#### VIRGINIA FAIR HOUSING BOARD

#### MINUTES OF MEETING

December 3, 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
Laura DuPuy (arrived at 10:35 A.M.)
Robert Ruais
Jim Ginnell
Stephen McMaster
Neil Bhatt
Martin Maples

The following Board Members were not present: Jeffrey Adkins, Penny Johnson and Cynthia Clare

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

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Jay DeBoer, Director
Mark Courtney, Deputy Director
Liz Hayes, Fair Housing Administrator
Kevin Hoeft, Board 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
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 10:03 <u>Call to Order</u> A.M.

There was no public comment.

**Public Comment** 

A motion was made by Mr. Schuyler and seconded by Mr. McMaster to approve the Agenda. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

Agenda

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

Fair Housing Administrator's Report

In the matter of FHB File Number 2008-02122, Mark FHB File Number 2008-Stanley v. Betty Wright, 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 Mr. McMaster and seconded by Mr. Ginnell to defer the case to the next Board meeting. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

02122, Mark Stanley v. **Betty Wright** 

In the matter of FHB File Number 2008-00395, Aristides and Alma Murcia v. Mary Massey, Paul Morgan, Barcroft Limited Partnership and Barcroft Management. the Board reviewed the record which consisted of the Final Case Investigative Report and Analysis and Recommendation. Barrie Bowers, Attorney for the Respondents, was present and addressed the Board. A motion was made by Mr. Ruais and seconded by Mr. McMaster to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-00395, Aristides and Alma Murcia v. Marv Massey, Paul Morgan, **Barcroft Limited** Partnership and **Barcroft Management** 

In the matter of FHB File Number 2009-00090, Shannon Wolfe v. Alaina Flynn and Brookville Apartments, LP, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis Recommendation and supplemental Final Investigative Report. A motion was made by Mr. McMaster and seconded by Mr. Maples to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Bhatt, Epps, Ginnell, Maples, McMaster, Ruais and Rubinstein. Member voting "No" was Schuyler.

FHB File Number 2009-00090, Shannon Wolfe v. Alaina Flynn and Brookville Apartments, LP

Laura DuPuy arrived at 10:35 A.M.

Arrival of Board

In the matter of FHB File Number 2009-00707, Evangeline Sydnor v. Spaulding Development Co, Inc., dba Huguenot Apartments and Sarah Rowe Klein, the Board reviewed the record which consisted of the Final Investigative Report Case Analysis and and Recommendation. Robert Harris, Attorney for the Respondents, was present 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: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

#### <u>Member</u>

FHB File Number 2009-00707, Evangeline Sydnor v. Spaulding Development Co, Inc., dba Huguenot **Apartments and Sarah** Rowe Klein

. In the matter of FHB File Number 2009-01021, Rasik and Jashoda Patel v. Marcia Frye and Mercury Investment Company, the Board reviewed the record which consisted of Jashoda Patel v. Marcia the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Bhatt and seconded by Mr. Schuyler to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-01021, Rasik and Frye and Mercury **Investment Company** 

In the matter of FHB File Number 2008-03947, Sandra Tabb v. William Martin, 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. Sandra Tabb, Complainant, and her sons, Nicholas and Dohnovan, and William Martin, Respondent, were present and addressed the Board. A motion was made by Ms. DuPuy and seconded by Mr. Ruais to find reasonable cause that the Respondent discriminated against Complainant through the actions of his agents by engaging in discriminatory terms and conditions based upon Complainant's familial status. motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-03947, Sandra Tabb v. William Martin

A motion was made by Mr. Ruais and seconded by Mr. McMaster to find no reasonable cause against the Respondent in terms and conditions of rental based on race. The motion passed by majority vote. Members voting "Yes"

were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais and Rubinstein. Mr. Schuyler abstained from voting in the matter.

In the matter of FHB File Number 2008-04823, Avis Ambers v. Amanda Harris and Prince William County Office of Housing & Community Development, the Board reviewed the record which consisted of the Final and Analysis Investigative Report Case and Recommendation. A motion was made by Mr. Ruais and seconded by Mr. Maples to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Bhatt, DuPuy, Ginnell, Maples. McMaster, Ruais, Rubinstein and Schuvler. Member voting "No" was Epps.

