

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

February 4, 2004

The Fair Housing Board Meeting was held at the Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia 23230. The following Board members were present:

David B. Rubinstein  
Nilkanth R. Bhatt  
Cynthia Clare  
Rhonda M. Harmon  
E. James Lucas  
Laura N. Dupuy  
Jim Schuyler

Board members not present:

Robert Ruais  
Bill A. Adkins  
Leon L. Scott  
Martin Maples

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

Louise Fontaine Ware, Director  
Sandra Whitley Ryals, Chief Deputy Director  
John Cancelleri, Fair Housing Administrator  
Christine Martine, Executive Director  
Liz Hayes, Fair Housing Investigative Supervisor  
Deanda Shelton, Fair Housing Investigator  
Camille C. Palmer, Administrative Assistant  
Earlyne Perkins, Legal Assistant

Emily Wingfield, Office of the Attorney General, was present.

Chairman Rubinstein **called the meeting to order** at 10:10 a.m.

**Call to Order**

No one addressed the Board during the **Public Comment Period**.

**Public Comment  
Period**

Ms. Wingfield introduced Wayne Halbleib, new Assistant Attorney General, Office of the Attorney General, to the Board.

A motion was made by Ms. Harmon and seconded by Mr. Schuyler to approve the amended **Agenda**. The motion passed unanimously. Members voting “Yes” were Rubinstein, Bhatt, Harmon, Lucas, Schuyler and Clare.

**Agenda**

A motion was made by Mr. Schuyler and seconded by Mr. Lucas approving the minutes of the **December 2, 2003 Fair Housing Board Meeting**. The motion passed unanimously. Members voting “Yes” were Rubinstein, Bhatt, Harmon, Lucas, Schuyler and Clare.

**Minutes**

Ms. Dupuy arrived to the meeting at 10:15 a.m.

Ms. Ryals, led a discussion regarding HB 1245. A motion was made by Ms. Dupuy and seconded by Ms. Clare to oppose HB 1245 and any effort to weaken Virginia’s Fair Housing Law. The motion passed by majority vote. Members voting “Yes” were Rubinstein, Bhatt, Dupuy, Lucas, Schuyler and Clare. The member “**Abstaining**” from the vote was Harmon. There were no negative votes.

**Legislation**

Mr. Cancelleri presented the Fair Housing Administrator’s Report.

**Fair Housing  
Administrator’s  
Report**

The Board recessed at 10:55 a.m. and reconvened at 11:20 a.m. to review Fair Housing materials

**Recess**

In the matter of **FHB/REB File Number 2003-03172, Sherman and Elizabeth Ayers v. Louisa Land & Timber, Donna Fenderson and Real Estate III**, the Board reviewed the record which consisted of the Final Investigative Report and Table of Contents. Mr. Charles Purcell, attorney for the respondents was present and addressed the Board. A motion was made by Ms. Harmon and seconded by Ms. Clare to close as no cause the aforementioned case. The motion passed unanimously. Members voting “Yes” were Rubinstein, Bhatt, Dupuy, Harmon, Lucas, Schuyler and Clare. There were no negative votes.

**FHB/REB File  
Number 2003-03172  
Sherman and  
Elizabeth Ayers v.  
Louisa Land &  
Timber, Donna  
Fenderson and Real  
Estate III**

In the matter of **FHB File Number 2003-03215, Lawrence and Audrey Washington v. Briarlynn Estates III Homeowners Association and Scott Stolfus**, the Board reviewed the record which consisted of the Final Investigative Report and Table of Contents. The complainants, Lawrence and Audrey Washington and the respondent’s attorneys, Mr. Wilbur Washington and Mr. Jeffrey Summers were present and addressed the Board. A motion was made by Mr. Schuyler and seconded by Ms. Harmon to refer this matter to the Office of the Attorney General for official consultation. The motion passed unanimously. Members voting “Yes” were Rubinstein, Bhatt, Dupuy, Harmon, Lucas, Schuyler and Clare. There were no negative votes.

**FHB File Number  
2003-03215  
Lawrence and Audrey  
Washington v.  
Briarlynn Estates III  
Homeowners  
Association and Scott  
Stolfus**

In the matter of **FHB File Number 2003-03104, Peter and Colleen Caylor v. Briarlynn Estates III Homeowners Association and Scott Stolfus**, the Board reviewed the record which consisted of the Final Investigative Report and Table of Contents. The complainants, Peter and Colleen Caylor and the respondent's attorneys, Mr. Wilbur Washington and Mr. Jeffrey Summers were present and addressed the Board. A motion was made by Ms. Clare and seconded by Ms. Harmon to refer this matter to the Office of the Attorney General for official consultation. The motion passed unanimously. Members voting "Yes" were Rubinstein, Bhatt, Dupuy, Harmon, Lucas, Schuyler and Clare. There were no negative votes.

