

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

August 28, 2024

The Real Estate Board met at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The members indicated below were present. All members present were qualified to vote, except where a specific reason for disqualification is stated. There are twelve (12) members on this Board, in which seven (7) constitutes a quorum pursuant to § 54.1-2344.

Board members present for the meeting:

Scott Astrada, Chair
Amanda Buyalos, Vice-Chair
Shion Fenty
Morton “Tracy” Marks, III
Owen R. Morgan
Angelo Phillos
Steven Rivera (arrived at 10:16AM)
Angela West

Board members absent from the meeting:

Stuart “Gray” Gilchrist
Dean Lynch
John Scott
Rachel Wright

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

Brian Wolford, Agency Director
Jeb Wilkinson, Special Assistant to the Director
Stephen Kirschner, LRPD Deputy Director
Tom Payne, CID Deputy Director
Anika Coleman, Executive Director
Lizbeth Hayes, Fair Housing Administrator
Donnitria Mosby, Assistant Fair Housing Administrator
Breanne Lindsey, Regulatory Operations Administrator
Gezelle Glasgow, Administrative Coordinator
John Robertson, Communications and Digital Media Manager
Allyson Yohe, Captech Contractor for EpicX
Joe Haughwout, Regulatory Affairs Manager

Todd Shockley from the Office of the Attorney General was present.

Mr. Astrada called the meeting to order at 10:03 A.M.

CALL TO ORDER

Ms. Coleman reviewed the emergency evacuation procedures.

EMERGENCY EGRESS

Mr. Astrada determined that a quorum was present.

DETERMINATION OF QUORUM

Mr. Phillos moved to approve the agenda. Mr. Marks seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

APPROVAL OF AGENDA

Ms. Fenty moved to approve the minutes from the June 05, 2024, Board meeting. Mr. Phillos seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

APPROVAL OF MINUTES

Mr. Astrada welcomed staff and guests of the audience. Ms. Coleman introduced Board staff to the Board members. Ms. Coleman introduced Brian P. Wolford former Chief Deputy Director as the Agency Director.

WELCOME AND INTRODUCTIONS

There was no public comment.

PUBLIC COMMENT

Liz Hayes, Fair Housing Administrator, updated the Board on the current investigative case load.

FAIR HOUSING ADMINISTRATOR'S REPORT

In the matter of **Nelly Washington v. Watergate at Landmark Condominium Unit Owners Association FHB File Number: 2024-02439**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. Nelly and David Washington, complainants, were present and addressed the Board. A motion was made by Mr. Morgan to find no reasonable cause to believe the respondents discriminated against the complainant by imposing discriminatory terms and conditions or by engaging in intimidation, coercion, or harassment based on the complainant's National Origin. Mr. Marks seconded the motion which was unanimously approved by members:

Nelly Washington v. Watergate at Landmark Condominium Unit Owners Association FHB File Number: 2024-02439 HUD File Number: 03-24-4701-8

Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera,
and West.

In the matter of **Onjil McEachin v. Tri Pointe Homes DC Metro Inc. dba Winchester Homes, Tri Pointe, Tri Pointe Homes, and Tri Pointe Homes DC FHB File Number: 2024-01948**, Ms. Hayes informed the Board that the case was withdrawn due to parties reaching a resolution.

Onjil McEachin v. Tri Pointe Homes DC Metro Inc. dba Winchester Homes, Tri Pointe, Tri Pointe Homes, and Tri Pointe Homes DC FHB File Number: 2024-01948
HUD File Number: 03-24-4490-8

In the matter of **Jonathan and Jessica Melin v. Matt Burgess FHB File Number: 2024-01761**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. Jonathan and Jessica Melin were present and addressed the Board.

Jonathan and Jessica Melin v. Matt Burgess FHB File Number: 2024-01761
HUD File Number: 03-24-4675-8

At 10:26 A.M., Ms. Buyalos moved 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.8 of the Code of Virginia. The following non-members were in attendance to reasonably aid the consideration of the topic: Brian Wolford, Jeb Wilkinson, Stephen Kirschner, Tom Payne, Anika Coleman, Liz Hayes, Donnitria Mosby, Todd Shockley, and David Dendulk (ADA support for Angela West).

