

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

OCTOBER 8, 2008

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
James Schuyler, Vice-Chair
Tonye Epps
Penny Johnson
Laura DuPuy
Robert Ruais
Cynthia Clare

The following Board Members were not present: Jeffrey Adkins, Stephen McMaster, Martin Maples, Jim Ginnell and Neil Bhatt

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

Jay DeBoer, Director
Mark Courtney, Deputy Director
Liz Hayes, Fair Housing Administrator
Christine Martine, Executive Director
Emily Trent, Administrative Assistant
Deanda Shelton, Assistant Fair Housing Administrator
Trudy Miller, Fair Housing Investigator
Angela Keefe-Thomas, Fair Housing Investigator
Karen Taylor, Fair Housing Specialist
Yvette Barnes, Fair Housing Investigator
Arthur Ryan, 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 10:08 **Call to Order**
A.M.

There was no public comment.

Public Comment

A motion was made by Mr. Schuyler and seconded by Ms. **Agenda**

Johnson to approve the Agenda. The motion passed unanimously. Members voting "Yes" were: Clare, DuPuy, Epps, Johnson, Ruais, Rubinstein and Schuyler.

A motion was made by Mr. Schuyler and seconded by Ms. Clare to approve the following minutes: August 6, 2008, Fair Housing Board Meeting. The motion passed unanimously. Members voting "Yes" were: Clare, DuPuy, Epps, Johnson, Ruais, Rubinstein and Schuyler.

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 2008-04032, Clinton Williams and Veronica Connor-Williams v. Julian Stein, Ella Johnson, Sterling Management Corporation of Virginia and Wayside Townhouse Apartments, LLC, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Robyn Gray, Attorney for the Respondents, was present and addressed the Board. A motion was made by Ms. Clare and seconded by Mr. Schuyler to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Clare, DuPuy, Epps, Johnson, Ruais, Rubinstein and Schuyler.

In the matter of FHB File Number 2008-00608, Christina and Clifton Heggins v. Tabitha Deberry and New Townhouse Park Association c/o Pennsylvania Realty Association, LLC, 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. Kyle Korte, Attorney for the Respondents, was present and addressed the Board.

At 10:32 A.M., Ms. Epps offered a motion which was seconded by Mr. Schuyler, 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:

Minutes

**Fair Housing
Administrator's Report**

FHB File Number 2008-04032, Clinton Williams and Veronica Connor-Williams v. Julian Stein, Ella Johnson, Sterling Management Corporation of Virginia and Wayside Townhouse Apartments, LLC

FHB File Number 2008-00608, Christina and Clifton Heggins v. Tabitha Deberry and New Townhouse Park Association c/o Pennsylvania Realty Association, LLC

Closed Session

Tom Payne, Liz Hayes, and Angela Keefe-Thomas.

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

12. FHB File Number 2008-00608, Christina and Clifton Heggins v. Tabitha Deberry and New Townhouse Park Association c/o Pennsylvania Realty Association, LLC

At 11:11 A.M., a motion was made by Ms. Epps 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 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: Clare, DuPuy, Epps, Johnson, Ruais, Rubinstein and Schuyler.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Adkins, Bhatt, Ginnell, Maples and McMaster.

The Board recessed from 11:13 A.M. to 11:16 A.M.

Break

In the matter of **FHB File Number 2008-00608, Christina and Clifton Heggins v. Tabitha Deberry and New Townhouse Park Association c/o Pennsylvania Realty Association, LLC**, a motion was made by Ms. DuPuy and seconded by Mr. Schuyler to find reasonable cause that the respondents discriminated against the complainants for refusing to make the following reasonable accommodations based on the Heggins' daughter's disability: 1) reserved handicap parking and 2) early lease termination. The motion passed by majority vote. Members voting "Yes" were: Clare, DuPuy, Epps, Johnson, Rubinstein and Schuyler. Member voting "No" was: Ruais.

FHB File Number 2008-00608, Christina and Clifton Heggins v. Tabitha Deberry and New Townhouse Park Association c/o Pennsylvania Realty Association, LLC

A motion was made by Mr. Schuyler and seconded by Ms. DuPuy to find reasonable cause that the respondents discriminated against the complainants in refusal to make reasonable accommodations by failing to grant the request for closer parking for the nurses or additional parking passes for the nurses. The motion failed. Members voting "Yes" were: DuPuy, Epps, Schuyler. Members voting "No" were: Clare, Johnson, Ruais and Rubinstein.

