

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

June 20, 2006

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
Neil Bhatt (left at 2:30 PM)
Cynthia Clare
Laura Dupuy (arrived at 10:24 AM)
Rhonda Harmon (left at 2:10 PM)
James Schuyler

The following Board Members were not present: Mark Berven, Martin Maples, Robert Ruais, and Kim Saunders

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

Jay DeBoer, Director
David Ashe, Chief Deputy Director
Liz Hayes, Fair Housing Administrator
Nick Christner, Deputy Director
Karen O'Neal, Deputy Director
Christine Martine, Executive Director
Chris Olson, Administrative Assistant
Tammie Hall, Education Administrator
Deanda Shelton, Fair Housing Investigator
Trudy Miller, Fair Housing Investigator
Karen Taylor, Fair Housing Specialist
Robert Whittaker, Program Conciliator

Tom Payne, Assistant Attorney General and Christine Owen, Intern with the Office of the Attorney General, were present.

Chairman Rubinstein called the meeting to order at 10:12 AM.

Call to Order

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

Agenda

No one addressed the Board during the Public Comment Period.

Public Comment

A motion was made by Mr. Schuyler and seconded by Mr. Bhatt to approve the following minutes: April 12, 2006, Fair Housing Board Meeting. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Harmon, Rubinstein, and Schuyler.

Minutes

The Board agreed without dissent to defer the following case to their next scheduled Board meeting to allow staff the opportunity to collect additional documentation:

Deferred Cases

- **Patricia Schaff v. Chat Hugney, Toni DiChiacchio, Ithaca Properties, LC and AJAX LLC, FHB File Number 2005-02335**

Board Member Laura Dupuy arrived at 10:24 AM.

Arrival of Board Member

In the matter of FHB File Number 2005-04680, Christine Snetter v. Environmental Review Committee c/o The Association of Stonehouse Inc. and Stonehouse Real Estate Company, LLC., the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Christine Snetter, the complainant, Andrew Elmore, attorney for the respondent, and Doug Greene, representative of the respondent, were present and addressed the Board. A motion was made by Ms. Clare and seconded by Ms. Harmon to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were Adkins, Clare, Dupuy, and Harmon. Members voting "No" were Bhatt, Rubinstein, and Schuyler.

FHB File Number 2005-04680, Christine Snetter v. Environmental Review Committee c/o The Association of Stonehouse Inc. and Stonehouse Real Estate Company, LLC.

In the matter of FHB File Number 2006-02515, Courtney Kent v. George Davies and Carmen Brown, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. David Simonsen, attorney for the respondent, was present and addressed the Board. After discussion, the Board agreed without dissent to defer this case to their next Board meeting to allow staff the opportunity to collect additional documentation.

FHB File Number 2006-02515, Courtney Kent v. George Davies and Carmen Brown

In the matter of **FHB File Number 2006-01646, Patricia D. Young v. Hovnanian Enterprises, Inc. and Phillip Nixon**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Patricia Young, the complainant, and Mark Stemen, representative of the respondent, were present and addressed the Board. A motion was made by Ms. Clare and seconded by Ms. Harmon to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Dupuy, Harmon, Rubinstein, and Schuyler.

FHB File Number 2006-01646, Patricia D. Young v. Hovnanian Enterprises, Inc. and Phillip Nixon

In the matter of **FHB File Number 2006-03070, Maria Diaz and Rafael Hernandez-Barrera v. Toll Brothers, Inc., Debra Redman, and Richard Trainor**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. David Bruns, attorney for the respondent, was present and addressed the Board. After discussion, the Board agreed without dissent to defer this case to their next Board meeting to allow staff the opportunity to collect additional documentation.

FHB File Number 2006-03070, Maria Diaz and Rafael Hernandez-Barrera v. Toll Brothers, Inc., Debra Redman, and Richard Trainor

In the matters of **FHB File Number 2006-00591, Joseph and Sherry France v. Carl Adenauer and Roadrunner Enterprises, Inc.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Les Saunders, attorney for the respondent, was present and addressed the Board. A motion was made by Ms. Harmon and seconded by Mr. Bhatt to refer the matter to the Office of the Attorney General for an official consultation in the matter. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Dupuy, Harmon, Rubinstein, and Schuyler.

