VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

March 4, 2020

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:

Myra Howard, Chair
Larry Murphy, Vice-Chair
Candice L. Bennett
John Crouse
Linda Melton
Scott Astrada
T. Nicole Hebbe
Amanda Buyalos

Board member absent from the meeting:

Stephen Northup Sherman Gillums Valerie L.T. Roth Dean A. Lynch

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

Mary Broz-Vaughan, Director
Christine Martine, Executive Director
James Chapman, Board Administrator
Liz Hayes, Fair Housing Administrator
Deanda Shelton, Assistant Fair Housing Administrator
Emily Trent, Administrative Assistant
Angela Keefe-Thomas, Fair Housing Investigator
Trudy Miller, Fair Housing Investigator
Donnitria Mosby, Fair Housing Investigator
Dominica McGowen, Fair Housing Investigator
Loraine Schroeder, Fair Housing Investigator
Karen Taylor, Fair Housing Investigator

Tom Payne, Senior Assistant Attorney General, Helen Hardiman, Assistant Attorney General, and Mona Siddiqui, Assistant Attorney General, with the Office of the Attorney General were present.

Ms. Howard called the meeting to order at 10:06 A.M.

Call to Order

A motion was made by Mr. Crouse and seconded by Ms. Agenda Melton to approve the Agenda. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Crouse, Hebbe, Howard, Melton and Murphy.

A motion was made by Ms. Melton and seconded by Ms. Bennett to approve the December 4, 2019, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Crouse, Hebbe, Howard, Melton and Murphy.

Minutes

There was no public comment.

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

Fair Housing Administrator's Report

Public Comment

In the matter of FHB File Number 2019-02696, National Community Reinvestment Coalition v. Roseland Galiani Associates, LLC, Whitmore Management, LLC, April Haynie and Natosha Faith, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. Jacob Lillien, representative for National Community Reinvestment Coalition, complainant, was present and addressed the Board. A motion was made by Ms. Bennett and seconded by Ms. Buyalos to find no reasonable cause that the respondents discriminated against the complainant by discriminating in terms and conditions, false denial of availability, or refusing to rent based on the protected tester's race. The motion passed by majority vote. Members voting "Yes" were: Astrada, Bennett, Buyalos, Crouse, Hebbe, Howard and Melton. Member voting "No" was Murphy.

FHB File Number 2019-02696, National **Community Reinvestment** Coalition v. Roseland Galiani Associates, LLC, Whitmore Management, LLC, April Haynie and Natosha Faith

In the matter of FHB File Number 2019-03117, Shenique Mens v. Lynn Schlesinger, FirstService Residential MidAtlantic, LLC and White Hall Foundation, Inc., the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. Melissa York, attorney for the respondents, was present and addressed the Board. A motion was made by Ms. Bennett and seconded by Mr. Crouse to find no reasonable cause that the respondents discriminated against the complainant by discriminating in terms, conditions, privileges, or services and facilities based on race. The motion passed unanimously. Members voting

FHB File Number 2019-03117, Shenique Mens v. Lynn Schlesinger, FirstService Residential MidAtlantic, LLC and White Hall Foundation, Inc.

"Yes" were: Astrada, Bennett, Buyalos, Crouse, Hebbe, Howard, Melton and Murphy.

In the matter of FHB File Number 2018-02887, Delphine Evon Davis, Ulessie Davis and James Scott v. Joyce Eggleston, James W. Eggleston and Linda Wells, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis, Supplemental Final Investigative Report and Official Consultation Memorandum from the Office of the Attorney General. Joyce Eggleston, respondent, was present and addressed the Board. A motion was made by Ms. Bennett and seconded by Mr. Murphy to find reasonable cause that the respondents discriminated against the complainants by subjecting the complainants to a hostile housing environment based on race. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Crouse, Hebbe, Howard, Melton and Murphy.

FHB File Number 2018-02887, Delphine Evon Davis, Ulessie Davis and James Scott v. Joyce Eggleston, James W. Eggleston and Linda Wells

In the matter of FHB File Number 2019-01188, Shawn Futrell v. Marc Lee and Lakeland Village Apartment Community, A Virginia Limited Partnership, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Official Consultation Memorandum from the Office of the Attorney General. Elizabeth Hanes, representative for Shawn Futrell, complainant, was present and addressed the Board.

