

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

April 7, 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
Bill A. Adkins
Nilkanth R. Bhatt
Cynthia Clare
Rhonda M. Harmon
E. James Lucas
Martin Maples
Jim Schuyler
Robert Ruais

Board members not present:

Leon L. Scott
Laura N. Dupuy

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
Antonio Bedford, Fair Housing Investigator
Camille C. Palmer, Administrative Assistant
Earlyne Perkins, Legal Assistant

Wayne Halbleib, Office of the Attorney General, was present.

Chairman Rubinstein **called the meeting to order** at 10:13 a.m.

Call to Order

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

Agenda

A motion was made by Mr. Lucas and seconded by Mr. Bhatt approving the minutes of the **February 4, 2004 Fair Housing Board Meeting**. The motion passed unanimously. Members voting “Yes” were Rubinstein, Schuyler, Adkins, Bhatt, Clare, Harmon, Lucas, Maples and Ruais.

Minutes

During the **Public Comment Period** Mark Ingrao, Vice President of *Governmental Affairs, Apartment and Office Building Association* and Carolyn Donahue, President, Virginia Apartment Management Association addressed the Board regarding the Fair Housing Certification registration fee. Both, Mr. Ingrao and Ms. Donahue spoke in opposition of the \$50.00 fee on behalf of the Virginia Apartment Management Association and requested the Board to lower the \$50.00 fee. There were approximately sixty-five (65) people present to show support for the lowering of the Fair Housing Certification fee. Ms. Ware, Director, addressed their concerns.

Public Comment
Period

A motion was made by Ms. Clare and seconded by Ms. Harmon to adopt additional Emergency Regulations with the fee for certification in the amount of \$25.00. The motion passed unanimously. Members voting “Yes” were Rubinstein, Schuyler, Adkins, Bhatt, Clare, Harmon, Lucas, Maples and Ruais. There were no negative votes.

Adopt Proposed Fair
Housing Certification
Regulations

A motion was made by Ms. Harmon and seconded by Ms. Clare to adopt the Proposed Regulations with the certification fee in the amount of \$25.00. The motion passed unanimously. Members voting “Yes” were Rubinstein, Schuyler, Adkins, Bhatt, Clare, Harmon, Lucas, Maples and Ruais. There were no negative votes.

A motion was made by Ms. Harmon and seconded by Mr. Schuyler to adopt the Proposed Regulations as amended. The motion passed unanimously. Members voting “Yes” were Rubinstein, Schuyler, Adkins, Bhatt, Clare, Harmon, Lucas, Maples and Ruais. There were no negative votes.

The Board recessed at 10:50 a.m. and reconvened at 11:00 a.m.

Recess

In the matter of **FHB File Number 2003-03565, James Sowers v. Sandra K. Rose, Alvin L. Aubinoe, III and Alvin Aubinoe, Inc.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Mr. Sowers, complainant, and Ms. Ann McGruder, attorney for the respondents, were present and addressed the Board. A motion was made by Ms. Harmon and seconded by Mr. Lucas to refer the case to the Office of the Attorney General for legal consultation. The motion passed by majority vote. Members voting “Yes” were Rubinstein, Schuyler, Adkins, Bhatt, Harmon, Lucas, and Maples. Members voting “No” were Clare and Ruais.

FHB File Number:
2003-03565
James Sowers v.
Sandra K. Rose, Alvin
L. Aubinoe, III and
Alvin Aubinoe, Inc.

In the matter of **FHB File Number 2004-00854, Jeffrey Casanova v. Terri Fielder and Indian Creek Associates, L.L.C.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Mr. Casanova, complainant, was present and addressed the Board. A motion was made by Ms. Clare and seconded by Mr. Lucas finding no cause and to close this case. The motion passed unanimously. Members voting "Yes" were Rubinstein, Schuyler, Adkins, Bhatt, Clare, Harmon, Lucas, Maples and Ruais. There were no negative votes.

FHB File Number
2004-00854
Jeffrey Casanova v.
Terri Fielder and
Indian Creek
Associates, L.L.C.