A motion was made by Ms. Clare and seconded by Ms. Johnson to find no reasonable cause that the respondents discriminated against the complainants in refusal to make reasonable accommodations by failing to grant the request for closer parking for the nurses or additional parking passes for the nurses. The motion passed by majority vote. Members voting "Yes" were: Clare, Epps, Johnson, Ruais and Rubinstein. Members voting "No" were DuPuy and Schuyler.

In the matter of **FHB File Number 2008-03604, Timothy and Charity Ford v. Charles and Edrena Ross, The Villas at River Pointe Condominium Association, Inc., Erma Little, Howard Matson, Nancy Stuckwisch, Robert Scott and Susan Cradock-Allnutt**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Michael Beverly, Attorney for the Respondents, was present and addressed the Board. A motion was made by Ms. Clare and seconded by Ms. Johnson to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were:

FHB File Number 2008-03604, Timothy and Charity Ford v. Charles and Edrena Ross, The Villas at River Pointe Condominium Association, Inc., Erma Little, Howard Matson, Nancy Stuckwisch, Robert Scott and Susan Cradock-Allnutt

Clare, DuPuy, Epps, Johnson, Ruais, Rubinstein and Schuyler.

In the matter of FHB File Number 2008-04336, Henry Edgar v. Stonebridge Manor Apartments, LP, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Kevin Mottley, Attorney for the Respondents, was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Schuyler to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Clare, DuPuy, Epps, Johnson, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-04336, Henry Edgar v. Stonebridge Manor Apartments, LP

In the matter of FHB File Number 2008-01789, Larry Morrisett v. Wythe County Board of Supervisors, 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. Scott Farthing, Attorney for the Respondents, was present and addressed the Board. A motion was made by Mr. Ruais and seconded by Ms. Clare that the Board determined that the alleged discriminatory housing practice involves the legality of a local zoning or land use ordinance and pursuant to §36-96.17.A of the *Code of Virginia* the Board immediately refers the matter to the Office of the Attorney General for civil action. The motion passed unanimously. Members voting "Yes" were: Clare, DuPuy, Epps, Johnson, Ruais, Rubinstein and Schuyler.

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

In the matter of FHB File Number 2008-04437, Jeffrey and Pamela Kellam v. Larry Stallings and Jennifer Clayton, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Johnson and seconded by Mr. Schuyler to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Clare, DuPuy, Epps, Johnson, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-04437, Jeffrey and Pamela Kellam v. Larry Stallings and Jennifer Clayton

In the matter of FHB File Number 2008-04656, Dominique and Torri Morgan v. Barbara Paul, the Board reviewed the record which consisted of the Final Investigative Report

FHB File Number 2008-04656, Dominique and Torri Morgan v.

and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Clare, DuPuy, Epps, Johnson, Ruais, Rubinstein and Schuyler.

Barbara Paul

In the matter of FHB File Number 2008-04232, Keisha Hendricks v. UDR, Inc., Paula Brooks and Gail Shook, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Clare, DuPuy, Epps, Johnson, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-04232, Keisha Hendricks v. UDR, Inc., Paula Brooks and Gail Shook

In the matter of FHB File Number 2008-04605, Yolanda Mayfield v. Chickahominy Associates, LP, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Ruais and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Clare, DuPuy, Epps, Johnson, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-04605, Yolanda Mayfield v. Chickahominy Associates, LP

In the matter of FHB File Number 2008-03614, Marlene Jacks v. Rebecca Vaughan, Humphrey Management and Luray Associates, LP, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Clare and seconded by Ms. Epps to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Clare, DuPuy, Epps, Johnson, Ruais and Rubinstein. Member voting "No" was: Schuyler.

FHB File Number 2008-03614, Marlene Jacks v. Rebecca Vaughan, Humphrey Management and Luray Associates, LP

In the matter of FHB File Number 2008-02534, John T. Hinson v. Claudine McAllister, 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. A motion was made by Ms. Clare and seconded by Mr. Ruais to find reasonable cause that the respondent discriminated against the complainant by making discriminatory statements and in terms and conditions of

FHB File Number 2008-02534, John T. Hinson v. Claudine McAllister

rental based on his sex. The motion passed unanimously. Members voting "Yes" were: Clare, DuPuy, Epps, Johnson, Ruais, Rubinstein and Schuyler.

