

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

August 12, 2003

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:

Bill A. Adkins
Nilkanth R. Bhatt
Cynthia Clare
Laura N. Dupuy
Rhonda M. Harmon
Martin Maples
Robert Ruais
David B. Rubinstein
Jim Schuyler
Leon L. Scott

Board member not present:

E. James Lucas

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

Louise Fontaine Ware, Director
Sandra Whitley Ryals, Chief Deputy Director
Karen W. O'Neal, Deputy Director
John Cancelleri, Fair Housing Administrator
Christine Martine, Executive Director
Liz Hayes, Fair Housing Investigative Supervisor
Camille C. Palmer, Administrative Assistant
Earlyne Perkins, Legal Assistant

Emily Wingfield, Office of the Attorney General, was present.

Chairman Rubinstein, called the meeting to order at 9:10 a.m.

Call to Order

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

Ms. Martine gave a brief orientation to the Board members explaining and outlining Board meeting procedures. Afterwards, each Board member introduced themselves.

A motion was made by Ms. Clare and seconded by Mr. Schuyler approving the minutes of the July 23, 2003 Board Member Training. The motion passed unanimously. Members voting "Yes" were Rubinstein, Schuyler, Adkins, Bhatt, Clare, Dupuy, Harmon, Maples, Ruais, and Scott.

Minutes

A motion was made by Ms. Clare and seconded by Mr. Schuyler to adopt the minutes of the July 24, 2003 Board Member Training as amended. The July 24, 2003 minutes were corrected to reflect Ms. Harmon also as being nominated as Vice Chairman. The motion passed unanimously. Members voting "Yes" were Rubinstein, Schuyler, Adkins, Bhatt, Clare, Dupuy, Harmon, Maples, Ruais, and Scott.

No one addressed the Board during the Public Comment Period. Ms. Ware introduced and acknowledged the presence of Nancy Ambler, Housing Study Commission. Ms. Ambler gave brief remarks

Public Comment
Period

John Cancelleri presented the Fair Housing Administrator's Report. Ms. Hayes distributed information regarding Bonnie Williams v. Oakhurst Manor Apartments, Oakhurst Manor Ltd. Partnership, Pat Moore, and EWN Properties, Inc., FHB File Number: 2003-00278.

Fair Housing
Administrator's
Report

Jerome and Maria Gauthier v. Condor Properties at Williamsburg, Consolidated Homes LLC, Brandywyne Owners Association, Paula Hertzberg and Brooks Real Estate, Inc. FHB & REB File Number: 2003-00156, HUD File Number: 03-02-0333-8. Jerome and Maria Gauthier, complainants and Andrew G. Elmore, Attorney representing all named respondents addressed the Board.

Jerome and Maria Gauthier v. Edward Pratt, Anthony Angle, Baird Wonsey, Lee Foster, Paula Hertzberg, Consolidated Homes, LLC, Condor Properties in Williamsburg, LLC and Brandywyne Owners Association, FHB File Number: 2003-00933, HUD File Number: 03-02-0473-8. Jerome and Maria Gauthier, complainants, Mr. Andrew G. Elmore, Attorney representing all named respondents and Mr. Lee Foster, a resident of Brandywyne, addressed the Board.

The Board recessed from 10:30 a.m. and reconvened at 10:53 a.m. to review the files of **Jerome and Maria Gauthier v. Condor Properties at Williamsburg, Consolidated Homes LLC, Brandywyne Owners Association, Paula Hertzberg and Brooks Real Estate, Inc. FHB & REB File Number: 2003-00156, HUD File Number: 03-02-0333-8** and **Jerome and Maria Gauthier v. Edward Pratt, Anthony Angle, Baird Wonsey, Lee Foster, Paula Hertzberg, Consolidated Homes, LLC, Condor Properties in Williamsburg, LLC and Brandywyne Owners Association, FHB File Number: 2003-00933, HUD File Number: 03-02-**

Recess

0473-8.

Ms. O'Neal explained Closed Session to the Board.

At 11:00 a.m., Ms. Harmon made a motion which was seconded by Mr. Maples, that the Board recess and the Board immediately reconvene in **closed meeting** for the purpose of consultation with legal counsel 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 will be in attendance to reasonably aid the consideration of the topic: Emily Wingfield.

Closed Session

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

12. Jerome and Maria Gauthier v. Condor Properties at Williamsburg, Consolidated Homes LLC, Brandywyne Owners Association, Paula Hertzberg and Brooks Real Estate, Inc. FHB & REB File Number: 2003-00156, HUD File Number: 03-02-0333-8.

