

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

October 5, 2011

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
Phyllis Randall, Vice-Chair (arrived at 10:07 A.M.)
Matthew K. Kim
F. Thomas Eck, IV
Thomas Gifford
Jim Ginnell
Francis Stevens (arrived at 10:11 A.M.)
Bob Boynton

The following Board members were absent: Linda Broady-Myers
Jeffrey Adkins
Andrew Reisinger

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

Gordon Dixon, 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
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 Mr. Ginnell and seconded by Mr. Agenda
Eck to approve the Agenda. The motion passed
unanimously. Members voting "Yes" were: Boynton, Eck,

Gifford, Ginnell, Kim and Rubinstein.

A motion was made by Mr. Eck and seconded by Mr. Kim to approve the August 24, 2011, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim and Rubinstein.

Minutes

Ms. Randall arrived at 10:07 A.M.

Arrival of Board Member

There was no public comment.

Public Comment

Liz Hayes updated the Board on the current investigative case load.

**Fair Housing
Administrator's Report**

Mr. Stevens arrived at 10:11 A.M.

Arrival of Board Member

In the matter of **FHB File Number 2011-04674, Donna Robinson-Staton v. Southall Condominium Owner's Association, Inc.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Grant Kronenberg, attorney for the respondents, Paul Mellen, and Lonnie Mattes, witnesses for the respondent, were present and addressed the Board. A motion was made by Ms. Randall and seconded by Mr. Ginnell to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

FHB File Number 2011-04674, Donna Robinson-Staton v. Southall Condominium Owner's Association, Inc.

In the matter of **FHB File Number 2011-04259, Lava Kumar Chaturvedula and Sridevi Yadaville v. Joseph Yves Etienne and Marie Monette**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Randall and seconded by Mr. Eck to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

FHB File Number 2011-04259, Lava Kumar Chaturvedula and Sridevi Yadaville v. Joseph Yves Etienne and Marie Monette

In the matter of **FHB File Number 2011-02224, Abel Martinez v. Heung S. and Hee Y. Park**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and

FHB File Number 2011-02224, Abel Martinez v. Heung S. and Hee Y. Park

Recommendation, Supplemental Final Investigative Report and the Official Consultation Memorandum from the Office of the Attorney General. Sheree and Abel Martinez, complainants, and Heung Park, respondent, were present and addressed the Board. A motion was made by Mr. Gifford and seconded by Mr. Kim to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

In the matter of **FHB File Number 2011-04349, Veronica Chrisp v. The Vista Apartments, LP**, 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. Kim and seconded by Mr. Boynton to approve the settlement terms in principle as presented. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

FHB File Number 2011-04349, Veronica Chrisp v. The Vista Apartments, LP

At 10:50 A.M., Mr. Gifford offered a motion which was seconded by Mr. Kim, 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 Carol Mitchell.

Closed Session

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

9. FHB File Number 2011-01585, Sophia Shelton (now Sophia Tsadzo) v. Space Properties, LLC, Hopkins Land Company, LLC, and Robert Owens

10. FHB File Number 2011-02870, Housing Opportunities Made Equal of Virginia, Inc. (HOME) v. Space Properties, LLC, Hopkins Land Company, LLC, and Robert Owens

11. FHB File Number 2010-01048, Gloria Lewis v. Gaslight Properties, LLC, Space Properties, LLC,

Robert Owens, Richard Owens

12. FHB File Number 2011-02477, Housing Opportunities Made Equal of Virginia, Inc. (HOME) v. Gaslight Properties, LLC, Space Properties, LLC, Robert Owens, Richard Owens

At 11:10 A.M., a motion was made by Mr. Gifford and seconded by Mr. Kim 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: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Adkins, Broady-Myers and Reisinger.

In the matter of **FHB File Number 2011-01585, Sophia Shelton (now Sophia Tsadzo) v. Space Properties, LLC, Hopkins Land Company, LLC, and Robert Owens, a** **FHB File Number 2011-01585, Sophia Shelton (now Sophia Tsadzo) v.**

motion was made by Mr. Gifford and seconded by Mr. Eck to approve the terms of the conciliation agreement in principle as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

In the matter of **FHB File Number 2011-02870, Housing Opportunities Made Equal of Virginia, Inc. (HOME) v. Space Properties, LLC, Robert Owens, and Hopkins Land Company, LLC**, a motion was made by Mr. Gifford and seconded by Mr. Eck to approve the terms of the conciliation agreement in principle as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

In the matter of **FHB File Number 2011-01048, Gloria Lewis v. Gaslight Properties, LLC, and Space Properties, LLC, Robert Owens, Richard Owens**, a motion was made by Mr. Gifford and seconded by Mr. Eck to approve the terms of the conciliation agreement in principle as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

In the matter of **FHB File Number 2011-02477, Housing Opportunities Made Equal of Virginia, Inc. (HOME) v. Gaslight Properties, LLC, and Space Properties, LLC, Robert Owens, Richard Owens**, a motion was made by Mr. Gifford and seconded by Mr. Eck to approve the terms of the conciliation agreement in principle as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

In the matter of **FHB File Number 2011-03976, Faye Nicholson v. Donna Gaydick, Dawn Coggins, Sandra Becker, Twin Hickory Senior Associates, LP, and CAPREIT, Inc.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Faye Nicholson, complainant, and Nelson Wilkinson, attorney for Twin Hickory Senior Associates, LP, and CAPREIT, Inc., respondents, were present and addressed the Board. A motion was made by Ms. Randall and seconded by Mr.

