

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

September 29, 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
Tonye Epps
Jeffrey Adkins
Martin Maples
Jim Ginnell
Matthew K. Kim
Andrew Reisinger
F. Thomas Eck, IV

Board members not present: Rosario Carrera
Neil Bhatt
Phyllis Randall

DPOR Staff present for all or part of the meeting included

Gordon Dixon, Director
Nick Christner, Deputy Director
Mark Courtney, 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
Annie Wilson, Fair Housing Specialist
Karen Taylor, Fair Housing Specialist
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 10:05 Call to Order
A.M.

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

Agenda

A motion was made by Mr. Maples and seconded by Ms. Epps to approve the July 27, 2010, Regulatory Review Committee Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

Minutes

A motion was made by Mr. Maples and seconded by Ms. Epps to approve the July 28, 2010, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

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 2010-01052, Vicki Wells v. Kenneth Saunders**, the Board deferred the matter to the December 8, 2010, Board meeting.

FHB File Number 2010-01052, Vicki Wells v. Kenneth Saunders

In the matter of **FHB File Number 2010-05358, Thomas Schott v. Ursula Fletcher, Edgewood Management Corporation, and Mercury Associates Limited Partnership**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Yoora Pak, attorney for the respondents, appeared and addressed the Board. A motion was made by Mr. Maples 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, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

FHB File Number 2010-05358, Thomas Schott v. Ursula Fletcher, Edgewood Management Corporation, and Mercury Associates Limited Partnership

In the matter of **FHB File Number 2009-02089, Fair Housing Board v. KBS, Inc., Warner & Associates, Timmons Group, Oakland Chase Associates, LP, and Tetra Companies, LLC** the Board reviewed the record

FHB File Number 2009-02089, Fair Housing Board v. KBS, Inc., Warner & Associates,

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 respondent KBS, Inc., appeared and addressed the Board. Missy Wycinsky, attorney for respondent Timmons Group, appeared and addressed the Board. Mike Rothernel, attorney for Oakland Chase Associates, LP, appeared and addressed the Board.

**Timmons Group,
Oakland Chase
Associates, LP, and Tetra
Companies, LLC**

At 10:36 A M , Mr. Eck 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.

Closed Session

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

8. FHB File Number 2009-02089, Fair Housing Board v. KBS, Inc., Warner & Associates, Timmons Group, Oakland Chase Associates, LP and Tetra Companies, LLC

At 11:15 A.M., a motion was made by Mr. Adkins 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: 8-0

AYES. Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: Bhatt, Carrera and Randall.

In the matter of **FHB File Number 2010-02089, Fair Housing Board v. KBS, Inc., Warner & Associates, Timmons Group, Oakland Chase Associates, LP, and Tetra Companies, LLC** a motion was made by Mr Rubinstein to find no reasonable cause that the respondent Warner & Associates failed to design and construct the interior of the subject buildings in compliance with the Virginia Fair Housing Law's accessibility requirements. The motion passed unanimously. Members voting "Yes" were Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

FHB File Number 2010-02089, Fair Housing Board v. KBS, Inc., Warner & Associates, Timmons Group, Oakland Chase Associates, LP, and Tetra Companies, LLC

A motion was made by Mr. Eck and seconded by Mr. Maples to find reasonable cause that the respondents KBS, Inc., Timmons Group, Oakland Chase Associates, LP and Tetra Companies, LLC failed to design and construct the entrance routes to the subject buildings to be handicapped accessible by persons with a disability. The motion passed unanimously. Members voting "Yes" were Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

In the matter of **FHB File Number 2010-02399, David**

FHB File Number 2010-

Boyd v. Jim Trousdale, Maritza Rose, Kenneth Lewis, and Bank of America Home Loans, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Supplemental Investigative Report. David Boyd, complainant, appeared and addressed the Board. A motion was made by Mr. Adkins 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, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

02399, David Boyd v. Jim Trousdale, Maritza Rose, Kenneth Lewis, and Bank of America Home Loans

Due to a possible conflict of interest, Mr. Eck did not participate in the discussion or vote in the matter.

