

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

June 10, 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
Tonye Epps
Stephen McMaster
Martin Maples
Penny Johnson
Jim Ginnell
Neil Bhatt**

The following Board Members were not present: James Schuyler, Laura DuPuy, Jeffrey Adkins and Robert Ruais

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
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**

Tom Payne, Assistant Attorney General with the Office of the Attorney General, and Hollie Reeves, intern, were present.

Chairman Rubinstein called the meeting to order at 10:04 Call to Order
A.M.

A motion was made by Mr. Bhatt and seconded by Mr. Agenda
Maples to approve the Agenda. The motion passed

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

A motion was made by Mr. Maples and seconded by Mr. Ginnell to approve the following minutes: April 15, 2009, Fair Housing Board Meeting. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

There was no public comment.

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

In the matter of FHB File Number 2009-01359, Linda B. Matarese v. Malcolm McGregor, Mitch Mann, Amilcar Garcia, Archstone and Smith Property Holdings Park Vista, LLC, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Victor Glasberg, attorney for the Complainant, was present and addressed the Board. A motion was made by Mr. Maples and seconded by Ms. Epps to defer the case to the next Board meeting to allow the Complainant's attorney time to review the case. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

In the matter of FHB File Number 2009-00627, Darlene Thomas v. Beverly Thomas and Kelly Nance, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, Supplemental Final Investigative Report and Official Consultation Memorandum from the Office of the Attorney General.

At 10:30 A.M., Mr. Ginnell 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-

Minutes

Public Comment

Fair Housing Administrator's Report

FHB File Number 2009-01359, Linda B. Matarese v. Malcolm McGregor, Mitch Mann, Amilcar Garcia, Archstone and Smith Property Holdings Park Vista, LLC

FHB File Number 2009-00627, Darlene Thomas v. Beverly Thomas and Kelly Nance

Closed Session

members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Liz Hayes and Angela Keefe-Thomas.

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

11. FHB File Number 2009-00627, Darlene Thomas v. Beverly Thomas and Kelly Nance

At 10:55 A.M., a motion was made by Mr. McMaster and seconded by Ms. Epps 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: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Adkins, DuPuy,

Ruais and Schuyler.

In the matter of FHB File Number 2009-00627, Darlene Thomas v. Beverly Thomas and Kelly Nance, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, Supplemental Final Investigative Report and Official Consultation Memorandum from the Office of the Attorney General. The matter was deferred to the next Board meeting, as Ms. Johnson had a possible conflict of interest, leaving the Board without a quorum.

FHB File Number 2009-00627, Darlene Thomas v. Beverly Thomas and Kelly Nance

In the matter of FHB File Number 2009-00794, Leslie Dawkins v. Trevia Dean, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Trevia Dean, respondent, was present and addressed the Board. A motion was made by Mr. Ginnell and seconded by Mr. McMaster to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Bhatt, Ginnell, Johnson, Maples, McMaster and Rubinstein. Member voting "No" was Epps.

FHB File Number 2009-00794, Leslie Dawkins v. Trevia Dean

In the matter of FHB File Number 2009-02157, Gale Savage v. Bryane Washburn and Summit Properties, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Gale Savage, complainant, was present and addressed the Board. A motion was made by Ms. Johnson 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, Ginnell, Johnson, Maples, McMaster and Rubinstein.

FHB File Number 2009-02157, Gale Savage v. Bryane Washburn and Summit Properties

In the matter of FHB File Number 2009-02288, HOME of Va. v. Shelly Sims Wise and Kenneth J. Wise, Jr., 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. Susan Scovill, HOME representative, was present and addressed the Board. A motion was made by Mr. McMaster and seconded by Mr. Ginnell to find reasonable cause that the

FHB File Number 2009-02288, HOME of Va. v. Shelly Sims Wise and Kenneth J. Wise, Jr.

Respondents engaged in discriminatory action by publishing discriminatory advertisements based on familial status. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

In the matter of FHB File Number 2009-01704, Robert Zebera v. Tidewater-Oxford Limited Partnership, 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: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

FHB File Number 2009-01704, Robert Zebera v. Tidewater-Oxford Limited Partnership

In the matter of FHB File Number 2009-02565, Wendy Andreen v. Sylisa Lambert Woodward and Pathway Homes, 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: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

FHB File Number 2009-02565, Wendy Andreen v. Sylisa Lambert Woodward and Pathway Homes

In the matter of FHB File Number 2009-03239, Kermit and Rebecca Redman v. Rickie and Elizabeth Yankey, 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: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

FHB File Number 2009-03239, Kermit and Rebecca Redman v. Rickie and Elizabeth Yankey

In the matter of FHB File Number 2009-03099, Nancy Peralta v. Community Housing Partners, Mandy Wadley and Janaka Casper, the case was deferred to the next Board meeting as Ms. Johnson had a possible conflict of interest, leaving the Board without a quorum.