Closed Session

Mr. Marks seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

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

Jonathan and Jessica Melin v. Matt Burgess
FHB File Number: 2024-01761
HUD File Number: 03-24-4675-8

At 10:48 A.M., the Board members agreed by consensus to adjourn the closed meeting and reconvene in an open meeting.

Certification of Closed Meeting

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

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 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: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Stuart Gilchrist, Dean Lynch, John Scott, and Rachel Wright.

Upon reconvening in an open session, a motion was made by Ms. Buyalos to refer this case to the Office of Attorney General for further consideration.

Reconvene in Open Session

Ms. West seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

In the matter of **George Overholt v. Daniel Ferrell and Michelle Ferrell FHB File Number: 2024-01515**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. Daniel and Michelle Ferrell, respondents, were present and addressed the Board.

George Overholt v. Daniel Ferrell and Michelle Ferrell FHB File Number: 2024-01515
HUD File Number: 03-24-4310-8

A motion was made by Mr. Marks to find no reasonable cause to believe the respondents discriminated against the complainant by refusing to make a reasonable accommodation for a disability, discriminating in terms and conditions of a rental, or by refusing to rent to him based on disability. Ms. Buyalos seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

In the matter of **Haney, Yzavia v. AHF-Afton Gardens LLC. and Atlantic Housing Foundation, Inc. FHB File Number: 2024-01399**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. Neither party was present to address the Board in person, by counsel, or by any other qualified representatives.

Haney, Yzavia v. AHF-Afton Gardens LLC. and Atlantic Housing Foundation, Inc. FHB File Number: 2024-01399
HUD File Number: 03-24-4254-8

A motion was made by Mr. Morgan to find no reasonable cause to believe the respondents discriminated against the complainant by refusing to make a reasonable accommodation, discriminating in the terms and conditions related to rental based on her disability, or by engaging in interference, intimidation, or coercion because she engaged in a protected activity. Mr. Phillos seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

In the matter of **Aura Cardenas Turner v. Westminster Pillar Management, LLC, Leesburg Manor East Owner, LLC and Pablo Jory FHB File Number: 2024-00652**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. Neither party was present to address the Board in person, by counsel, or by any other qualified representatives.

Aura Cardenas Turner v. Westminster Pillar Management, LLC, Leesburg Manor East Owner, LLC and Pablo Jory FHB File Number: 2024-00652
HUD File Number: 03-23-

A motion was made by Ms. Buyalos to find no reasonable

cause to believe the respondents discriminated against the complainant by imposing discriminatory terms and conditions. Mr. Phillos seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

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In the matter of **Karl Pridemore v. Shelly M. Arnoldi and Daniel J. Leary FHB File Number: 2022-01281**, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis, and Official Consultation Memorandum from the Office of Attorney General. Neither party was present to address the Board in person, by counsel, or by any other qualified representatives.

Karl Pridemore v. Shelly M. Arnoldi and Daniel J. Leary
FHB File Number: 2022-01281
HUD File Number: 03-22-0235-8

At 11:09 A.M., Ms. Buyalos moved 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 were in attendance to reasonably aid the consideration of the topic: Brian Wolford, Jeb Wilkinson, Stephen Kirschner, Tom Payne, Anika Coleman, Liz Hayes, Donnitria Mosby, Todd Shockley, and David Dendulk (ADA support for Angela West).

Closed Session

Mr. Morgan seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

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

Karl Pridemore v. Shelly M. Arnoldi and Daniel J. Leary
FHB File Number: 2022-01281
HUD File Number: 03-22-0235-8

At 11:35 A.M., the Board members agreed by consensus to adjourn the closed meeting and reconvene in an open meeting.

WHEREAS, the Fair Housing Board has convened a closed

Closed Session
Certification of Closed

meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and **Meeting**

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 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: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Stuart Gilchrist, Dean Lynch, John Scott, and Rachel Wright.

