-02666, Virginia Fair Housing Office v. Beardsworth Properties LLC**, a motion was made by Ms. Bennett and seconded by Ms.

FHB File Number 2021-02666, Virginia Fair Housing Office v.

Gaskins to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Gaskins, Hebbe, Lynch and Pohl.

**Beardsworth Properties
LLC**

Mr. Payne provided the Board with the litigation update.

Administrative Issues

A motion was made by Ms. Bennett and seconded by Ms. Buyalos to approve the August 25, 2021, Fair Housing Education Committee report. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Gaskins, Hebbe, Lynch and Pohl.

The Board reviewed the Board financial statements. No action was taken by the Board.

New Business

A motion was made by Ms. Buyalos and seconded by Ms. Bennett to accept the amended regulations as presented and file an exempt regulatory action. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Gaskins, Hebbe, Lynch and Pohl.

The Board members completed Conflict of Interest Act training.

In the matter of **FHB File Number 2020-01681, Harold Walker v. CAPREIT Residential Management, LLC and St. Luke Apartments, LLC**, a motion was made by Ms. Gaskins and seconded by Ms. Buyalos to reconsider the matter. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Gaskins, Hebbe, Lynch and Pohl.

FHB File Number 2020-01681, Harold Walker v. CAPREIT Residential Management, LLC and St. Luke Apartments, LLC

A motion was made by Ms. Bennett and seconded by Mr. Astrada to discuss rescinding the motion to find no reasonable cause respondents discriminated against complainant. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Gaskins, Hebbe, Lynch and Pohl.

A motion was made by Ms. Gaskins and seconded by Ms. Buyalos to rescind the board's finding no reasonable cause respondents discriminated against complainant by offering discriminatory terms and conditions, privileges or in services and facilities or refusing to make a reasonable

accommodation based upon disability. The motion passed by majority vote. Members voting "Yes" were: Astrada, Buyalos, Gaskins, Hebbe, Lynch and Pohl. Member voting "No" was Bennett.

A motion was made by Ms. Gaskins and seconded by Ms. Buyalos to send the case back to staff for further investigation. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Gaskins, Hebbe, Lynch and Pohl.

The Board adjourned at 12:08 P.M.



Myra Howard, Chair



Mary Broz-Vaughan, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Alyia Gaskins
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: August 25, 2021
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

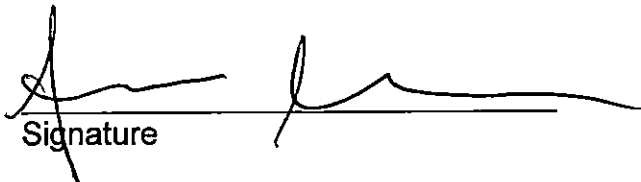
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

8-25-21
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Nicole Hebbe
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: August 25, 2021
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.

Nicole Hebbe
Signature

08/25/2021
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Amanda Pohl
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: August 25, 2021
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I **do not** have a personal interest in any transactions taken at this meeting.



Signature

8/25/2021
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Amanda Buyalos
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: August 25, 2021
(Date)

5. I have a personal interest in the following transaction:

_____ (Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I **do not** have a personal interest in any transactions taken at this meeting.

Amanda Buyalos
Signature

8/25/2021
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Candice L. Bennett
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: August 25, 2021
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

8/25/21
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Dean A. Lynch
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: August 25, 2021
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

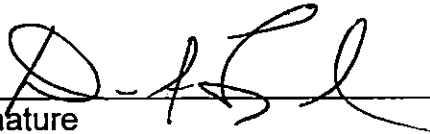
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I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

8/25/21
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Scott Astrada
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: August 25, 2021
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

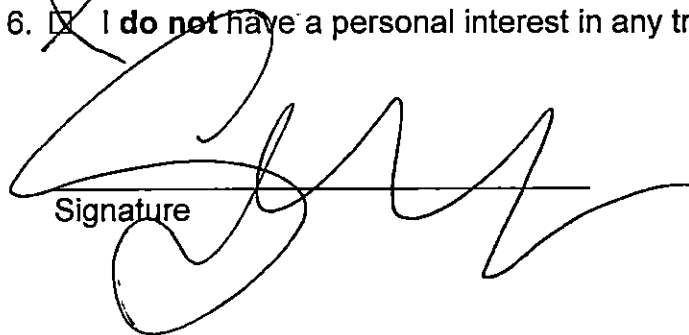
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I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

8/25/21
Date