The Board recessed from 11 15 A M. to 11.25 A.M.

Break

In the matter of **FHB File Number 2010-05689, Lucinda Jones v. Betty Elmore**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Ms. Jones submitted a written statement to the Board. A motion was made by Mr. Reisinger and seconded by Ms. Epps to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

FHB File Number 2010-05689, Lucinda Jones v. Betty Elmore

In the matter of the **File Number 2010-05047, Housing Opportunities Made Equal v. Hayvir LLC**, a motion was made by Mr. Ginnell and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

File Number 2010-05047, Housing Opportunities Made Equal v. Hayvir LLC

In the matter of the **File Number 2010-04796, Darryl Johnson v. BL Associates, LLC, Cassandra Robertson and Crystal Palmer**, a motion was made by Mr. Ginnell and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples,

File Number 2010-04796, Darryl Johnson v. BL Associates, LLC, Cassandra Robertson and Crystal Palmer

Reisinger and Rubinstein.

In the matter of the **File Number 2010-05058, Timothy Voightsberger v. Karen Henderson and Sea Pines, LP**, a motion was made by Mr. Ginnell and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

File Number 2010-05058,
Timothy Voightsberger v.
Karen Henderson and
Sea Pines, LP

In the matter of the **File Number 2010-03596, Andrea Vaughan v. Tanya Lyons, Melissa Widner, and Northway, LP**, a motion was made by Mr. Ginnell and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

File Number 2010-03596,
Andrea Vaughan v.
Tanya Lyons, Melissa
Widner, and Northway,
LP

In the matter of the **File Number 2010-05043, Housing Opportunities Made Equal of Virginia, Inc., v. James D. Otis, III, and Lynn C. Otis**, a motion was made by Mr. Ginnell and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

File Number 2010-05043,
Housing Opportunities
Made Equal of Virginia,
Inc., v. James D. Otis,
III, and Lynn C. Otis

In the matter of the **File Number 2010-06055, Bridgette Moats v. Jack Hurst, Owner and James M. Hurst, Owner**, a motion was made by Mr. Ginnell and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

File Number 2010-06055,
Bridgette Moats v. Jack
Hurst, Owner and James
M. Hurst, Owner

In the matter of the **File Number 2010-05765, Nora Ward v. Betty Hairston, Royal Arms Associates, LP**, a motion was made by Mr. Ginnell and seconded by Ms. Epps to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

File Number 2010-05765,
Nora Ward v. Betty
Hairston, Royal Arms
Associates, LP

In the matter of the **File Number 2009-01401, Norma Hutchinson v. M.W.A., Inc., d/b/a Alls & Company, and Malcolm W. Alls**, a motion was made by Mr. Ginnell and seconded by Mr. Eck to approve the settlement terms as presented. The motion passed unanimously. Members voting "Yes" were Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

File Number 2009-01401, Norma Hutchinson v. M.W.A., Inc., d/b/a Alls & Company, and Malcolm W. Alls

In the matter of **FHB File Number 2008-04043, Patricia Walsh v. Briarwood Hearth Owner's Association**, the Board reviewed the settlement conference information.

FHB File Number 2008-04043, Patricia Walsh v. Briarwood Hearth Owner's Association

At 11:45 A.M., Ms. Epps offered a motion which was seconded by Mr. Adkins, 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).

19. FHB File Number 2008-04043, Patricia Walsh v. Briarwood Hearth Owner's Association

At 12:38 P.M., a motion was made by Mr. Adkins and seconded by Mr. Eck 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: 8-0

AYES Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

NAYS: None

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING. Bhatt, Carrera and Randall.