FHB File Number 2006-00591, Joseph and Sherry France v. Carl Adenauer and Roadrunner Enterprises, Inc.

The Board recessed from 11:55AM to 12:10 PM.

Break

At 12:10 PM. Ms. Harmon made a motion which was seconded by Ms. Clare, 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, Christine Owen, Liz Hayes, Deanda Shelton, and David Ashe

Closed Meeting

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

17. FHB File Number 2005-03838, Gary Rose and Helen Jackson v. Irene Sprouse, Ellis Sprouse, and Beverly Sprouse (Ergenbright)

At 1:30 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: 7-0

AYES Adkins, Bhatt, Clare, Dupuy, Harmon, Rubinstein, and Schuyler

NAYS: None

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: Berven, Maples, Ruais, and Saunders

In the matter of **FHB File Number 2005-03838, Gary Rose and Helen Jackson v. Irene Sprouse, Ellis Sprouse, and Beverly Sprouse (Ergenbright)**, the Board agreed without dissent to defer this case to their next Board meeting to allow staff the opportunity to collect additional documentation.

FHB File Number 2005-03838, Gary Rose and Helen Jackson v. Irene Sprouse, Ellis Sprouse, and Beverly Sprouse (Ergenbright)

In the matter of **FHB File Number 2006-01710 Eunice Rose v. Cathleen Leggett, Eva Tillem and Christopher J. and F.B. Blankenfield**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Bert Kelly, attorney for the respondent, was present but did not address the Board. 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 Adkins, Bhatt, Clare, Dupuy, Harmon, Rubinstein, and Schuyler.

FHB File Number 2006-01710 Eunice Rose v. Cathleen Leggett, Eva Tillem and Christopher J. and F.B. Blankenfield

In the matter of **FHB File Number 2005-04941 Bernadette Chamberlin v. Claridge House Alexandria Associates**, a motion was made by Ms. Clare and seconded by Ms. Harmon to clarify that the respondent is Claridge House Alexandria Associates and to revise the previous motion to find reasonable cause against the respondent due to failure to make reasonable accommodations and to find no reasonable cause against the respondent for discriminatory terms and conditions. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Dupuy, Harmon, Rubinstein, and Schuyler.

FHB File Number 2005-04941 Bernadette Chamberlin v. Claridge House Alexandria Associates

In the matter of **FHB File Number 2006-01033 Kathleen McKeon v. Williamsburg Redevelopment and Housing Authority, James Gurganus, Sharon Scruggs, Terry Bales, and Kenneth Johnson**, a motion was made by Ms. Harmon and seconded by Ms. Clare to revise the previous motion to include a finding of no reasonable cause for discriminatory terms and conditions. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Dupuy, Harmon, Rubinstein, and Schuyler.

FHB File Number 2006-01033 Kathleen McKeon v. Williamsburg Redevelopment and Housing Authority, James Gurganus, Sharon Scruggs, Terry Bales, and Kenneth Johnson

In the matter of **FHB File Number 2006-02187, Shanika Hill v. Gloria Rogers, Calandra Brown and Richmond Redevelopment and Housing Authority**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Clare and seconded by Mr. Bhatt to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Dupuy, Rubinstein, and Schuyler.

FHB File Number 2006-02187, Shanika Hill v. Gloria Rogers, Calandra Brown and Richmond Redevelopment and Housing Authority

Due to a possible conflict of interest Ms. Harmon did not participate in the discussion or votes pertaining to this matter.

In the matter of **FHB File Number 2006-02516, Ali Billy Peterkin v. Debbie Hellerud, Tammy Welch, and South Hampton Roads Supportive Housing, Inc.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. 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 Adkins, Bhatt, Clare, Dupuy, Harmon, Rubinstein, and Schuyler.

FHB File Number 2006-02516, Ali Billy Peterkin v. Debbie Hellerud, Tammy Welch, and South Hampton Roads Supportive Housing, Inc.

In the matter of **FHB File Number 2006-03494, Edward Jones v. Mrs. Douglas T. Whitt**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. 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 Adkins, Bhatt, Clare, Dupuy, Harmon, Rubinstein, and Schuyler.