FHB File Number 2019-01188, Shawn Futrell v. Marc Lee and Lakeland Village Apartment Community, A Virginia Limited Partnership

At 10:40 A.M., Ms. Bennett offered a motion which was seconded by Ms. Hebbe, 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, Mona Siddiqui, Liz Hayes and Angela Keefe-Thomas.

Closed Session

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

8. FHB File Number 2019-01188, Shawn Futrell v. Marc Lee and Lakeland Village Apartment Community, A Virginia Limited Partnership

At 10:48 A.M., a motion was made by Ms. Melton and seconded by Ms. Bennett that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed Certification meeting on this date pursuant to an affirmative recorded vote 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 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: Astrada, Bennett, Buyalos, Crouse, Hebbe, Howard, Melton and Murphy.

NAYS: None.

ABSENT DURING THE VOTE: Gillums, Lynch, Northup and Roth.

ABSENT DURING THE MEETING: Gillums, Lynch, Northup and Roth.

In the matter of FHB File Number 2019-01188, Shawn Futrell v. Marc Lee and Lakeland Village Apartment Community, A Virginia Limited Partnership, a motion was made by Ms. Bennett and seconded by Mr. Crouse to find no reasonable cause the respondents discriminated against the complainant by making discriminatory written statements or by refusing to make a reasonable modification based on disability. The motion passed unanimously.

FHB File Number 2019-01188, Shawn Futrell v. Marc Lee and Lakeland Village Apartment Community, A Virginia Limited Partnership

Members voting "Yes" were: Astrada, Bennett, Buyalos, Crouse, Hebbe, Howard, Melton and Murphy.

A motion was made by Ms. Bennett and seconded by Ms. Melton to find reasonable cause the respondent, Lakeland Village Apartment Community, A Virginia Limited Partnership, discriminated against the complainant by refusing to make a reasonable accommodation and by refusing to rent based on disability. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Crouse, Hebbe, Howard, Melton and Murphy.

A motion was made by Ms. Bennett and seconded by Ms. Melton to find no reasonable cause the respondent, Marc Lee, in his individual capacity, engaged in discriminatory conduct. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Crouse, Hebbe, Howard, Melton and Murphy.

In the matter of FHB File Number 2018-01691, Gerald Gilliard v. James M. Fox and Fountain Hope (2004) Limited Partnership, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Official Consultation Memorandum from the Office of the Attorney General. James M. Fox, respondent, was present and addressed the Board. A written statement submitted by Gerald Gilliard, complainant, was read to the Board by Investigator Miller. A motion was made by Mr. Crouse and seconded by Ms. Hebbe to find reasonable cause the respondents discriminated against the complainant by refusing to negotiate for rental of a dwelling based on race. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Crouse, Hebbe, Howard, Melton and Murphy.

FHB File Number 2018-01691, Gerald Gilliard v. James M. Fox and Fountain Hope (2004) Limited Partnership

In the matter of FHB File Number 2020-00118, William Jackson v. JJBD LLC and Billy Stanley, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis, Revised Case Analysis and Official Consultation Memorandum from the Office of the Attorney General. Lindsay Brubaker, attorney for the respondents, was present and addressed the Board.

FHB File Number 2020-00118, William Jackson v. JJBD LLC and Billy Stanley

At 11:14 A.M., Ms. Bennett offered a motion which was Closed Session

seconded by Ms. Melton, 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, Helen Hardiman and Trudy Miller.

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

11. FHB File Number 2020-00118, William Jackson v. JJBD LLC and Billy Stanley

At 11:28 A.M., a motion was made by Ms. Bennett and seconded by Mr. Crouse that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed Certification meeting on this date pursuant to an affirmative recorded vote 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 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: Astrada, Bennett, Buyalos, Crouse, Hebbe, Howard, Melton and Murphy.

NAYS: None.

ABSENT DURING THE VOTE: Gillums, Lynch, Northup and Roth.

ABSENT DURING THE MEETING: Gillums, Lynch, Northup and Roth.