Upon reconvening in an open session, a motion was made by Mr. Morgan to find no reasonable cause to believe the respondents discriminated against the complainant by failing to make a reasonable accommodation, by imposing discriminatory terms and conditions, or by attempting to coerce the complainant based on the complainant's minor child's disability. Mr. Phillos seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West. **Reconvene in Open Session**

The Board took a recess from 11:37 AM to 11:43 AM. **Recess**

A motion was made by Ms. Buyalos to take FHB File Number: 2020-02409 and FHB File Number: 2024-01709 as **BLOCK VOTE OF CONCILIATION**

a block vote.

Mr. Phillos seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

In the matter of **Haley Corbin and Courtney Segretto v. Walter Muzo FHB File Number: 2020-02409**, a motion was made by Ms. Buyalos to approve the conciliation agreement as agreed to by the parties. Mr. Phillos seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

In the matter of **Patrick Levesque v. Bonaventure Property Management Services, LLC and BPMS Cove Pointe, LLC FHB File Number: 2024-01709**, a motion was made by Ms. Buyalos to approve the conciliation agreement as agreed to by the parties. Mr. Phillos seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

AGREEMENTS

Haley Corbin and Courtney Segretto v. Walter Muzo FHB File Number: 2020-02409 HUD File Number: 03-20-5136-8

Patrick Levesque v. Bonaventure Property Management Services, LLC and BPMS Cove Pointe, LLC FHB File Number: 2024-01709 HUD File Number: 03-23-4390-8

END OF BLOCK VOTE

NEW BUSINESS

Mr. Shockley provided the Board with the litigation update.

Ms. Coleman provided the Fair Housing Board with the Executive Director's Update.

Ms. Coleman informed the Board that, the Notice of Intended Regulatory Action was approved by the Governor on June 25, 2024. The Board was provided a copy of the proposed Fair Housing Certification Regulations to review and approve to authorize Board staff to file the proposed stage. A motion was made by Ms. Fenty to adopt the proposed language and authorize Board staff to file the proposed stage. Mr. Marks seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

Litigation Summary

Executive Director's Update

Regulatory Update

Ms. Coleman informed the Board that the public comment period ran from July 15, 2024, to August 14, 2024. One anonymous comment was received, and Board staff have prepared a draft response for board approval. Both the comment and the draft response were included in the agenda. Ms. Coleman asked the Board to review the prepared draft response and if satisfied make a motion to approve the response. A motion was made by Ms. Buyalos to approve the prepared draft response. Mr. Marks seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

Ms. Coleman opened the floor for nominations for the position of Chair of the Fair Housing Board. Ms. Fenty nominated Scott Astrada for the position of Chair. The motion was seconded by Mr. Marks. The motion was unanimously approved. Members voting “Yes” Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West. By acclamation, Mr. Astrada was named Board Chair.

Election of Officers

Ms. Coleman opened the floor for nominations for the position of Vice-Chair of the Fair Housing Board. Mr. Marks nominated Amanda Buyalos for the position of Vice-Chair. The motion was seconded by Mr. Phillos. The motion was unanimously approved. Members voting “Yes” Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West. By acclamation, Ms. Buyalos was named Board Vice-Chair.

Ms. Coleman provided a report from the August 28, 2024, Fair Housing Education Committee meeting. The Board by consensus adopted the August 28, 2024, Fair Housing Education Committee meeting report.

Education Committee Report

Ms. Coleman introduced, Allyson Yohe, Captech Contractor for EpicX, to the Board to give a presentation on the EpicX system. Ms. Yohe demonstrated the Fair Housing certification application process both for the licensee/applicant and for the licensing specialist.

OTHER BOARD BUSINESS **EpicX Update**

John Robertson, Communications and Digital Media Manager, informed the Board that EpicX will transform how we do business at DPOR and will be digitizing the process for everything we do.

The Board reviewed the financial statement. There was no action taken by the Board.

Board Financial Statement

Ms. Coleman informed the Board that the Board Member Training Conference will take place October 10-11, 2024.

Board Member Training Conference

The Board adjourned at 12:14 P.M.

ADJOURN

Scott Astrada, Chair

Brian P. Wolford, Secretary