FHB File Number 2006-03494, Edward Jones v. Mrs. Douglas T. Whitt

In the matter of **FHB File Number 2005-04441, Edward Sparrock v. Hercules Management Company, England Run North Apartments, LP, and Mary O'Brien**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. 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 Adkins, Bhatt, Clare, Dupuy, Harmon, Rubinstein, and Schuyler.

FHB File Number 2005-04441, Edward Sparrock v. Hercules Management Company, England Run North Apartments, LP, and Mary O'Brien

The Board considered the matter of **FHB File Numbers 2006-00227 and 2006-00226, Clarice and David Schermerhorn and Housing Opportunities Made Equal v. Charles F. Morse and Lucia L. Evans Morse**. A motion was made by Mr. Schuyler and seconded by Ms. Clare to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Dupuy, Harmon, Rubinstein, and Schuyler.

FHB File Numbers 2006-00227 and 2006-00226, Clarice and David Schermerhorn and Housing Opportunities Made Equal v. Charles F. Morse and Lucia L. Evans Morse

The Board considered the matter of **FHB File Number 2005-01242, Bernice Younger v. Irvin Dawson**. A motion was made by Mr. Schuyler and seconded by Ms. Clare to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Dupuy, Harmon, Rubinstein, and Schuyler.

FHB File Number 2005-01242, Bernice Younger v. Irvin Dawson

The Board considered the matter of **FHB File Number 2003-02827, The Equal Rights Center v. Dulles Greene, L.P., Dulles Greene Partners, L.P., et. al.** A motion was made by Mr. Schuyler and seconded by Mr. Adkins to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Dupuy, Harmon, Rubinstein, and Schuyler.

FHB File Number 2003-02827, The Equal Rights Center v. Dulles Greene, L.P., Dulles Greene Partners, L.P., et. al.

The Board considered the matter of **FHB File Number 2006-05013, Cezanne D. Garris v. Beth Heller, et. al.** A motion was made by Ms. Clare and seconded by Mr. Schuyler to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Adkins, Bhatt, Clare, Dupuy, Harmon, Rubinstein, and Schuyler.

FHB File Number 2006-05013, Cezanne D. Garris v. Beth Heller, et. al.

Ms. Martine updated the Board on the legislative wish list for the 2007 session of the General Assembly. The Board discussed changing the word "handicap" to "disability" in all publications. The Board also discussed changing the statute of limitations for design and build cases from one year to two years from the date of discovery. No action was taken by the Board.

New Business

Board member Rhonda Harmon left at 2:10 PM.

Departure of Board Member

Ms. Clare gave the Education Committee Report. The Committee agreed to send one instructor application back for further information. The Board agreed without dissent to recommend that the Real Estate Board accept all schools.

Education Report

Board Member Neil Bhatt left at 2:30 PM

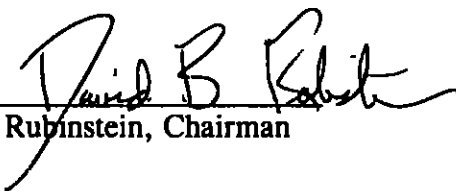
Departure of Board Member

Tom Payne updated the Board on pending litigation. No action was taken by the Board.


Old Business

The meeting adjourned at 2:40 PM.

Adjourn



David B. Rubinstein, Chairman



Jay DeBoer, Secretary

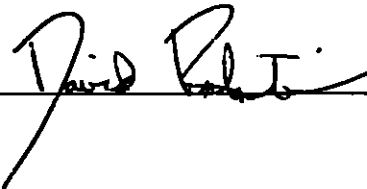
**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

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: _____
_____ U/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: June 20, 2006

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: June 20, 2006

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: _____

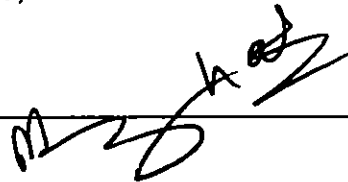
6. I declare that:

(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: June 20, 2006

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: June 20, 2006

Signature: _____


Cynthia M. Clare

**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: Husband sometimes represents Richmond Redevelopment & Housing Authority
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: Shanika Hill v. R.B.H.A.,
Gloria Rogers & Calandria Brown
 - (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: June 20, 2006

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: June 20, 2006

Signature: 