In the matter of FHB File Number 2020-00118, William Jackson v. JJBD LLC and Billy Stanley, a motion was made by Ms. Bennett and seconded by Mr. Crouse to authorize the Office of the Attorney General to seek prompt judicial action to prevent further potential housing discrimination. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Crouse, Hebbe, Howard, Melton and Murphy.

FHB File Number 2020-00118, William Jackson v. JJBD LLC and Billy Stanley

The Board recessed from 11:32 A.M. to 11:46 A.M.

In the matter of FHB File Number 2019-01727, Rosa Hammer v. Keith Knupp, Linda Knupp and KNK, Inc., the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. A written statement submitted by Grant D. Penrod, attorney for the respondents, was read to the Board by Investigator McGowen. A motion was made by Mr. Crouse and seconded by Ms. Bennett to find no reasonable cause that the respondents discriminated against the complainant by imposing discriminatory terms and conditions, refusing to sell or negotiate for sale or otherwise make housing unavailable or made, printed or published discriminatory statements based on disability. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Crouse, Hebbe, Howard, Melton and Murphy.

Break

FHB File Number 2019-01727, Rosa Hammer v. Keith Knupp, Linda Knupp and KNK, Inc.

In the matter of FHB File Number 2019-02572, Sheila Wade v. Columbus Grant, Jr. and Barbara Grant, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. A motion was made by Ms. Bennett and seconded by Mr. Murphy to find no reasonable cause that the respondents discriminated against the complainant by refusing to rent or otherwise unavailable, make housing engaging in discriminatory terms and conditions of rental, failing to make a reasonable accommodation, and engaging in intimidation, coercion, and harassment based on disability. The motion passed unanimously. Members voting "Yes"

FHB File Number 2019-02572, Sheila Wade v. Columbus Grant, Jr. and Barbara Grant

were: Astrada, Bennett, Buyalos, Crouse, Hebbe, Howard, Melton and Murphy.

In the matter of FHB File Number 2019-02835, Antwain Hale v. Wise County Redevelopment & Housing Authority, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. A motion was made by Mr. Crouse and seconded by Ms. Bennett to find no reasonable cause that the respondents discriminated against the complainant by offering discriminatory terms and conditions based on race. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Crouse, Hebbe, Howard, Melton and Murphy.

FHB File Number 2019-02835, Antwain Hale v. Wise County Redevelopment & Housing Authority

In the matter of FHB File Number 2020-00418, Courtney McLean v. Westwood Apartments, LLC, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. A motion was made by Ms. Bennett and seconded by Mr. Crouse to find no reasonable cause the respondents discriminated against the complainant by refusing to rent or otherwise make housing unavailable or subjecting complainant to discriminatory terms and conditions based on race. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Crouse, Hebbe, Howard, Melton and Murphy.

FHB File Number 2020-00418, Courtney McLean v. Westwood Apartments, LLC

In the matter of FHB File Number 2018-02818, Charlene and Michael Butler v. Unique Deerfield Village Townhomes, LLC, Shannon Thomas, Jerry Thomas and C. Jeffrey Stump, the Board reviewed the record which consisted of the Final Investigative Report, Supplemental Final Investigative Report, Case Analysis, and Official Consultation Memorandum from the Office of the Attorney General. A motion was made by Ms. Bennett and seconded by Mr. Murphy to find reasonable cause that the respondents discriminated against the complainants by refusing to make a reasonable accommodation, imposing discriminatory terms and conditions, refusing to rent or make a dwelling unavailable, and coercing, intimidating, threatening or interfering with the complainant's enjoyment of their fair housing rights based on disability. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Crouse, Hebbe, Howard, Melton and

FHB File Number 2018-02818, Charlene and Michael Butler v. Unique Deerfield Village Townhomes, LLC, Shannon Thomas, Jerry Thomas and C. Jeffrey Stump

Murphy.

A motion was made by Mr. Murphy and seconded by Ms. Conciliation Agreements Hebbe to take the conciliation agreements as a block. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Crouse, Hebbe, Howard, Melton and Murphy.

In the matter of FHB File Number 2020-00185, Eric Foddrell v. England Run Apartments, LLC, RSW Development LLC, and Anna Marie Friel, a motion was made by Ms. Melton and seconded by Ms. Bennett to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Crouse, Hebbe, Howard, Melton and Murphy.