Space Properties, LLC, Hopkins Land Company, LLC, and Robert Owens

FHB File Number 2011-02870, Housing Opportunities Made Equal of Virginia, Inc. (HOME) v. Space Properties, LLC, Robert Owens, and Hopkins Land Company, LLC

FHB File Number 2011-01048, Gloria Lewis v. Gaslight Properties, LLC, and Space Properties, LLC, Robert Owens, Richard Owens

FHB File Number 2011-02477, Housing Opportunities Made Equal of Virginia, Inc. (HOME) v. Gaslight Properties, LLC, and Space Properties, LLC, Robert Owens, Richard Owens

FHB File Number 2011-03976, Faye Nicholson v. Donna Gaydick, Dawn Coggins, Sandra Becker, Twin Hickory Senior Associates, LP, and CAPREIT, Inc.

Stevens to find no reasonable cause that the respondents discriminated against the complainant based upon race. The motion passed unanimously. Members voting "Yes" were: Boynton, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

A motion was made by Ms. Randall and seconded by Mr. Rubinstein to refer the case to the Office of the Attorney General for a consultation opinion on the complainant of discrimination based on familial status. The motion passed by majority vote. Members voting "Yes" were: Boynton, Eck, Ginnell, Randall, Rubinstein and Stevens. Members voting "No" were: Gifford and Kim.

Mr. Eck recused himself due to potential conflict of interest.

A motion was made by Mr. Eck and seconded by Mr. Gifford to adopt the following resolution to honor the years of dedicated service by former Board Member Nilkanth Bhatt to the Board: **Resolution**

RESOLUTION IN HONOR OF

Nilkanth "Neil" Bhatt

WHEREAS, **Nilkanth Bhatt**, has faithfully and diligently served as a member of the Fair Housing Board since 2003; and

WHEREAS, **Nilkanth Bhatt**, has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, **Nilkanth Bhatt**, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Fair Housing Board wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Fair Housing Board this fifth day of October, 2011 that **Nilkanth Bhatt** be given all honors and respect due him for

his outstanding service to the Commonwealth and its citizens and the Fair Housing Board; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

A motion was made Mr. Eck and seconded by Ms. Randall to adopt a rule that the Board Chair and Vice-Chair will be elected annually, rotating the Vice-Chair into Chair position the following year when applicable. The motion passed unanimously. Members voting "Yes" were: Boynton, Eck, Gifford, Ginnell, Kim, Randall, Rubinstein and Stevens.

Administrative Issues

Ms. Martine opened the floor for nominations for the position of Chair of the Fair Housing Board. Tom Eck nominated Phyllis Randall for the position of Chair; Mr. Ginnell seconded the nomination. With no other accepted nominations, Phyllis Randall was named Chair by acclamation.

Ms. Martine opened the floor for nominations for the position of Vice-Chair of the Fair Housing Board. Phyllis Randall nominated Tom Eck for the position of Vice-Chair; Mr. Ginnell, seconded the nomination. With no other nominations, Tom Eck was named Vice-Chair by acclamation.

Tom Payne gave the Board an update on pending litigation. No action was taken by the Board.

Old Business

Francis Stevens left the meeting at 11:43 a.m.

Departure of Board Member

The Board recessed from 11:43 A.M. to 12:00 P.M.

Break


The Board members completed Conflict of Interest Training.

Conflict of Interest Training

The Board adjourned at 12:53 P.M.



Phyllis Randall, Chair



Gordon Dixon, Secretary

**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: October 5, 2011
(Date)

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

 (Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

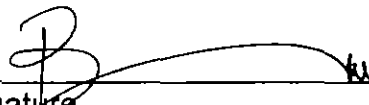
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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 | 5 | 2011
Date

**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: October 5, 2011
(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: Francis Stevens
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: October 5, 2011
(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.

F. Stevens
Signature

10/5/11
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 5, 2011
(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

10/5/11
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: October 5, 2011
(Date)

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

HC Michelson
(Agenda Item)

Nature of Personal Interest Affected by Transaction: possible

Investment by employee in CAPREIT or its LIHTC

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

Capital One

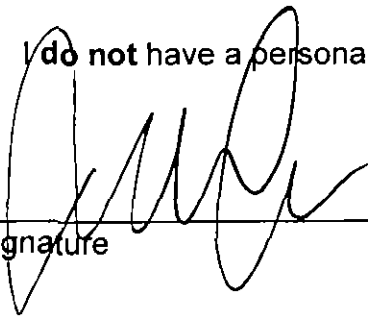
I am able to participate in this transaction fairly, objectively, and in the public interest.

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

10/5/2011

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

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

1. Name: Phyllis Randall
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: October 5, 2011
(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.

Phyllis Randall
Signature

10-5-11
Date

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

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

1. Name: Thomas C. Gifford
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: October 5, 2011
(Date)

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

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

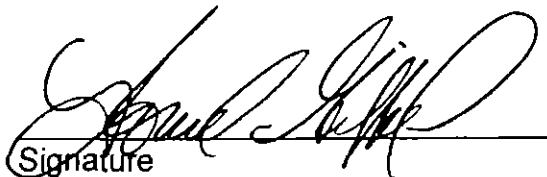
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

10/5/11
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Bob Boynton
(Name of Board Member)
2. Title: Board Member
3. Agency: Fair Housing Board
(Name of Board)
4. Meeting/IFF Date: October 5, 2011
(Date)

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

N/A
(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

N/A

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

N/A

- 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.

Robert A. Boynton
Signature

10/5/2011
Date