

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

December 1, 2004

The Fair Housing Board Meeting was held at the Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia. The following Board members were present:

David B. Rubinstein
Cynthia Clare
Laura Dupuy
Martin Maples
Robert Ruais
Kim D. Saunders (departed at 12:25 p.m.)

Board members not present:

Bill A. Adkins
Nilkanth R. Bhatt
Rhonda M. Harmon
E. James Lucas
James H. Schuyler

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
Karen W. O'Neal, Deputy Director
Christine Martine, Executive Director
Liz Hayes, Fair Housing Investigative Supervisor
Deanda Shelton, Fair Housing Investigator
Antonio Bedford, Fair Housing Investigator
Robert Whittaker, Program Conciliator
Trisha L. Henshaw, Administrative Assistant
Tamika Jones, Fair Housing Investigator
Karen Taylor, Fair Housing Specialist
Annie Wilson, Fair Housing Specialist

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

Chairman Rubinstein called the meeting to order at 10:29 a.m.

Call to Order

A motion was made by Mr. Maples and seconded by Ms. Clare to approve the **Agenda** as amended. The motion passed unanimously. Members voting "Yes" were Clare, Dupuy, Maples, Ruais, Rubinstein, and Saunders.

Agenda

A motion was made by Ms. Clare and seconded by Mr. Maples to approve the minutes of the **October 6, 2004, Fair Housing Board Meeting**. The motion passed unanimously. Members voting "Yes" were Clare, Dupuy, Maples, Ruais, Rubinstein, and Saunders.

Minutes

The **Public Comment Period** was deferred to later in the meeting in order to hear the cases while the Board had a quorum.

Public Comment Period

In the matter of **FHB File Number 2005-00371, Bishop Richard Hall v. Historic Petersburg Foundation**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Mr. Hall, complainant, and Neil Talegoaonker, counsel for respondent, were present and addressed the Board. A motion was made by Ms. Dupuy and seconded by Ms. Clare to refer this matter to the Fair Housing Office for additional investigation to determine the facts surrounding the alleged counteroffer made by the complainant. The motion passed unanimously. Members voting "Yes" were Clare, Dupuy, Maples, Ruais, Rubinstein, and Saunders.

FHB File Number 2005-00371, Bishop Richard Hall v. Historic Petersburg Foundation

In the matter of **FHB File Number 2005-00021, Jason Growcock v. Myra E. Ragan and Timothy R. Wingard**, 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 to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Clare, Dupuy, Maples, Ruais, Rubinstein, and Saunders.

FHB File Number 2005-00021, Jason Growcock v. Myra E. Ragan and Timothy R. Wingard

In the matter of **FHB File Number 2005-00644, Michael Edelson and Ann Redding v. Langley Properties**, 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 Ms. Dupuy to refer this matter to the Office of the Attorney General for official consultation. The motion passed unanimously. Members voting "Yes" were Clare,

FHB File Number 2005-00644, Michael Edelson and Ann Redding v. Langley Properties

Dupuy, Maples, Ruais, Rubinstein, and Saunders.

In the matter of **FHB File Number 2003-02979, George and Paulette Friday v. Wells Fargo Home Mortgage and Peter Wissinger**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. There were no representatives present. Ms. Hayes informed the Board that additional information was being sent regarding this matter and requested that the Board defer action on this matter to the next Board meeting. The Board agreed by consensus to defer this matter to the February 9, 2005, Board meeting.

FHB File Number 2003-02979, George and Paulette Friday v. Wells Fargo Home Mortgage and Peter Wissinger

In the matter of **FHB File Number 2004-01581, Carolyn Fulton-Smythe v. Thomas Taylor, Ron Taylor, and Taylor Mobile Home Park**, 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. Maples to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Clare, Dupuy, Maples, Ruais, Rubinstein, and Saunders.

FHB File Number 2004-01581, Carolyn Fulton-Smythe v. Thomas Taylor, Ron Taylor, and Taylor Mobile Home Park

In the matter of **FHB File Number 2004-03525, Edmond K. Machie v. Fawna Lackovic and ASN Multifamily, LP**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, as well as supplemental materials provided at the Board meeting. There were no representatives present. 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, Maples, Ruais, Rubinstein, and Saunders.

FHB File Number 2004-03525, Edmond K. Machie v. Fawna Lackovic and ASN Multifamily, LP

In the matter of **FHB File Number 2004-04357, William and Kim Burford v. Stacy Mahone, Michelle Turner, and Langley Properties**, 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 to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Clare, Dupuy, Maples, Ruais, Rubinstein, and Saunders.

