

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

December 14, 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
Jeffrey Adkins
Nilkanth R. Bhatt
Cynthia Clare
Rhonda Harmon
Robert Ruais**

The following Board Members were not present: Laura Dupuy, Martin Maples, Kim Saunders, and James Schuyler

DPOR Staff present for all or part of the meeting included

**Louise Fontaine Ware, Director
Brian Hannigan, Chief Deputy 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
Yvette Barnes, Fair Housing Investigator
Karen Taylor, 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 10.17 AM

Call to Order

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

Agenda

Connie Chamberlain, a representative of HOME, addressed the Board concerning the Rufus Matthews case

Public Comment Period

A motion was made by Ms Clare and seconded by Mr. Ruais to approve the following minutes: September 21, 2005, Joint Fair Housing/Real Estate Education Committee Meeting and October 5, 2005, Fair Housing Board Meeting. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Ruais, and Rubinstein.

Minutes

In the matter of FHB File Number 2004-05186, Alex Torres v. Basheer/Edgemoor – River Falls, LLC, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Kenneth Mahieu, attorney for the respondent, was present and addressed the Board. A motion was made by Ms Harmon and seconded by Mr. Rubinstein to reject the recommendation to close the case with a finding of no reasonable cause and instead refer the matter to the Office of the Attorney General for an official consultation. The motion failed. Members voting "Yes" were Harmon and Rubinstein. Members voting "No" were Adkins, Bhatt, Clare, and Ruais.

FHB File Number 2004-05186, Alex Torres v. Basheer/Edgemoor – River Falls, LLC

A motion was made by Ms. Clare and seconded by Mr Bhatt to close the case with a finding on no reasonable cause. The motion passed by majority vote. Members voting "Yes" were Adkins, Bhatt, Clare, and Ruais. Members voting "No" were Harmon and Rubinstein.

In the matter of FHB File Number 2005-04784, Raymond Gentry III v. Susan Hajdalenk and Henrico-Richmond LP, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Andrew Clark, attorney for the respondents, was present and addressed the Board. A motion was made by Ms. Harmon and seconded by Mr. Adkins to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Ruais, and Rubinstein.

FHB File Number 2005-04784, Raymond Gentry III v. Susan Hajdalenk and Henrico-Richmond LP

In the matter of **FHB File Number 2005-04006, Lucinda Pitt v. Alcat Two, LLC**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A.T. Mayo, the registered agent for the respondent was present and addressed the Board. A motion was made by Ms Harmon and seconded by Ms. Clare to find no reasonable cause as to the refusal to rent and discriminatory terms and conditions. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Ruais, and Rubinstein.

FHB File Number 2005-04006, Lucinda Pitt v. Alcat Two, LLC

A motion was made by Ms. Harmon and seconded by Mr. Bhatt to refer the case to the Office of the Attorney General for an official consultation as to the allegation of discriminatory statements. The motion failed. Members voting "Yes" were Bhatt and Harmon. Members voting "No" were Adkins, Clare, and Ruais. Chairman Rubinstein abstained from voting.

A motion was made by Ms. Clare and seconded by Mr Ruais to find no reasonable cause as to discriminatory statements. The motion failed. Members voting "Yes" were Adkins, Clare, and Ruais. Members voting "No" were Bhatt, Harmon, and Rubinstein.

Due to the failed motions, this case will be referred back to the Board at its next scheduled meeting to discuss the discriminatory statements allegation.

In the matters of **FHB File Number 2005-03740, Housing Opportunitites Made Equal v. Dogwood Housing Limited Partnership and Eugene Williams & FHB File Number 2005-03741, Jennifer Caswell-Colbert and Thomas Colbert v. Dogwood Housing Limited Partnership and Eugene Williams** the Board reviewed the records which consisted of the Final Investigative Reports and Case Analysis and Recommendations. Connie Chamberlain, a representative of the complainant, HOME, and Eugene Williams, the respondent, were present and addressed the Board. A motion was made by Ms. Clare and seconded by Mr. Ruais to find reasonable cause against the respondents in the matter, due to refusal to rent and discriminatory statements based on familial status. In addition, the Board agrees to defer issuing a charge in both cases for a period of 30 days to allow further conciliation attempts. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Ruais, and Rubinstein.