In the matter of **FHB File Number 2004-01547, Jose Ortiz v. Ray Rapage and Ryan Homes**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Mr. Rapage, respondent, and Mr. Mock, both, *Ryan Home* representatives were present and addressed the Board. A motion was made by Mr. Ruais and seconded by Mr. Lucas finding no cause and to close this case. The motion passed unanimously. Members voting "Yes" were Rubinstein, Schuyler, Adkins, Bhatt, Clare, Harmon, Lucas, Maples and Ruais. There were no negative votes.

FHB File Number
2004-01547
Jose Ortiz v. Ray
Rapage and Ryan
Homes

Mr. Schuyler left the meeting at 11:55 a.m

Ms. Harmon left the meeting at 12:00 noon.

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 Case Analysis and Recommendation. The complainants, Lawrence and Audrey Washington, and Mr. Wilbur Washington, the respondent's attorney, and Mr. Scott Stolfus, respondent, were present and addressed the Board.

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

At 12:00 noon, Mr. Lucas made a motion which was seconded by Ms. Clare, 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.7 of the Code of Virginia. The following non-members will be in attendance to reasonably aid the consideration of the topic: Wayne Halbleib, Liz Hayes and Deanda Shelton.

Closed Session

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

13. Lawrence and Audrey Washington v. Briarlynn Estates III Homeowners Association and Scott Stolfus, FHB File Number: 2003-

03215

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

At 12:20 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: Lucas, Bhatt, Clare, Rubinstein, Ruais, Maples and Adkins

NAYS: None

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: Harmon, Schuyler, Dupuy, Scott

A motion was made by Ms. Clare and seconded by Mr. Maples finding no cause and to close the case. The motion passed unanimously. Members voting "Yes" were Rubinstein, Adkins, Bhatt, Clare, Lucas, Maples and Ruais. There were no negative votes.

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 Case Analysis and Recommendation. The complainants, Peter and Colleen Caylor, the respondent's attorney, Wilbert Washington, and Larry Fox, Vice President, Board of Directors were present and addressed the

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

Board. A motion was made by Ms. Clare and seconded by Mr. Maples finding no cause and to close the case. The motion passed unanimously. Members voting "Yes" were Rubinstein, Adkins, Bhatt, Clare, Lucas, Maples and Ruais. There were no negative votes.

Association and Scott
Stolzfus

In the matter of **FHB File Number 2004-01547, Susan Gressman v. Terri Fielder and Indian Creek Associates, L.L.C.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. There were no representatives present. A motion was made by Ms. Clare and seconded by Mr. Lucas finding no cause and to close the case. The motion passed unanimously. Members voting "Yes" were Rubinstein, Adkins, Bhatt, Clare, Lucas, Maples and Ruais. There were no negative votes.

FHB File Number
2004-01547
Susan Gressman v.
Terri Fielder and
Indian Creek
Associates, L.L.C.

In the matter of **FHB File Number 2003-03539, Antonia Mungia v. Regency Place Apartments and Sheila Riles**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. There were no representatives present. A motion was made by Mr. Ruais and seconded by Ms. Clare finding no cause and to close the case. The motion passed unanimously. Members voting "Yes" were Rubinstein, Adkins, Bhatt, Clare, Lucas, Maples and Ruais. There were no negative votes.

FHB File Number
2003-03539
Antonia Mungia v.
Regency Place
Apartments and
Sheila Riles

In the matter of **FHB File Number 2003-03221, Gordon Gunn v. Dominion Place Associates, Betsy Bighnatti, Beacon Residential Management and Edwin Sidman**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. There were no representatives present. A motion was made by Mr. Lucas and seconded by Mr. Ruais to defer this matter to the June 23, 2004 Fair Housing Board meeting to review the conciliation agreement. The motion passed unanimously. Members voting "Yes" were Rubinstein, Adkins, Bhatt, Clare, Lucas, Maples and Ruais. There were no negative votes.