FHB File Number 2008-04823, Avis Ambers v. Amanda Harris and Prince William County Office of Housing & Community Development

In the matter of FHB File Number 2009-00358, Pamela Barbour v. Allison Bullock and Camden Development, Inc., 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 Mr. Schuyler to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-00358, Pamela Barbour v. Allison Bullock and Camden Development, Inc.

In the matter of FHB File Number 2009-01096, Misty Blackwell v. Robert L. Johnston and Hopeman West Associates, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and supplement Final Investigative Report. A motion was made by Mr. Ruais and seconded by Mr. Schuyer to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-01096, Misty Blackwell v. Robert L. Johnston and Hopeman West Associates

In the matter of FHB File Number 2008-03985, Tammy Krenzer v. James and Sarah Lee, 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 Mr. Ruais and seconded by Mr. Ginnell to find reasonable cause that the Respondent discriminated against the Complainant by making

FHB File Number 2008-03985, Tammy Krenzer v. James and Sarah Lee

discriminatory statements based on sex. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

In the matter of FHB File Number 2007-03979, Barbara and Sanford Kreisler v. Rolling Oaks Condominium Unit Owners Association, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis Official and Recommendation, and Consultation Memorandum from the Attorney General. A motion was made by Ms. DuPuy and seconded by Mr. Maples to defer the case to the next Board meeting. The motion passed by majority vote. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster and Ruais. Member voting "No" was Schuyler. Mr. Rubinstein abstained from voting in the matter.

FHB File Number 2007-03979, Barbara and Sanford Kreisler v. Rolling Oaks Condominium Unit Owners Association

In the matter of FHB File Number 2009-01311, Fair Housing Board v. Preston B. Basnight and 352, LLC, 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: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-01311, Fair Housing Board v. Preston B. Basnight and 352, LLC

In the matter of FHB File Number 2008-03133, Daniel and Margaret Rothenhoefer v. Thomas and Vivian Maldonado, a motion was made by Mr. Ruais 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: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-03133, Daniel and Margaret Rothenhoefer v. Thomas and Vivian Maldonado

In the matter of FHB File Number 2008-04774, Dorcas Ann Taylor v. Joan Penny, Dan Jones and Kathleen Jones, a motion was made by Mr. Ruais 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: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-04774, Dorcas Ann Taylor v. Joan Penny, Dan Jones and Kathleen Jones

In the matter of FHB File Number 2009-00219, Stephanie Webber v. B-W Enterprises LLC and Donnetta Jones, a motion was made by Mr. Ruais and seconded by Ms. Epps to

FHB File Number 2009-00219, Stephanie Webber v. B-W

approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bha tt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

Enterprises LLC and Donnetta Jones

In the matter of FHB File Number 2009-00836, Fair Housing Board v. Michael and Susan Michael, a motion was made by Mr. Ruais 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: Bha tt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-00836, Fair Housing Board v. Michael and Susan Michael

In the matter of FHB File Number 2008-03927, Christopher Biby and Heather Biby v. Sandra Ward & Larry Ward, a motion was made by Mr. Ruais 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: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-03927, Christopher Biby and Heather Biby v. Sandra Ward & Larry Ward

In the matter of FHB File Number 2009-01184, Hershel Keith v. Dottie Holmes and Great Oaks Apartments, LLC, a motion was made by Mr. Ruais 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: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2009-01184, Hershel Keith v. Dottie Holmes and Great Oaks Apartments, LLC

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 Mr. Maples and seconded by Mr. Ginnell to approve the settlement terms as presented. The motion passed unanimously. Members voting "Yes" were: Bha tt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 200800608, Christina and
Clifton Heggins v.
Tabitha Deberry and
New Townhouse Park
Association c/o
Pennsylvania Realty
Association, LLC

In the matter of FHB File Number 2008-02534, John T. Hinson v. Claudine D. McAllister, a motion was made by Mr. Maples and seconded by Mr. Ginnell to approve the settlement terms as presented. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy,

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

Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuvler.