FHB File Number 2005-03740, Housing Opportunitites Made Equal v. Dogwood Housing Limited Partnership and Eugene Williams & FHB File Number 2005-03741, Jennifer Caswell-Colbert and Thomas Colbert v. Dogwood Housing Limited Partnership and Eugene Williams

In the matters of FHB File Number 2005-03494, DaNell and Nikia Clark v. Percy M. Jr. and Juanita Eason & FHB File Number 2005-03493, Housing Opportunities Made Equal v. Percy M. Jr. and Juanita Eason, the Board reviewed the records which consisted of the Final Investigative Reports and Case Analysis and Recommendations. Connie Chamberlain, a representative of the complainant (HOME), was present and addressed the Board. A motion was made by Ms. Harmon and seconded by Ms. Clare to find reasonable cause against the respondents in the matter, due to discriminatory statements based on familial status

FHB File Number 2005-03494, DaNell and Nikia Clark v. Percy M. Jr. and Juanita Eason & FHB File Number 2005-03493, Housing Opportunities Made Equal v. Percy M. Jr. and Juanita Eason

At 11:25 AM. 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, Liz Hayes, and Antonio Bedford

Closed Meeting

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

17. FHB File Number 2005-03494 DaNell and Nikia Clark v. Percy M. Jr. and Juanita Eason

18. FHB File Number 2005-03493 Housing Opportunities Made Equal v. Percy M. Jr. and Juanita Eason

At 11:45 AM., a motion was made by Mr Rubinstein and seconded by Mr. Ruais 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 6-0

AYES Adkins, Bhatt, Clare, Harmon, Ruais, and Rubinstein
NAYS None

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: Dupuy, Maples, Saunders, and Schuyler

In the matters of FHB File Number 2005-03494, DaNell and Nikia Clark v. Percy M. Jr. and Juanita Eason & FHB File Number 2005-03493, Housing Opportunities Made Equal v. Percy M. Jr. and Juanita Eason, Ms. Clare withdrew her second to the previous motion. The motion failed due to a lack of a second. A motion was made by Ms. Harmon and seconded by Mr. Bhatt to find reasonable cause against the respondents in the matter, due to discriminatory statements based on familial status. In addition, the Board agrees to defer issuing a charge for a period of 30 days to allow further conciliation attempts. The motion passed by majority vote. Members voting "Yes" were Adkins, Bhatt, Harmon, and Rubinstein. Members voting "No" were Clare and Ruais

FHB File Number 2005-03494, DaNell and Nikia Clark v. Percy M. Jr. and Juanita Eason & FHB File Number 2005-03493, Housing Opportunities Made Equal v. Percy M. Jr. and Juanita Eason

In the matter of FHB File Number 2005-02750, Kimberly Halbohn and Jason Fletcher v. Wolf Property Corporation and Mark Wolf, 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. Adkins and seconded by Ms. Harmon to close the case with a finding of no reasonable cause. The motion failed. Members voting "Yes" were Adkins and Harmon. Members voting "No" were Bhatt, Clare, Ruais, and Rubinstein.

FHB File Number 2005-02750, Kimberly Halbohn and Jason Fletcher v. Wolf Property Corporation and Mark Wolf

A motion was made by Ms. Clare and seconded by Mr. Ruais to find reasonable cause against the respondents in the matter, due to discrimination by refusing to rent based on familial status. In addition, the Board agrees to defer issuing a charge for a period of 30 days to allow further conciliation attempts. The motion passed by majority vote. Members voting "Yes" were Bhatt, Clare, Ruais, and Rubinstein.

Members voting "No" were Adkins and Harmon.

In the matter of **FHB File 2005-04005, Mark Benedict v. Mid City Urban LLC, Parkside at Alexandria, Scott Nordheimer, Victoria Davis, and William Harvey**, the Board took no action due to a lack of quorum; this case will be deferred to the Board's next meeting scheduled for January 25, 2006.

FHB File 2005-04005, Mark Benedict v. Mid City Urban LLC, Parkside at Alexandria, Scott Nordheimer, Victoria Davis, and William Harvey

The Board recessed from 12:10 PM to 12:20 PM.

Break

In the matter of **FHB File Number 2005-04445 Benny and Jean Smith v. Evans Investments, LLC**, 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 Adkins, Bhatt, Clare, Harmon, Ruais, and Rubinstein.