FHB File Number 2004-04357, William and Kim Burford v. Stacy Mahone, Michelle Turner, and Langley Properties

In the matter of **FHB File Number 2004-04956, Connie Clinkscale v. Foxwood Associates, LP, ARCAP, LC, Robert Ruais, Rebecca Roach, Foxwood Village Mobile Home Park, and Kathy**

FHB File Number 2004-04956, Connie Clinkscale v. Foxwood Associates,

Frischnecht, the Board agreed by consensus to defer this matter to the February 9, 2005, Board meeting as there would not be a quorum present once Mr. Ruais recused himself from the meeting.

LP, ARCAP, LC, Robert Ruais, Rebecca Roach, Foxwood Village Mobile Home Park, and Kathy Frischnecht

In the matter of **FHB File Number 2004-05110, Richard Lee Rucker, Sr. v. Heidi Hamilton, VHDA, and HH Hunt Property Management, Inc.**, 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 to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Clare, Dupuy, Maples, Ruais, Rubinstein, and Saunders.

FHB File Number 2004-05110, Richard Lee Rucker, Sr. v. Heidi Hamilton, VHDA, and HH Hunt Property Management, Inc.

In the matter of **FHB File Number 2005-00378, Chuck and Leesa Miller v. Jose Angel**, 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 to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Clare, Dupuy, Maples, Ruais, Rubinstein, and Saunders.

FHB File Number 2005-00378, Chuck and Leesa Miller v. Jose Angel

In the matter of **FHB File Number 2004-02645, Alexia Freeman v. Daniel Surratt**, 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 to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Clare, Dupuy, Maples, Ruais, Rubinstein, and Saunders.

FHB File Number 2004-02645, Alexia Freeman v. Daniel Surratt

In the matter of **FHB File Number 2005-00667, Lisa M. Crawford v. Peter J. and Sheila Judah**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, as well as supplemental information provided to the Board members. There were no representatives present. A motion was made by Ms. Clare and seconded by Mr. Ruais to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Clare, Dupuy, Maples, Ruais, Rubinstein, and Saunders.

FHB File Number 2005-00667, Lisa M. Crawford v. Peter J. and Sheila Judah

In the matter of **FHB File Number 2004-01063, Christina Worley v. John and Fern Hutchinson and Amelia Family Campground**, the

FHB File Number 2004-01063, Christina Worley

Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Recommendation, and advice provided by the Office of the Attorney General. There were no representatives present. A motion was made by Ms. Clare and seconded by Mr. Ruais to close the case with a finding of no reasonable cause. The motion passed with a majority vote. Members voting "Yes" were Clare, Maples, Ruais, Rubinstein, and Saunders. Member voting "No" was Dupuy.

**v. John and Fern
Hutchinson and Amelia
Family Campground**

At 11:40 a.m., a motion was made by Ms. Dupuy and seconded by Ms. Clare to recess the meeting and immediately reconvene in closed meeting for the purpose of consultation with legal counsel and/or briefings by staff members pertaining to legal matters within the jurisdiction of the Board 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: John Cancellari, Liz Hayes, and Tamika Jones, due to their knowledge of this matter, and Wayne Halbleib, as counsel to the Board. The motion was made with respect to the matter identified as agenda item 17, FHB File Number 2005-00744, Mohammad and Abeer Abbasi v. Denise Regan. The motion passed unanimously. Members voting "Yes" were Clare, Dupuy, Maples, Ruais, Rubinstein, and Saunders.

Closed Meeting

At 12:08 a.m., the Board adjourned the closed meeting and immediately reconvened in open meeting. The following certification was made:

**Open Meeting and
Certification of Closed
Meeting**

CERTIFICATION OF CLOSED MEETING

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

WHEREAS, § 2.2-3712 of the Code of Virginia requires a certification by the 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 the certification applies, and (ii) only such business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 6-0-5
AYES: Clare, Dupuy, Maples, Ruais, Rubinstein, Saunders
NAYS: 0
ABSENT: Adkins, Bhatt, Harmon, Lucas, Schuyler

In the matter of **FHB File Number 2005-00744, Mohammad and Abeer Abbasi v. Denise Regan**, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Recommendation, and advice provided by the Office of the Attorney General. There were no representatives present. A motion was made by Ms. Dupuy and seconded by Ms. Saunders to find reasonable cause that the respondent refused to sell to the complainants based on their national origin and/or religion. The motion failed due to a lack of a majority vote. Members voting "Yes" were Dupuy, Rubenstein, and Saunders. Members voting "No" were Clare, Maples, and Ruais.