Tom Payne updated the Board on the status of pending Old Business litigation. No action was taken by the Board.

In the matter of FHB File Number 2008-01804, Karen Smith v. Pam Keller, Phil Upton, Holiday Trav-L-Park, Sea Bay Development Corporation and RGB, Inc., a motion was made by Mr. Maples and seconded by Mr. Schuvler for legal counsel to move forward with removing Sea Bay Development Sea Bay Development Corporation as a defendant in the manner recommended by counsel of the Fair Housing Board Inc. in the lawsuit in this matter. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2008-01804, Karen Smith v. Pam Keller, Phil Upton, Holiday Tray-L-Park. Corporation and RGB,

The Board recessed from 11:43 A.M. to 11:55 A.M.

**Break** 

FHB File Number 2007-01497, Shelby James v. Berkley South, LP

At 11:59 P.M., Mr. Schuyler offered a motion which was seconded by Mr. Ruais, 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):

FHB File Number 2007-01497, Shelby James v. Berkley-South, LP

At 12:40 P.M., a motion was made by Mr. Schuyler and seconded by Mr. Ruais that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed Certification

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 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: 9-0** 

AYES: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Adkins, Clare and Johnson.

In the matter of FHB File Number 2007-01497, Shelby James v. Berkley South, LP, a motion was made by Mr. Ruais and seconded by Mr. Schuyler to approve the settlement terms as presented. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2007-01497, Shelby James v. Berkley South, LP

In the matter of FHB File Number 2007-00009, Bettie High v. Royal Arms Associates LLP, a motion was made by Ms. DuPuy and seconded by Mr. Bhatt to approve the settlement Royal Arms Associates terms as presented. The motion passed unanimously. LLP Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

FHB File Number 2007-00009, Bettie High v.

Mr. Rubinstein gave the Education Committee Report. A Administrative Issues motion was made by Mr. Schuyler and seconded by Mr. McMaster to accept the December 3, 2008, Education Committee Report. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

A motion was made by Mr. Schuyler and seconded by Ms. Epps to approve the following minutes with a correction on Page 8 amending 12:21 A.M. to read 12:21 P.M.: October 8, 2008, Fair Housing Board Meeting. The motion passed unanimously. Members voting "Yes" were: Bhatt, DuPuy, Epps, Ginnell, Maples, McMaster, Ruais, Rubinstein and Schuyler.

Minutes

There being no further business, the meeting adjourned at 1:01 Adjourn P.M.

DeBoer, Secretary

1.	Name: Robert Ruais
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: December 3, 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.
	☐ I did not participate in the transaction.
6.	I do not have a personal interest in any transactions taken at this meeting.
	Signature Date

1.	Name: James Schuyler
2.	(Name of Board Member)  Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: December 3, 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 o group, the members of which are affected by the transaction:
	☐ I am able to participate in this transaction fairly, objectively, and in the publi interest.
	☐ I did not participate in the transaction.
6 <sub>/</sub>	I do not have a personal interest in any transactions taken at this meeting.
	Signature Date

1.	Name: Tonye R. Epps
2.	(Name of Board Member)  Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF 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.
	□ I did not participate in the transaction.
6.	I do not have a personal interest in any transactions taken at this meeting.
	Jony Prusel Gpps  Signature  Dec 3, 2008  Date

1.	Name: Laura Dupuy
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: December 3, 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.	1 do not have a personal interest in any transactions taken at this meeting.
	12.3.08

1.	Name: Neil Bhatt
2.	(Name of Board Member)  Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: December 3, 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 $\frac{12/3/08}{\text{Date}}$

1.	Name: Jim Ginnell
2.	(Name of Board Member)  Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: December 3, 2008
5.	(Date) 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.
	☐ I did not participate in the transaction.
6.	I do not have a personal interest in any transactions taken at this meeting.
	Signature Date

1.	Name: Martin Maples
2.	(Name of Board Member)  Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF 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.
	☐ I did not participate in the transaction.
6.	I do not have a personal interest in any transactions taken at this meeting.
	Mat Maske
	Signature Date

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

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