FHB File Number 2005-04445 Benny and Jean Smith v. Evans Investments, LLC

In the matter of **FHB File Number 2005-04766, Vickie and Joanne Lewis v. Angela Brown**, 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 Adkins, Bhatt, Clare, Harmon, Ruais, and Rubinstein.

FHB File Number 2005-04766, Vickie and Joanne Lewis v. Angela Brown

In the matter of **FHB File Number 2006-00142, Walt Pyrik v. Brandi Miller and Stellar Chatsworth, LLC**, 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 Adkins, Bhatt, Clare, Harmon, Ruais, and Rubinstein.

FHB File Number 2006-00142, Walt Pyrik v. Brandi Miller and Stellar Chatsworth, LLC

In the matter of **FHB File Number 2005-03844 Maurice and Arlesha Kendrick v. Gene Morrello, Washington Homes Homebuyers Mortgage and Hovnanian Enterprises, LLC**, 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 Adkins, Bhatt, Clare, Harmon, Ruais, and Rubinstein.

FHB File Number 2005-03844 Maurice and Arlesha Kendrick v. Gene Morrello, Washington Homes Homebuyers Mortgage and Hovnanian Enterprises, LLC

In the matter of **FHB File Number 2005-01746 Joetta Ingraham v. Bayou Properties, LLC, Oliver Lawrence, Nathaniel Perrow, LaTonya Hawkins and Rainey Day Properties, LLC**, 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 Adkins, Bhatt, Clare, Harmon, Ruais, and Rubinstein.

FHB File Number 2005-01746 Joetta Ingraham v. Bayou Properties, LLC, Oliver Lawrence, Nathaniel Perrow, LaTonya Hawkins and Rainey Day Properties, LLC

In the matter of **FHB File Number 2005-04518, Barbara Johnson v. Delores Hill and Richmond Redevelopment & Housing Authority**, the Board took no action due to a lack of quorum; this case will be deferred to the Board's next meeting scheduled for January 25, 2006.

FHB File Number 2005-04518, Barbara Johnson v. Delores Hill and Richmond Redevelopment & Housing Authority

The Board considered the matter of **Linda Williams v. Atlantic Builders, Ltd., and Teddy (LNU)**, FHB File Number 2005-03496. A motion was made by Ms. Harmon and seconded by Ms. Clare to approve the terms of the conciliation agreement as orally agreed to by the parties. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Ruais, and Rubinstein.

Conciliation Agreements

Tom Payne, Assistant Attorney General, discussed a letter that was sent to all City and County Attorneys in regards to enforcing handicapped accessibility specifications. No action was taken by the Board.


New Business

Louise Ware, Director, discussed the Architect Universal Design Contest with the Board.

The Process Improvement Team Recommendations and Draft Policies Old Business will be deferred to the Board's next meeting scheduled for January 25, 2006, in order to allow for more Board members to participate in the discussion.

The meeting adjourned at 12:42 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: _____
-

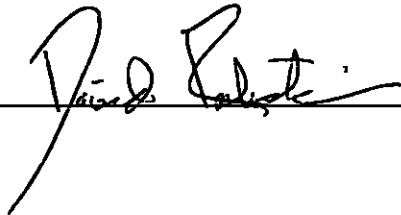
6. I declare that.

(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 14, 2005

Signature: _____



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

TRANSACTIONAL DISCLOSURE STATEMENT

- 1 Name: Jeffrey Wayne 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 _____
- _____

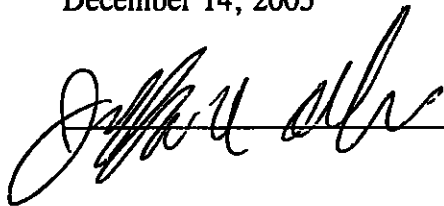
6. I declare that:

(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: December 14, 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 December 14, 2005

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

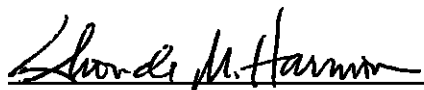
- 1 Name: Rhonda M Harmon
- 2 Title. Member - Virginia Fair Housing Board
- 3 Agency Department of Professional and Occupational Regulation
- 4 Transaction Board Meeting
- 5 Nature of Personal Interest Affected by Transaction _____

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 14, 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: December 14, 2005

Signature