In the matter of FHB File Number 2009-00133, Sylvia T. Clatterbuck v. Andrea Goodman, Sarah Drum, or AtlanTech Twin Hickory LLC, General Partner; Heritage Senior Living LLC, Management Company; and Twin Hickory Senior Associates, LP, a motion was made by Mr. Schuyler and seconded by Mr. Ruais to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Clare, DuPuy, Epps, Johnson, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-00133, Sylvia T. Clatterbuck v. Andrea Goodman, Sarah Drum, or AtlanTech Twin Hickory LLC, General Partner; Heritage Senior Living LLC, Management Company; and Twin Hickory Senior Associates, LP

In the matter of FHB File Number 2009-00406, Fair Housing Board v. James D. Coleburn, Publisher, The Courier-Record, and The Nottaway Publishing Co., Inc., a motion was made by Mr. Schuyler and seconded by Mr. Ruais to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Clare, DuPuy, Epps, Johnson, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-00406, Fair Housing Board v. James D. Coleburn, Publisher, The Courier-Record, and The Nottaway Publishing Co., Inc.

In the matter of FHB File Number 2008-01477, Fair Housing Board v. Cheryl and Michael Wright, a motion was made by Mr. Schuyler and seconded by Ms. Clare to refer the case to the Office of the Attorney General for non-compliance of the accepted conciliation agreement, if they fail to comply with the terms of the conciliation agreement by October 15, 2008. The motion passed unanimously. Members voting "Yes" were: Clare, DuPuy, Epps, Johnson, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-01477, Fair Housing Board v. Cheryl and Michael Wright

FHB File Number 2007-00009, Bettie High v. Royal Arms Associates, LLP

FHB File Number 2007-00009, Bettie High v. Royal Arms Associates, LLP

At 12:02 P.M., Ms. Clare offered a motion which was seconded by Ms. Johnson, 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

Closed Session

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.

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

FHB File Number 2007-00009, Bettie High v. Royal Arms Associates LLP

At 12:21 P.M., a motion was made by Mr. Schuyler and seconded by Ms. Johnson 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: Clare, DuPuy, Epps, Johnson, Ruais, Rubinstein and Schuyler.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Adkins, Bhatt, Ginnell, Maples and McMaster.

A motion was made by Mr. Ruais and seconded by Ms. Clare to approve the proposed 2009 Fair Housing Board meeting dates. The motion passed unanimously. Members voting "Yes" were: Clare, DuPuy, Epps, Johnson, Ruais, Rubinstein and Schuyler.

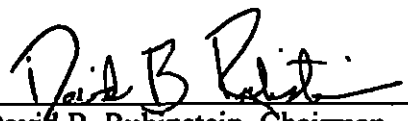
Administrative Issues

Ms. Clare gave the Education Committee Report. A motion was made by Mr. Schuyler and seconded by Mr. Ruais to accept the October 8, 2008, Education Committee Report. The motion passed unanimously. Members voting "Yes" were: Clare, DuPuy, Epps, Johnson, Ruais, Rubinstein and Schuyler.


Tom Payne gave a report on the Crystal Walker case. No action was taken by the Board.

Jay DeBoer presented a copy of the October 8, 2008, H.O.M.E. press release concerning housing discrimination in Hampton Roads. No action was taken by the Board.

There being no further business, the meeting adjourned at **Adjourn**
12:35 P.M.



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: Tonye R. Epps
(Name of Board Member)

2. Title: Board Member

3. Agency: Fair Housing Board
(Name of Board)

4. Meeting/IFF Date: October 8, 2008
(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

10/8/08
Date

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

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

1. Name: Laura Dupuy
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: October 8, 2008
(Date)

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

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

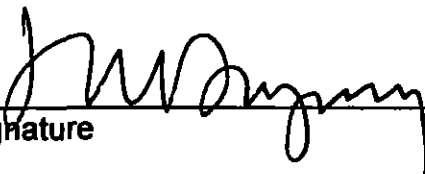
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

10.8.08
Date

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

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

1. Name: Robert Ruais
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: October 8, 2008
(Date)

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

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

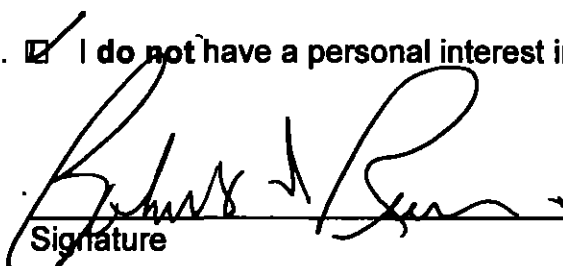
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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: October 8, 2008
(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 B. Rubinstein
Signature

10/8/08
Date

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

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

1. Name: Cynthia Clare
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: October 8, 2008
(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.

Cynthia Clare
Signature

10/8/08
Date

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

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

1. Name: James Schuyler
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: October 8, 2008
(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.

James Schuyler
Signature

Oct 8, 2008
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: October 8, 2008
(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

10-8-08
Date