FHB File Number 2005-00744, Mohammad and Abeer Abbasi v. Denise Regan

After further discussion, a motion was made by Ms. Clare and seconded by Mr. Ruais to close the case with a finding of no reasonable cause. The motion failed due to a lack of a majority vote. Members voting "Yes" were Clare, Maples, and Ruais. Members voting "No" were Dupuy, Rubenstein, and Saunders.

The Board members agreed by consensus to defer this item to the February 9, 2005, Board meeting for reconsideration.

In the matter of **FHB File Number 2005-01010, Beatrice Chiyoge and William Kabamba v. Vivian Zavala, Avalonbay Communities, Inc.**, staff requested that the Board defer this matter as the parties involved had decided not to conciliate at this time. The Board agreed by consensus to defer this matter to a later date.

FHB File Number 2005-01010, Beatrice Chiyoge and William Kabamba v. Vivian Zavala, Avalonbay Communities, Inc.

A motion was made by Ms. Dupuy and seconded by Ms. Saunders to approve the conciliation agreements in the following cases:

Conciliation Agreements

FHB File Number 2005-00646, Daryll Johnson v. Motley Auctions, Inc., t/n Motley Real Estate Services, Tim O. Dudley, C. Lunsford Johnson; and

FHB File Number 2005-01972, Mickel R. Greene v. Anglin Realty, Monica Moore, Gibson-Vaughan, LLC.

The motion passed unanimously. Members voting "Yes" were Clare,

Dupuy, Maples, Ruais, Rubinstein, and Saunders.

The Board members were provided with the draft **Final Fair Housing Certification Regulations** for consideration. A motion was made by Ms. Clare and seconded by Mr. Ruais to adopt the draft Fair Housing Certification Regulations as final. The motion passed unanimously. Members voting "Yes" were Clare, Dupuy, Maples, Ruais, Rubinstein, and Saunders.

Consider Adoption of
Final Fair Housing
Certification Regulations

The Board members agreed by consensus to defer the **Education Committee Report** to the next Board meeting.

Education Committee
Report

Ms. Saunders departed the meeting at 12:25 p.m.

Departure of Ms.
Saunders

Mr. Halbleib provided the Board members and various Department staff with training on the Conflict of Interests Act.

Training on the Conflict
of Interests Act

The Board members had no **new business** for discussion.

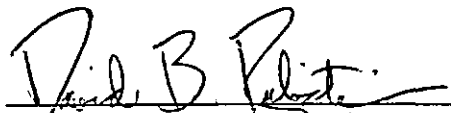
New Business

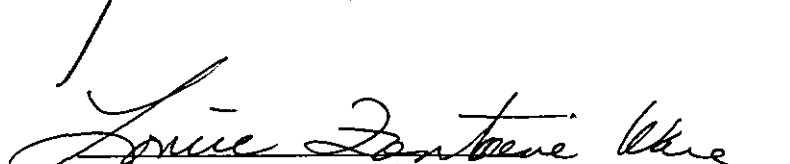
The Board members had no **other business** for discussion.

Other Business

The meeting adjourned at 1:44 p.m.

Adjourn


David B. Rubinstein, Chairman


Louise Fontaine Ware, Secretary

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Kim D. Saunders
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: _____

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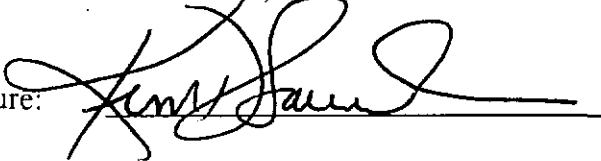
6. I declare that:

(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: December 1, 2004

Signature: _____



**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: December 1, 2004

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Laura N. Dupuy
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: _____

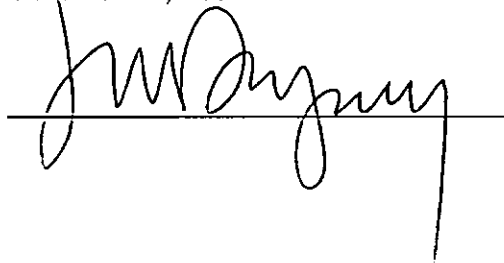
6. I declare that:

(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: December 1, 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:

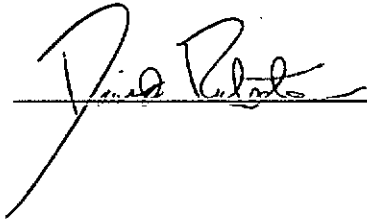
(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: _____

none

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

Dated: December 1, 2004

Signature: _____



**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: December 1, 2004

Signature: Cynthia M. Clare