13. Jerome and Maria Gauthier v. Edward Pratt, Anthony Angle, Baird Wonsey, Lee Foster, Paula Hertzberg, Consolidated Homes, LLC, Condor Properties in Williamsburg, LLC and Brandywyne Owners Association, FHB File Number: 2003-00933, HUD File Number: 03-02-0473-8.

At 11:35 a.m., 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, Dupuy, Harmon, Schuyler, Rubinstein, Ruais, Adkins, Clare, Scott, and Maples

NAYS: None

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: E. James Lucas

A motion was made by Ms. Harmon and seconded by Mr. Schuyler to send the file to the Attorney General's Office for consultation in respect to all non real estate respondents. The motion failed. Members voting "Yes" were Harmon, Schuyler, and Scott. Members voting "No" were Maples, Clare, Adkins, Rubinstein, Ruais, Dupuy and Bhatt.

At 12:20 p.m., Mr. Maples 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 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 will be in attendance to reasonably aid the consideration of the topic: Emily Wingfield and John Cancelleri.

Closed Session

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

12. **Jerome and Maria Gauthier v. Condor Properties at Williamsburg, Consolidated Homes LLC, Brandywyne Owners Association, Paula Hertzberg and Brooks Real Estate, Inc. FHB & REB File Number: 2003-00156, HUD File Number: 03-02-0333-8.**

13. **Jerome and Maria Gauthier v. Edward Pratt, Anthony Angle, Baird Wonsey, Lee Foster, Paula Hertzberg, Consolidated Homes, LLC, Condor Properties in Williamsburg, LLC and Brandywyne Owners Association, FHB File Number: 2003-00933, HUD File Number: 03-02-0473-8.**

At 1:10 p.m., 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, Dupuy, Harmon, Schuyler, Rubinstein, Ruais, Adkins, Clare, Scott, and Maples

NAYS: None

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: E. James Lucas

A motion was made by Ms. Harmon and seconded by Ms. Clare to close as no cause the following case identified in the fair housing report as **Jerome and Maria Gauthier v. Condor Properties at Williamsburg, Consolidated Homes LLC, Brandywyne Owners Association and Paula Hertzberg, FHB File Number: 2003-00156**. The motion passed by majority vote. Members voting "Yes" were Rubinstein, Schuyler, Adkins, Bhatt, Clare, Dupuy, Harmon, Maples, and Ruais. The member voting "No" was Mr. Scott.

A motion was made by Ms. Harmon and seconded by Ms. Clare to close as no cause the following case identified in the fair housing report as **Jerome and Maria Gauthier v. Edward Pratt, Anthony Angle, Baird Wonsey, Lee Foster, Paula Hertzberg, Consolidated Homes, LLC, Condor Properties in Williamsburg, LLC and Brandywyne Owners Association., FHB File Number: 2003-00933**. The motion passed by majority vote. Members voting "Yes" were Rubinstein, Schuyler, Adkins, Bhatt, Clare, Dupuy, Harmon, Maples, and Ruais. The member voting "No" was Mr. Scott.

Ms. Ware introduced and acknowledged the presence of Michael Seth Ginther, Senior Assistant Attorney General, Office of the Attorney General.

A motion was made by Ms. Clare and seconded by Ms. Harmon to approve the conciliation agreements identified in the fair housing report as:

**Conciliation
Agreements**

Sheril Carr v. James Slaughter and Lottie Farmer, FHB File Number: 2003-02536

Valerie Walker v. National City Mortgage, Michael Zimmerman, and Stan Weisberger, FHB File Number: 2003-02864

**Lucille and Tommy Gray v. United Property Associates and Peggy Kowal, FHB
File Number: 2003-03394**

**The Arc of the Piedmont, Inc. v. A. Wayne and Betty W. Knight, FHB File
Number: 2001-03298**

The motion passed unanimously. Members voting "Yes" were Rubinstein, Schuyler, Bhatt, Clare, Dupuy, Harmon, Maples, Ruais, and Scott.

A motion was made by Mr. Scott and seconded by Ms. Harmon to close as administrative closures the following cases identified in the fair housing report as:

**Administrative
Closures**

**Wanita Martin v. J & J Real Estate Limited and Barbara Heltzel, FHB & REB
File Number: 2003-01916**

Raymond Taylor, Jr. v. Mildred Ray, FHB File Number: 2003-02266

The motion passed unanimously. Members voting "Yes" were Rubinstein, Schuyler, Bhatt, Clare, Dupuy, Harmon, Maples, Ruais, and Scott.