FHB File Number
2003-03221
Gordon Gunn v.
Dominion Place
Associates, Betsy
Bighnatti, Beacon
Residential
Management and
Edwin Sidman

In the matter of **FHB File Number 2003-03390, Deborah Pharr v. Tricia Bernstein and Tidewater Oxford Limited Partnership**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. There were no representatives present. A motion was made by Ms. Clare and seconded by Mr. Ruais finding no cause and to close the case. The motion passed unanimously. Members voting "Yes" were Rubinstein, Adkins, Bhatt, Clare, Lucas, Maples and Ruais. There were no negative votes.

FHB File Number
2003-03390
Deborah Pharr v.
Tricia Bernstein and
Tidewater Oxford
Limited Partnership

In the matter of **FHB File Number 2003-02863, Doris Foraccio v. Cedar Crossing Condominium Board of Directors c/o United Property Associates**, the Board reviewed the record which consisted of the Final

FHB File Number
2003-02863
Doris Foraccio v.

Investigative Report and Case Analysis and Recommendation. There were no representatives present. A motion was made by Mr. Maples and seconded by Ms. Clare finding no cause and to close the case. The motion passed unanimously. Members voting "Yes" were Rubinstein, Adkins, Bhatt, Clare, Lucas, Maples and Ruais. There were no negative votes.

Cedar Crossing
Condominium Board
of Directors c/o
United Property
Associates

In the matter of **FHB File Number 2003-03215, Cheryl Stockstad v. Cedar Crossing Condominium Board of Directors c/o United Property Associates**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. There were no representatives present. A motion was made by Mr. Maples and seconded by Ms. Clare finding no cause and to close the case. The motion passed unanimously. Members voting "Yes" were Rubinstein, Adkins, Bhatt, Clare, Lucas, Maples and Ruais. There were no negative votes.

FHB File Number
2003-03215
Cheryl Stockstad v.
Cedar Crossing
Condominium Board
of Directors c/o
United Property
Associates

In the matter of **FHB File Number 2003-03411, Elizabeth Harris-Charity v. Florence Champagne**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. There were no representatives present. A motion was made by Mr. Ruais and seconded by Ms. Clare finding no cause and to close the case. The motion passed unanimously. Members voting "Yes" were Rubinstein, Adkins, Bhatt, Clare, Lucas, Maples and Ruais. There were no negative votes.

FHB File Number
2003-03411
Elizabeth Harris-
Charity v. Florence
Champagne

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

Administrative
Closures

FHB File Number: 2003-01339, Donna Tucker v. Genito Glen Apartments, et al.

FHB File Number: 2004-02316, Ina Odum v. KSI Management Corporation and Oke Johnson

The motion passed unanimously. Members voting "Yes" were Rubinstein, Adkins, Bhatt, Clare, Lucas, Maples and Ruais. There were no negative votes.

A motion was made by Ms. Clare and seconded by Mr. Lucas to approve the conciliation agreements in the following cases:

Conciliation
Agreements

FHB File Number: 2004-01014, Pamela Klein v. William Harrison, Jr., Thomas Young and J.P. Morgan Chase & Co.

FHB File Number: 2004-02070, Thomas Moore v. Richard Ward and Piccard Homes, LLC

**FHB File Number 2004-03370, Mary Wysocki v. General Services Corp.,
Cindy Pearce**

**FHB File Number 2004-02498, Virginia Fair Housing Board v. Langley
Enterprises, Inc. t/a Langley Mobile Home Village, Lois McCarthy and
NRW Company, LLC**

The motion passed unanimously. Members voting “Yes” were Rubinstein, Adkins, Bhatt, Clare, Lucas, Maples and Ruais. There were no negative votes.

Mr. Cancelleri introduced Brian Carver, a new Fair Housing Investigator to the Board.

**Fair Housing
Administrator’s
Report**

Mr. Bhatt left the meeting at 1:30 p.m.

A motion was made by Mr. Lucas and seconded by Ms. Clare approving the Virginia Fair Housing Board Case Decision Reconsideration Policy with the modification of a sixty day time limit. The motion passed unanimously. Members voting “Yes” were Rubinstein, Adkins, Clare, Lucas, Maples and Ruais. There were no negative votes.