FHB File Number 2009-03099, Nancy Peralta v. Community Housing Partners, Mandy Wadley and Janaka Casper

In the matter of FHB File Number 2009-02548, National Fair Housing Alliance v. Clark E. Brodersen, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Official Consultation Memorandum

FHB File Number 2009-02548, National Fair Housing Alliance v. Clark E. Brodersen

from the Office of the Attorney General. A motion was made by Mr. Bhatt and seconded by Ms. Johnson to find reasonable cause that the Respondent engaged in discriminatory action by publishing discriminatory advertisements based on familial status. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

In the matter of FHB File Number 2009-02288, HOME of Va. v. David and Patty Chaney, a motion was made by Mr. Bhatt and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

FHB File Number 2009-02288, HOME of Va. v. David and Patty Chaney

In the matter of FHB File Number 2009-03053, Laurie St. Andre v. Colonial Heritage Homeowner's Association, Inc. Board of Directors, a motion was made by Mr. Bhatt and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

FHB File Number 2009-03053, Laurie St. Andre v. Colonial Heritage Homeowner's Association, Inc. Board of Directors

In the matter of FHB File Number 2009-03214, Elizabeth Wethman v. Sunrise IV Washington House SL, LLC, a motion was made by Mr. Bhatt and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

FHB File Number 2009-03214, Elizabeth Wethman v. Sunrise IV Washington House SL, LLC

In the matter of FHB File Number 2009-03226, Theodore and Joyce Williams v. King Properties, Inc., Shonda Dunn, and Hermitage Manor, LLC, a motion was made by Mr. Bhatt and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

FHB File Number 2009-03226, Theodore and Joyce Williams v. King Properties, Inc., Shonda Dunn, and Hermitage Manor, LLC

In the matter of FHB File Number 2009-01016, Deborah

FHB File Number 2009-

York v. Occidental Development, LLC and Midwest Ventures of Indiana, LLC, a motion was made by Mr. Bhatt and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

01016, Deborah York v. Occidental Development, LLC and Midwest Ventures of Indiana, LLC

In the matter of **FHB File Number 2009-03275, Danielle Ford v. Nancy Stokes, Palms Associates, Inc., Lakefield Mews Associates**, a motion was made by Mr. Bhatt and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

FHB File Number 2009-03275, Danielle Ford v. Nancy Stokes, Palms Associates, Inc., Lakefield Mews Associates

In the matter of **FHB File Number 2008-03599, Karen Webb v. Yvette C. Wallace**, a motion was made by Mr. Bhatt and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

FHB File Number 2008-03599, Karen Webb v. Yvette C. Wallace

In the matter of **FHB File Number 2009-02466, Donna Barnett v. Heather Mahe, Rhonda Ayers, GEM Management, Inc., Melton Run LLP, Melton Run Apartments**, a motion was made by Mr. Bhatt and seconded by Ms. Johnson to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

FHB File Number 2009-02466, Donna Barnett v. Heather Mahe, Rhonda Ayers, GEM Management, Inc., Melton Run LLP, Melton Run Apartments

In the matter of **FHB File Number 2009-00364, Margaret Vinson v. Brandy Berry and Foxcroft, LP**, a motion was made by Mr. Ginnell and seconded by Ms. Johnson to approve the settlement terms as presented. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

FHB File Number 2009-00364, Margaret Vinson v. Brandy Berry and Foxcroft, LP

In the matter of **FHB File Number 2008-01789, Larry**

FHB File Number 2008-

Morrisett v. Wythe County Board of Supervisors, the Board reviewed the settlement terms as presented.

01789, Larry Morrisett v. Wythe County Board of Supervisors

At 11:30 A.M., Ms. Epps offered a motion which was seconded by Mr. Bhatt, 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):

24. FHB File Number 2008-01789, Larry Morrisett v. Wythe County Board of Supervisors

At 12:02 P.M., a motion was made by Mr. McMaster and seconded by Mr. Maples 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: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Adkins, DuPuy, Ruais and Schuyler.

The Board recessed from 12:03 P.M. to 12:13 P.M.

Break

A motion was made by Ms. Maples and seconded by Mr. Ginnell to authorize staff to file a NOIRA (Notice of Intended Regulatory Action) for the amendment of the Fair Housing Regulations. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Johnson, Maples, McMaster and Rubinstein.


Administrative Issues

Tom Payne introduced the Fair Housing Board members to Hollie Reeves, intern with the Office of the Attorney General.

Other Business

There being no further business, the meeting adjourned at 12:31 P.M.

Adjourn


David B. Rubinstein, Chairman


Jay W. DeBoer, Secretary

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Penny Johnson
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: June 10, 2009
(Date)

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

Darlene Thomas v. Beverly Thomas + Kelly Nance
(Agenda Item)

Nature of Personal Interest Affected by Transaction: Kelly Nance

and I both work for or are Affiliated with Wells Fargo.

I work directly with the Mortgage Manager + Undersegment Managers

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

who manage that office.

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.

Penny Johnson
Signature

6-10-09
Date

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

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

1. Name: Penny Johnson
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: June 10, 2009
(Date)

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

Nancy Peralta v. CHP, Mandy Wadley & Tanaka Casper
(Agenda Item)

Nature of Personal Interest Affected by Transaction: Banking Client - CHP

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

Wachovia

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

Penny Johnson

Date

6-10-09

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

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

1. Name: Stephen McMaster
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: June 10, 2009
(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.

Stephen McMaster
Signature

June 10, 2009
Date

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

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

1. Name: David Rubinstein
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: June 10, 2009
(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.

David Rubinstein
Signature

6/10/2009
Date

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

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

1. Name: Tonye R. Epps
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: June 10, 2009
(Date)

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

N/A

(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.

Tonye R. Epps
Signature

June 10, 2009
Date

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

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

1. Name: Martin Maples
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: June 10, 2009
(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.

Martin S. Maples
Signature

6/10/09
Date

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

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

1. Name: Jim Ginnell
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: June 10, 2009
(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

6/10/09
Date

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

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

1. Name: Neil Bhatt
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: June 10, 2009
(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

Neil Bhatt

Date

6.10.09