FHB File Number 2020-00185, Eric Foddrell v. **England Run** Apartments, LLC, RSW Development LLC, and Anna Marie Friel

In the matter of FHB File Number 2019-00853, Patricia Arteaga and Fernando O. DeGreef v. Unit Owners Association of Concord Mews Condominium, Rosewood Management and Consulting Services, LLC, Kasanda Serck and Kathy Gately, a motion was made by Ms. Melton and seconded by Ms. Bennett to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Crouse, Hebbe, Howard, Melton and Murphy.

FHB File Number 2019-00853, Patricia Arteaga and Fernando O. DeGreef v. Unit Owners Association of Concord Mews Condominium, Rosewood Management and Consulting Services, LLC, Kasanda Serck and **Kathy Gately**

In the matter of FHB File Number 2019-02772, Linda Lonobile v. Laramar Management Services LLC, LCA Arboretum Place LP and Marshay A. Carter, a motion was made by Ms. Melton and seconded by Ms. Bennett to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Crouse, Hebbe, Howard, Melton and Murphy.

FHB File Number 2019-02772, Linda Lonobile v. Laramar Management Services LLC, LCA Arboretum Place LP and Marshay A. Carter

In the matter of FHB File Number 2020-00678, Housing Opportunities Made Equal of Virginia, Inc. v. Beacon Property Management LLC, Julie Martin Perdue, and Bent Tree FW LLC, a motion was made by Ms. Melton and seconded by Ms. Bennett to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Crouse, Hebbe, Howard, Melton and

FHB File Number 2020-00678, Housing **Opportunities Made** Equal of Virginia, Inc. v. **Beacon Property** Management LLC, Julie Martin Perdue, and Bent Tree FW LLC

Murphy.

Due to a possible conflict of interest, Ms. Buyalos abstained from voting in this matter.

The Board reviewed the Board financial statements. No <u>New Business</u> action was taken by the Board.

Mr. Payne provided the Board with the litigation update.

A motion was made by Ms. Bennett and seconded by Ms. Melton to approve the March 4, 2020, Fair Housing Education Committee report. The motion passed unanimously. Members voting "Yes" were: Astrada, Bennett, Buyalos, Crouse, Hebbe, Howard, Melton and Murphy.

Ms. Broz-Vaughan and Mr. Payne gave legislative updates.

The Board adjourned at 12:03 P.M.

Myra Howard, Chair

Mary Broz-Vaughan, Secretary

1.	Name: Myra Howard
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: March 4, 2020 (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.
	$\frac{\text{Mya Howard}}{\text{Signature}} \qquad \frac{\text{03.04.2020}}{\text{Date}}$

1.	Name: Candice L. Bennett
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: March 4, 2020 (Date)
5.	I have a personal interest in the following transaction:
	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.	do not have a personal interest in any transactions taken at this meeting.
	Signature Date

1.	Name: Scott Astrada
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: March 4, 2020 (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

1.	Name: Linda Melton
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: March 4, 2020 (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.
	Ruda Melter 3/4/2020 Signature Date

1.	Name:John H. Crouse
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: March 4, 2020 (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.
3.	I do not have a personal interest in any transactions taken at this meeting.
	Signature Date

1.	Name: Larry B. Murphy
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: March 4, 2020 (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.
3. }	I do not have a personal interest in any transactions taken at this meeting.
	$\frac{1}{\text{Signature}} \frac{3/4/20}{\text{Date}}$

1.	Name: Nicole Hebbe
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: March 4, 2020 (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.
	1. Va. de Hebbe 03/04/2000 Signature Date

1.	Name: Amanda Buyalos
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: March 4, 2020 (Date)
5.	I have a personal interest in the following transaction:
	(Agenda Item)
	Nature of Personal Interest Affected by Transaction: 1 personally Know
	the Property Manager @ Bent Tree Apts. We have not discussed this case. I was unaware of if until I got my flash drive. 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.
	I did not participate in the transaction.
3.	☐ I do not have a personal interest in any transactions taken at this meeting.
_	Signature 3/4/2020 Date