

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

August 9, 2005

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, Chairman
Nilkanth R. Bhatt
Cynthia Clare
Rhonda M. Harmon
Martin Maples
Robert Ruais
Kim Saunders
James H. Schuyler

The following Board Members were not present: Jeffrey Adkins, Laura Dupuy, E. James Lucas

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

Louise Fontaine Ware, Director
Liz Hayes, Fair Housing Administrator
Karen W. O'Neal, Deputy Director
Nick Christner, Deputy Director
Christine Martine, Executive Director
Chris Olson, Administrative Assistant
Tammie Hall, Education Administrator
Deanda Shelton, Fair Housing Investigator
Antonio Bedford, Fair Housing Investigator
Robert Whittaker, Program Conciliator
Bryan Carver, Fair Housing Investigator
Tamika Jones, Fair Housing Investigator
Karen Taylor, Fair Housing Specialist
Yvette Barnes, Fair Housing Specialist
Annie Wilson, Fair Housing Specialist

Tom Payne, Assistant Attorney General with the Office of the Attorney General, was present.

Chairman Rubinstein called the meeting to order at 10:15 a.m.

Call to Order

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

Agenda

Susan Scovall addressed the Board during the public comment period.

Public Comment Period

A motion was made by Ms. Clare and seconded by Mr. Maples to approve the minutes of the June 23, 2005, Fair Housing Board meeting. The motion passed unanimously. Members voting "Yes" were Bhatt, Clare, Harmon, Maples, Ruais, Rubinstein, Saunders, and Schuyler.

Minutes

In the matters of **FHB File Number 2005-02254, Jacqueline Brown v. Lafayette Family Limited Partnership, Penny Gasparac, and Lori Ross**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Lori Ross, respondent, and Charles Adams, Attorney for the respondent, were present and addressed the Board. A motion was made by Ms. Harmon and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Bhatt, Clare, Harmon, Maples, Ruais, Rubinstein, Saunders, and Schuyler.

FHB File Number 2005-02254, Jacqueline Brown v. Lafayette Family Limited Partnership, Penny Gasparac, and Lori Ross

In the matters of **FHB File Number 2005-02864, Dana and Donnell Sherred v. Rick Gatewood and Lake Ridge Architectural Committee**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Rick Gatewood, respondent, was present and addressed the Board. A motion was made by Ms. Harmon and seconded by Mr. Maples to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Bhatt, Clare, Harmon, Maples, Ruais, Rubinstein, Saunders, and Schuyler.

FHB File Number 2005-02864, Dana and Donnell Sherred v. Rick Gatewood and Lake Ridge Architectural Committee

In the matter of **FHB File Number 2004-02173, Chrystal Walker and Sam Smith v. Paula Schmidt**, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Recommendation and Supplemental Information. Claire Curry, Attorney for complainants, was present and addressed the Board. A motion was made by Mr. Ruais and seconded by Ms. Harmon to find reasonable cause against Paula Schmidt, respondent, in the matter of discrimination based on sexual harassment by Barry Schmidt. The motion passed unanimously. Members voting "Yes" were Bhatt, Clare, Harmon, Maples, Ruais, Rubinstein, Saunders, and Schuyler.

FHB File Number 2004-02173, Chrystal Walker and Sam Smith v. Paula Schmidt

A motion was made by Ms. Harmon and seconded by Mr. Ruais to find no reasonable cause in the matter of discrimination of terms or conditions of rental based on race and sex of the complainants. The motion passed by majority. Members voting "Yes" were Bhatt, Clare, Harmon, Maples, Ruais, Rubinstein, and Saunders. Member voting "No" was Schuyler.

A motion was made by Ms. Harmon and seconded by Mr. Ruais to defer issuing a charge until August 15, 2005. The motion passed unanimously. Members voting "Yes" were Bhatt, Clare, Harmon, Maples, Ruais, Rubinstein, Saunders, and Schuyler.

In the matter of **FHB File Number 2005-01010, Beatrice Chiyoge and William K. Kabamba v. Vivian Zavala and Avalonbay Communities, Inc.** the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Recommendation, and Supplemental Information. There were no representatives present. A motion was made by Ms. Harmon and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Bhatt, Clare, Harmon, Maples, Ruais, Rubinstein, Saunders, and Schuyler.