**FHB File Number  
2003-03104  
Peter and Colleen  
Caylor v. Briarlynn  
Estates III  
Homeowners  
Association and Scott  
Stolfus**

In the matter of **FHB File Number 2003-01383, Alfred and Elizabeth Smith v. Larry Shaffner**, the Board reviewed the record which consisted of the Final Investigative Report and Table of Contents. The complainants, Alfred and Elizabeth Smith were present and addressed the Board. A motion was made by Mr. Schuyler to find reasonable cause in this case. There was no second.

**FHB File Number  
2003-01383  
Alfred and Elizabeth  
Smith v. Larry  
Shaffner**

At 12:45 p.m., Ms. Clare made a motion which was seconded by Mr. Lucas, that the Board recess and the Board immediately reconvene in **closed meeting** for the purpose of consultation with legal counsel and/or briefings by staff members pertaining to actual and/or potential litigation as permitted by § 2.2-3711.A.28 of the Code of Virginia. The following non-members will be in attendance to reasonably aid the consideration of the topic: Emily Wingfield, Wayne Halbleib, Liz Hayes and Deanda Shelton.

**Closed Session**

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

**17. Alfred and Elizabeth Smith v. Larry Shaffner, FHB File Number: 2003-01383, HUD File Number: 03-03-0124-8**

At 1:30 p.m., a motion was made by Mr. Lucas and seconded by Ms. Clare 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 and 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: Rubinstein, Bhatt, Dupuy, Harmon, Schuyler, Clare and Lucas

NAYS: None

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: Ruais, Adkins, Scott and Maples

A motion was made by Ms. Harmon to find reasonable cause in the case of **FHB File Number 2003-01383, Alfred and Elizabeth Smith v. Larry Shaffner**. There was no second to the motion. A motion was made by Ms. Clare and seconded by Mr. Lucas to close as no cause the aforementioned case. The motion passed by majority vote. Members voting "Yes" were Bhatt, Dupuy, Schuyler, Clare and Lucas. The members voting "No" were Harmon and Rubinstein.

In the matter of **FHB File Number 2003-01382, Jonique Harvelle and Donald Parham v. Larry Shaffner**, the Board reviewed the record which consisted of the Final Investigative Report and Table of Contents. There were no representatives present. A motion was made by Mr. Schuyler and seconded by Ms. Clare to close as no cause the aforementioned case. The motion passed by majority vote. Members voting "Yes" were Schuyler, Clare, Bhatt and Lucas. Members voting "No" were Rubinstein, Harmon and Dupuy.

FHB File Number  
2003-01382  
Jonique Harvelle and  
Donald Parham v.  
Larry Shaffner

A motion was made by Ms. Clare and seconded by Mr. Schuyler to approve the conciliation agreements identified in the fair housing report as:

Conciliation  
Agreements

**FHB File Number: 2003-03529, Harold Burris v. Richmond Redevelopment & Housing Authority**

**FHB File Number: 2002-02366, Housing Opportunities Made Equal (HOME) v. Suffolk Tower Apartments, Suffolk Tower LLC, and Quality Investments Management Co.**

The motion passed unanimously. Members voting "Yes" were Rubinstein, Schuyler, Bhatt, Clare, Dupuy, Harmon and Lucas. There were no negative

votes.

A motion was made by Ms. Clare and seconded by Mr. Schuyler to close administratively the following cases:

**Administrative  
Closures**

**FHB File Number 2004-01806, Kim Jennings v. Parrish Lee**

**FHB File Number 2003-02215, Arcraft Development, L.C. and Lakeview Association v. City of Colonial Heights**

The motion passed unanimously. Members voting "Yes" were Rubinstein, Schuyler, Bhatt, Clare, Dupuy, Harmon and Lucas. There were no negative votes.

In the matter of **FHB File Number 2004-00506, Dan and Velma Sturdivant v. Prospect Homes and John Leland**, the Board reviewed the record which consisted of the Final Investigative Report and Table of Contents. There were no representatives present. A motion was made by Ms. Harmon and seconded by Mr. Lucas to close as no cause the aforementioned case. The motion passed unanimously. Members voting "Yes" were Rubinstein, Schuyler, Bhatt, Clare, Dupuy, Harmon and Lucas. There were no negative votes.