A motion was made by Ms. Harmon and seconded by Ms. Clare to close as private settlement agreement with withdrawal the following case identified in the fair housing report as:

**Private Settlement
Agreement**

**Gloria Megee v. AHC, Inc. John Welsh, Berkeley Apartments, Jeannie Taylor
and Dennis Dorsey, FHB File Number: 2003-01265**

The motion passed unanimously. Members voting "Yes" were Rubinstein, Schuyler, Bhatt, Clare, Dupuy, Harmon, Maples, Ruais, and Scott.

A motion was made by Ms. Clare and seconded by Ms. Harmon to close as no cause the following case identified in the fair housing report as:

Close as no cause

**Bonnie Williams v. Oakhurst Manor Ltd., Oakhurst Manor Apartments, Pat
Moore and EWN Properties, Inc., FHB File Number: 2003-00278**

The motion passed unanimously. Members voting "Yes" were Rubinstein, Schuyler, Bhatt, Adkins, Clare, Dupuy, Harmon, Maples, Ruais, and Scott.

In the future, the Board members would like staff to send the agenda and CD-ROM two weeks prior to the meeting.

Old Business

By consensus, the Board agreed to start future Fair Housing Board meetings at 9:30 a.m.

New Business

The Board discussed the Virginia Fair Housing Certification Regulations. The Board members will review the Regulations and will adopt the Regulations at the Board meeting scheduled on October 15, 2003. No Board action was necessary. The Education committee Ms. Clare, Mr. Ruais and Mr. Maples will review the Regulations. Ms. Harmon made a motion which was seconded by Mr. Scott to add Mr. Scott and Mr. Adkins to the Education committee. The motion passed unanimously. Members voting "Yes" were Rubinstein, Schuyler, Bhatt, Adkins, Clare, Dupuy, Harmon, Maples, Ruais, and Scott.

**Virginia Fair
Housing
Certification
Regulations**


Mr. Scott and Mr. Dupuy left the meeting at 2:20 p.m.

Ms. Karen W. O'Neal, Deputy Director, Regulatory Programs conducted Board member training.

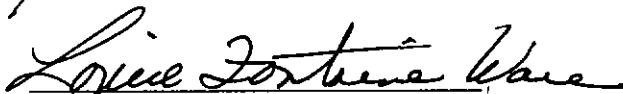
**Board Member
Training**

At 2:50 p.m., a motion was made by Mr. Schuyler and seconded by Ms. Clare to adjourn the meeting.

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: August 12, 2003

Signature: Bill A. Adkins

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

TRANSACTIONAL DISCLOSURE STATEMENT

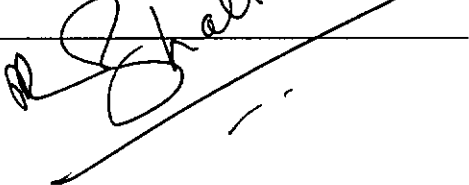
1. Name: Nilkanth R. Bhatt
2. Title: Member - Virginia Fair Housing Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: N/A

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 12, 2003

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 12, 2003

Signature: _____

Cynthia M. Clare

**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: _____

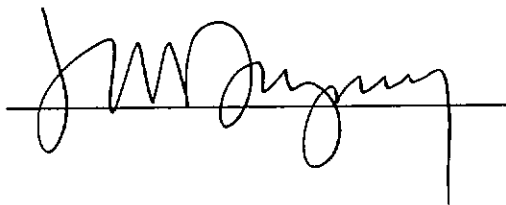
6. I declare that:

(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: August 12, 2003

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: August 12, 2003

Signature: *Rhonda M. Harmon*

**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 12, 2003

Signature: _____

Martin E. Maples

**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: _____

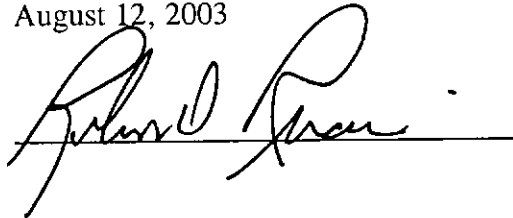
6. I declare that:

(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 12, 2003

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

Dated: August 12, 2003

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: August 12, 2003

Signature: *James H. Schuyler*

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Leon L. Scott
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: _____

MORTGAGE LENDING

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

Dated: August 12, 2003

Signature: _____