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

In the matter of **FHB File Number 2005-00573, Mark and Priscilla Jackson v. Sherry Mills**, 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 Mr. Ruais to close the case with a finding of no reasonable cause. The motion passed by majority. Members voting "Yes" were Bhatt, Clare, Maples, Ruais, Rubinstein, and Saunders. Member voting "No" was Schuyler. Board member Rhonda Harmon abstained from voting in this matter.

FHB File Number 2005-00573, Mark and Priscilla Jackson v. Sherry Mills

In the matter of **FHB File Number 2005-03206, George and Sallie Wood v. Wayne Kiser**, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Recommendation and Supplemental Information. There were no representatives present. A motion was made by Mr. Maples and seconded by Ms. Clare to close the case with a finding of no reasonable cause. The motion failed. Members voting "Yes" were Clare, Maples, and Ruais. Members voting "No" were Harmon, Rubinstein and Schuyler. Board members Nilkanth R. Bhatt and Kim Saunders abstained from voting in this matter.

FHB File Number 2005-03206, George and Sallie Wood v. Wayne Kiser

After further discussion the Board agreed without dissent to refer the case back to staff for further investigation.

In the matter of **FHB File Number 2005-03612, Joanne Gates and David Robinson v. First Centrum Management LLC, Centrum-Kings Crest LP, Amy Jones and Tina Coffey**, 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. Schuyler and seconded by Ms. Harmon to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Bhatt, Clare, Harmon, Maples, Ruais, Rubinstein, Saunders, and Schuyler.

FHB File Number 2005-03612, Joanne Gates and David Robinson v. First Centrum Management LLC, Centrum-Kings Crest LP, Amy Jones and Tina Coffey

In the matter of **FHB File Number 2005-02055, Robin Morgan-Posey v. Oasis Opportunity Center, Sonya Bolton and Beatrice Garvin**, 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. Harmon 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, Clare, Harmon, Maples, Ruais, Rubinstein, Saunders, and Schuyler.

FHB File Number 2005-02055, Robin Morgan-Posey v. Oasis Opportunity Center, Sonya Bolton and Beatrice Garvin

In the matter of **FHB File Number 2005-03540, Inga Romanishin v. Pike View Enterprises**, 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. Harmon and seconded by Mr. Ruais to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Bhatt, Clare, Harmon, Maples, Ruais, Rubinstein, Saunders, and Schuyler.

FHB File Number 2005-03540, Inga Romanishin v. Pike View Enterprises

The Board considered the matter of **Raymond and Judith Waid v. Julie Depew, Oak Shades Mobile Home Park and M.W. Vejnar, FHB File Number 2004-00498**. A motion was made by Ms. Harmon and seconded by Mr. Schuyler to approve the terms of the conciliation agreement as orally agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Bhatt, Clare, Harmon, Maples, Ruais, Rubinstein, Saunders, and Schuyler.

Conciliation Agreements

The Board considered the matter of **Latarshia Parker v. Stephanie Dixon and Newport One Investment, LC, FHB File Number 2005-03845**. A motion was made by Ms. Clare and seconded by Mr.

Schuyler to approve the terms of the conciliation agreement. The motion passed unanimously. Members voting "Yes" were Bhatt, Clare, Harmon, Maples, Ruais, Rubinstein, Saunders, and Schuyler.

The Board considered the matter of **Catherine Kelley v. Nancy Hall and Colonial Hall Associates, LLP, FHB File Number 2005-03738**. A motion was made by Ms. Harmon and seconded by Ms. Ruais to approve the terms of the conciliation agreement. The motion passed unanimously. Members voting "Yes" were Bhatt, Clare, Harmon, Maples, Ruais, Rubinstein, Saunders, and Schuyler.

The Board considered the matter of **Lorraine Chavis v. Weinstein Management, Brentwood South Associates, Stacy Woodbury, FHB File Number 2005-04519**. A motion was made by Ms. Harmon and seconded by Ms. Clare to approve the terms of the conciliation agreement. The motion passed unanimously. Members voting "Yes" were Bhatt, Clare, Harmon, Maples, Ruais, Rubinstein, Saunders, and Schuyler.