**FHB File Number  
2004-00506  
Dan and Velma  
Sturdivant v. Prospect  
Homes and John  
Leland**

A motion was made by Ms. Harmon and seconded by Mr. Lucas to close as no cause the following cases:

**Recommend No  
Cause Finding**

**FHB File Number 2003-03392, Tamar I. Medina v. Raymond Czachowsky, Greene Hills Estates, Geneva Threat and Rolling Road Estates Association, Ltd.**

**FHB File Number 2003-03393, Hilda Rexach v. Raymond Czachowsky, Greene Hills Estates, Geneva Threat and Rolling Road Estates Association, Ltd**

**FHB File Number 2003-03540, Myra Rexach v. Raymond Czachowsky, Greene Hills Estate, Geneva Threat and Rolling Road Estates Association, Ltd.**

**FHB File Number 2004-00328, Mercie Medina v. Raymond Czachowsky, Greene Hills Estates, Geneva Threat and Rolling Road Estates Association, Ltd.**

The motion passed unanimously. Members voting "Yes" were Rubinstein, Schuyler, Bhatt, Clare, Dupuy, Harmon and Lucas. There were no negative votes.

Ms. Martine gave an update on the Fair Housing Emergency Regulations. No Board action was necessary.

Update on Emergency Regulations

There was no **Old Business**.

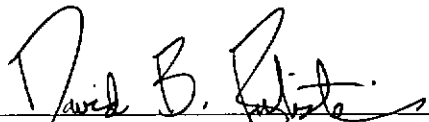
Old Business

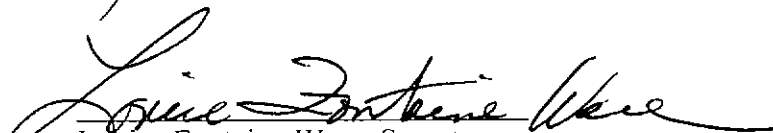
Emily Wingfield gave the Board an update on cases at the Office of the Attorney General. No Board action was necessary.

New Business

A motion was made by Ms. Clare and seconded by Ms. Dupuy to adjourn the meeting. The meeting adjourned at 2:45 p.m.

Adjourn

  
\_\_\_\_\_  
David B. Rubinstein, Chairman

  
\_\_\_\_\_  
Louise Fontaine Ware, Secretary

Copy Teste:

\_\_\_\_\_  
Custodian of the Record

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Nilkanth R. Bhatt
2. Title: Member - Virginia Fair Housing Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

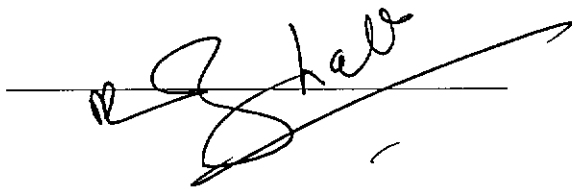
6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_  
\_\_\_\_\_

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

Dated: February 4, 2004

Signature: \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'N. Bhatt', is written over a horizontal line. The signature is stylized and cursive.

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

TRANSACTIONAL DISCLOSURE STATEMENT

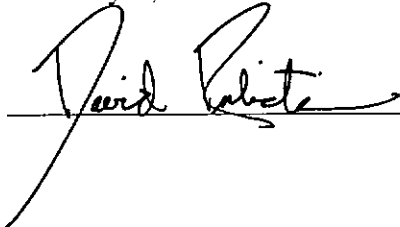
1. Name: David B. Rubinstein
2. Title: Chairman - Virginia Fair Housing Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_  
\_\_\_\_\_

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

Dated: February 4, 2004

Signature: 



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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Laura N. Dupuy
2. Title: Member - Virginia Fair Housing Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

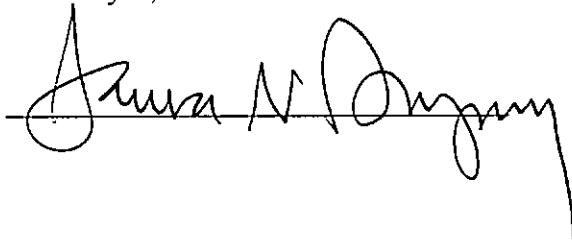
6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_  
\_\_\_\_\_

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

Dated: February 4, 2004

Signature: \_\_\_\_\_



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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Rhonda M. Harmon
2. Title: Member - Virginia Fair Housing Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_  
\_\_\_\_\_

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

Dated: February 4, 2004

Signature: \_\_\_\_\_

STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Cynthia M. Clare
2. Title: Member – Virginia Fair Housing Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_  
\_\_\_\_\_

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

Dated: February 4, 2004

Signature: \_\_\_\_\_

Cynthia M. Clare

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

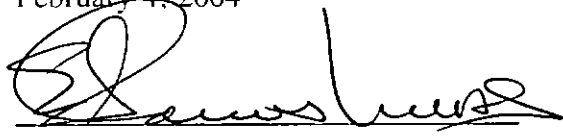
TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: E. James Lucas
2. Title: Member – Virginia Fair Housing Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

6. I declare that:  
  - (a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_  
\_\_\_\_\_

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

Dated: February 4, 2004

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: James H. Schuyler
2. Title: Vice Chairman - Virginia Fair Housing Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: \_\_\_\_\_  
\_\_\_\_\_

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

Dated: February 4, 2004

Signature: \_\_\_\_\_