A motion was made by Mr. Lucas and seconded by Ms. Clare to give the Fair Housing Administrator the authority to approve conciliation agreements subject to the Board’s ratification with the modification of a 60 day time limit. The motion was withdrawn.

In the matter of **FHB File Number 2003-02873, Housing Opportunities Made Equal v. Rufus T. Mathews**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Mr. James Johnson, advocate for the respondent was present and addressed the Board. Connie Chamberlin, complainant, was present and addressed the Board.

**File Number 2003-
02873
Housing
Opportunities Made
Equal v. Rufus T.
Mathews**

In the matter of **FHB File Number 2003-02874, Nealie V. Pitts v. Rufus T. Mathews**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Ms. Pitts, complainant, was present and addressed the Board.

**FHB File Number
2003-02874
Neele V. Pitts v.
Rufus T. Mathews**

Mr. Schuyler returned to the meeting at 2:00 p.m.

At 2:05 p.m., Mr. Lucas made a motion which was seconded by Ms. Clare, 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 §

Closed Meeting

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: Wayne Halbleib, John Cancelleri, Liz Hayes and Deanda Shelton.

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

15. FHB File Number: 2003-02873, Housing Opportunities Made Equal v. Rufus T. Matthews

16. FHB File Number: 2003-02874, Nealie V. Pitts v. Rufus T. Mathews

At 2:22 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: Lucas, Clare, Rubinstein, Ruais, Schuyler, Maples and Adkins

NAYS: None

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: Harmon, Bhatt, Dupuy, Scott

A motion was made by Mr. Lucas and seconded by Mr. Schuyler to find reasonable cause and issue a charge for both cases. The motion failed. Members voting "Yes" were Lucas, Schuyler and Rubinstein. Member voting "No" were Clare, Ruais, Maples and Adkins.

FHB File Number
2003-02873
Housing
Opportunities Made
Equal v. Rufus T.

issuing a charge until the next board meeting on June 23, 2004 to attempt conciliation. There was no second to the motion.

FHB File Number
2003-02874
Nealie V. Pitts v.
Rufus T. Mathews

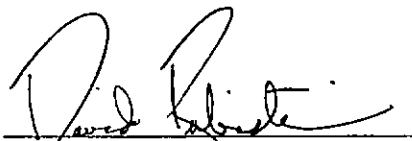
A motion was made by Mr. Ruais to find reasonable cause and delay issuing a charge for thirty days to attempt conciliation for both cases. The motion passed by majority vote. Members voting "Yes" were Clare, Ruais, Maples and Adkins. Members voting "No" were Schuyler, Lucas and Rubinstein.

There was no **Old Business**.

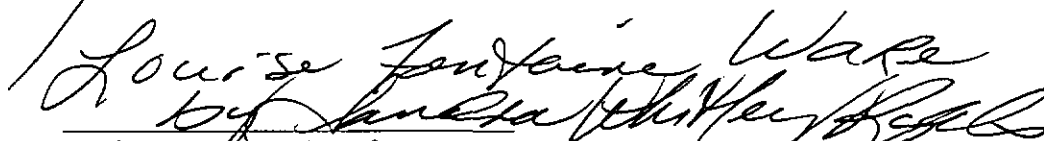
Old Business

The meeting adjourned at 2:35 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: Bill A. Adkins
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: April 7, 2004

Signature: Bill A. Adkins

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

TRANSACTIONAL DISCLOSURE STATEMENT

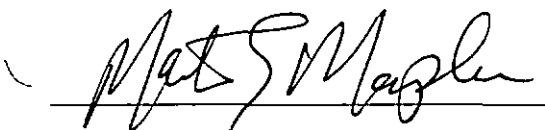
1. Name: Martin E. Maples
2. Title: Member - Virginia Fair Housing Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

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: April 7, 2004

Signature: 

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: April 7, 2004

Signature: _____

Nilkanth R. Bhatt

**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: April 7, 2004

Signature: _____

**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: none
-

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: April 7, 2004

Signature: _____

David Rubinstein

**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: April 7, 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: April 7, 2004

Signature: _____

**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: April 7, 2004

Signature: 