The Board considered the matter of **Lisa Ann Ritchie v. Taralyn Nicholson, Denise Craft, T.M. Associates Management, Inc., Massanutten Elderly, LLC, FHB File Number 2005-04272**. A motion was made by Ms. Harmon and seconded by Mr. Schuyler to approve the terms of the conciliation agreement. The motion passed unanimously. Members voting "Yes" were Bhatt, Clare, Harmon, Maples, Ruais, Rubinstein, Saunders, and Schuyler.

The Board recessed from 11:50 AM to 12:05 PM

Break

At 12:05 PM. Ms. Clare made a motion which was seconded by Ms. Harmon, that the Board recess and the 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 Meeting

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

18. Legal Advice regarding Issuing Charges

At 1:00 PM., a motion was made by Ms. Harmon 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: 10-0

AYES Bhatt, Clare, Harmon, Maples, Ruais, Rubinstein, Saunders, and Schuyler.

NAYS: None

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: Laura Dupuy, E. James Lucas, and Jeffrey Adkins


A motion was made by Ms. Harmon and seconded by Ms. Clare to adopt a policy that the Board may, at its discretion, either immediately issue a charge of discrimination upon finding reasonable cause that a discriminatory housing practice occurred or is about to occur, or it may defer issuing a charge of discrimination for a period of not more than 30 days to allow the Assistant Attorney General and/or the Fair Housing Director to make further attempts at conciliation or for other appropriate reasons. The motion passed unanimously. Members voting "Yes" were Bhatt, Clare, Harmon, Maples, Ruais, Rubinstein, Saunders, and Schuyler.

Defer Issuing a Charge


Karen O'Neal, Deputy Director of Licensing and Regulation, presented New Business
Board Member training.

The meeting adjourned at 1:53 PM.

Adjourn



David B. Rubinstein, Chairman



Louise Fontaine Ware, Secretary

**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 _____

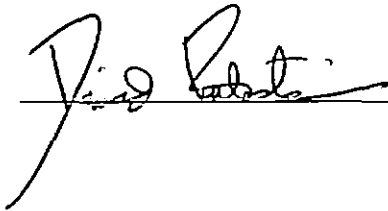
6. I declare that:

(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: August 9, 2005

Signature: _____



**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: August 9, 2005

Signature: James Schuyler

**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: _____

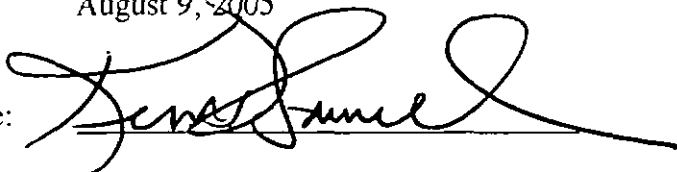
6. I declare that:

(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: August 9, 2005

Signature: _____



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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Robert D. Ruais
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: _____

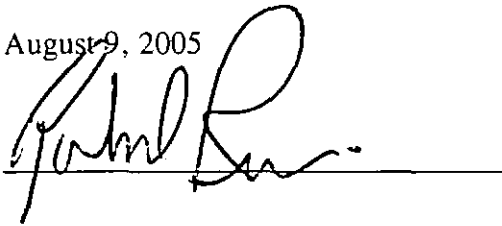
6. I declare that:

(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: August 9, 2005

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: August 9, 2005

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

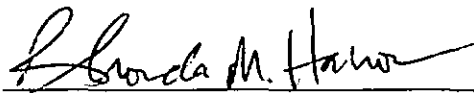
1. Name: Rhonda M. Harmon
 2. Title: Member - Virginia Fair Housing Board
 3. Agency: Department of Professional and Occupational Regulation
 4. Transaction: Board Meeting
 5. Nature of Personal Interest Affected by Transaction: N/A
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6. I declare that:

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

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

Dated: August 9, 2005

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

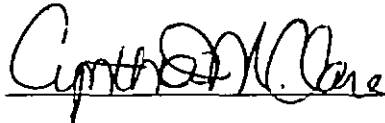
- 1. Name: Cynthia M. Clare
- 2. Title: Member - Virginia Fair Housing Board
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: Board Meeting
- 5. Nature of Personal Interest Affected by Transaction: _____

- 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: August 9, 2005

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: 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: August 9, 2005

Signature: _____