In the matter of **FHB File Number 2008-04043, Patricia Walsh v. Briarwood Hearth Owner's Association**, a motion was made by Mr. Maples and seconded by Mr. Ginnell to designate Liz Hayes as the Board's representative for the settlement conference pertaining to FHB File Number 2008-04043, Patricia Walsh v. Briarwood Hearth Owner's Association. The motion passed unanimously. Members voting "Yes" were Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

FHB File Number 2008-04043, Patricia Walsh v. Briarwood Hearth Owner's Association

A motion was made by Mr. Eck and seconded by Mr. Reisinger to accept the September 29, 2010, Education Committee Report. The motion passed unanimously. Members voting "Yes" were Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

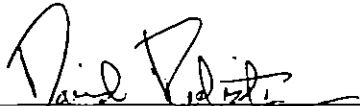
Education

A motion was made by Mr. Eck and seconded by Mr. Kim to authorize Board staff to rescind the pending Notice Of Intended Regulatory Action (NOIRA) for General

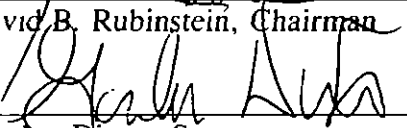
Administrative Issues

Review of Fair Housing Regulations and re-issue a NOIRA for general review of Fair Housing Regulations. The motion passed unanimously. Members voting "Yes" were Adkins, Eck, Epps, Ginnell, Kim, Maples, Reisinger and Rubinstein.

The Board adjourned at 12:45 p.m.



David B. Rubinstein, Chairman



Gordon Dixon, Secretary

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

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

1 Name Matthew K Kim
(Name of Board Member)

2 Title Board Member

3 Agency. Fair Housing Board
(Name of Board)

4 Meeting/IFF Date: September 29, 2010
(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

9/29/10
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 September 29, 2010
(Date)

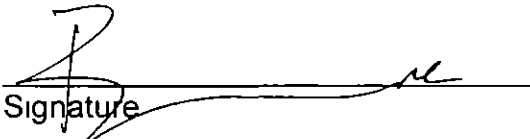
5. I have a personal interest in the following transaction:

_____ (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

9/29/10
Date

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

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

1 Name: Jeffrey Adkins
(Name of Board Member)

2 Title: Board Member

3 Agency: Fair Housing Board
(Name of Board)

4 Meeting/IFF Date: September 29, 2010
(Date)

5 I have a personal interest in the following transaction:

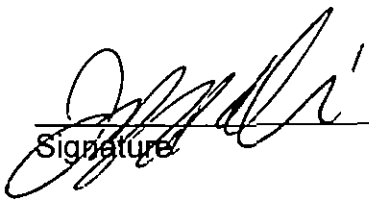
_____ (Agenda Item)

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

9/29/10
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 September 29, 2010
(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

9/29/2010
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. September 29, 2010
(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.

Tonye R. Epps
Signature

Sept. 29, 2010
Date

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

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

1 Name Andrew Reisinger
(Name of Board Member)

2 Title: Board Member

3 Agency: Fair Housing Board
(Name of Board)

4 Meeting/IFF Date: September 29, 2010
(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

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. September 29, 2010
(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

9/29/10
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name. F Thomas Eck, IV
(Name of Board Member)
2. Title: Board Member
3. Agency Fair Housing Board
(Name of Board)
4. Meeting/IFF Date. September 29, 2010
(Date)

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

Item 4 - Boyd v. Trousdale
(Agenda Item)

Nature of Personal Interest Affected by Transaction. _____

Recent discussions re employment opportunities create potential for appearance of favoritism

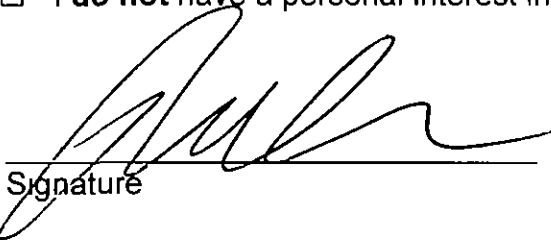
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

9/29/2010
Date