VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING August 28, 2024

The Real Estate Board met at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The members indicated below were present. All members present were qualified to vote, except where a specific reason for disqualification is stated. There are twelve (12) members on this Board, in which seven (7) constitutes a quorum pursuant to § 54.1-2344.

Board members present for the meeting:

Scott Astrada, Chair Amanda Buyalos, Vice-Chair Shion Fenty Morton "Tracy" Marks, III Owen R. Morgan Angelo Phillos Steven Rivera (arrived at 10:16AM) Angela West

Board members absent from the meeting:

Stuart "Gray" Gilchrist Dean Lynch John Scott Rachel Wright

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

Brian Wolford, Agency Director
Jeb Wilkinson, Special Assistant to the Director
Stephen Kirschner, LRPD Deputy Director
Tom Payne, CID Deputy Director
Anika Coleman, Executive Director
Lizbeth Hayes, Fair Housing Administrator
Donnitria Mosby, Assistant Fair Housing Administrator
Breanne Lindsey, Regulatory Operations Administrator
Gezelle Glasgow, Administrative Coordinator
John Robertson, Communications and Digital Media Manager
Allyson Yohe, Captech Contractor for EpicX
Joe Haughwout, Regulatory Affairs Manager

Todd Shocklev from the Office of the Attorney General was present.

Mr. Astrada called the meeting to order at 10:03 A.M.

CALL TO ORDER

Ms. Coleman reviewed the emergency evacuation procedures.

EMERGENCY EGRESS

Mr. Astrada determined that a quorum was present.

DETERMINATION OF QUORUM

Mr. Phillos moved to approve the agenda. Mr. Marks seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

APPROVAL OF AGENDA

Ms. Fenty moved to approve the minutes from the June 05, 2024, Board meeting. Mr. Phillos seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

APPROVAL OF MINUTES

Mr. Astrada welcomed staff and guests of the audience. Ms. Coleman introduced Board staff to the Board members. Ms. Coleman introduced Brian P. Wolford former Chief Deputy Director as the Agency Director.

WELCOME AND INTRODUCTIONS

There was no public comment.

PUBLIC COMMENT

Liz Hayes, Fair Housing Administrator, updated the Board on the current investigative case load.

FAIR HOUSING ADMINISTRATOR'S REPORT

In the matter of Nelly Washington v. Watergate at Landmark Condominium Unit Owners Association FHB File Number: 2024-02439, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. Nelly and David Washington, complainants, were present and addressed the Board. A motion was made by Mr. Morgan to find no reasonable cause to believe the respondents discriminated against the complainant by imposing discriminatory terms and conditions or by engaging in intimidation, coercion, or harassment based on the complainant's National Origin. Mr. Marks seconded the motion which was unanimously approved by members:

Nelly Washington v.
Watergate at Landmark
Condominium Unit
Owners Association
FHB File Number: 202402439 HUD File Number:
03-24-4701-8

Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

In the matter of Onjil McEachin v. Tri Pointe Homes DC Metro Inc. dba Winchester Homes, Tri Pointe, Tri Pointe Homes, and Tri Pointe Homes DC FHB File Number: 2024-01948, Ms. Hayes informed the Board that the case was withdrawn due to parties reaching a resolution.

Onjil McEachin v. Tri
Pointe Homes DC Metro
Inc. dba Winchester
Homes, Tri Pointe, Tri
Pointe Homes, and Tri
Pointe Homes DC
FHB File Number: 202401948
HUD File Number: 03-244490-8

In the matter of Jonathan and Jessica Melin v. Matt Burgess FHB File Number: 2024-01761, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. Jonathan and Jessica Melin were present and addressed the Board.

Jonathan and Jessica
Melin v. Matt Burgess
FHB File Number: 202401761
HUD File Number: 03-244675-8

At 10:26 A.M., Ms. Buyalos moved 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.8 of the Code of Virginia. The following nonmembers were in attendance to reasonably aid the consideration of the topic: Brian Wolford, Jeb Wilkinson, Stephen Kirschner, Tom Payne, Anika Coleman, Liz Hayes, Donnitria Mosby, Todd Shockley, and David Dendulk (ADA support for Angela West).

Closed Session

Mr. Marks seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

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

Jonathan and Jessica Melin v. Matt Burgess

FHB File Number: 2024-01761 HUD File Number: 03-24-4675-8

At 10:48 A.M., the Board members agreed by consensus to adjourn the closed meeting and reconvene in an open meeting.

Certification of Closed Meeting

WHEREAS, the Fair Housing Board has convened a closed 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 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, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Stuart Gilchrist, Dean Lynch, John Scott, and Rachel Wright.

Upon reconvening in an open session, a motion was made by Ms. Buyalos to refer this case to the Office of Attorney General for further consideration.

Reconvene in Open Session

Ms. West seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

In the matter of George Overholt v. Daniel Ferrell and Michelle Ferrell FHB File Number: 2024-01515, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. Daniel and Michelle Ferrell, respondents, were present and addressed the Board.

A motion was made by Mr. Marks to find no reasonable cause to believe the respondents discriminated against the complainant by refusing to make a reasonable accommodation for a disability, discriminating in terms and conditions of a rental, or by refusing to rent to him based on disability. Ms. Buyalos seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

George Overholt v. Daniel
Ferrell and Michelle
Ferrell FHB File Number:
2024-01515
HUD File Number: 03-244310-8

In the matter of Haney, Yzavia v. AHF-Afton Gardens LLC. and Atlantic Housing Foundation, Inc. FHB File Number: 2024-01399, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. Neither party was present to address the Board in person, by counsel, or by any other qualified representatives.

A motion was made by Mr. Morgan to find no reasonable cause to believe the respondents discriminated against the complainant by refusing to make a reasonable accommodation, discriminating in the terms and conditions related to rental based on her disability, or by engaging in interference, intimidation, or coercion because she engaged in a protected activity. Mr. Phillos seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

Haney, Yzavia v. AHFAfton Gardens LLC. and
Atlantic
Housing Foundation, Inc.
FHB File Number: 202401399
HUD File Number: 03-244254-8

In the matter of Aura Cardenas Turner v. Westminster Pillar Management, LLC, Leesburg Manor East Owner, LLC and Pablo Jory FHB File Number: 2024-00652, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis. Neither party was present to address the Board in person, by counsel, or by any other qualified representatives.

A motion was made by Ms. Buyalos to find no reasonable

Aura Cardenas Turner v.
Westminster Pillar
Management,
LLC, Leesburg Manor
East Owner, LLC and
Pablo Jory
FHB File Number: 202400652
HUD File Number: 03-23-

cause to believe the respondents discriminated against the complainant by imposing discriminatory terms and conditions. Mr. Phillos seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

3886-8

In the matter of Karl Pridemore v. Shelly M. Arnoldi and Daniel J. Leary FHB File Number: 2022-01281, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis, and Official Consultation Memorandum from the Office of Attorney General. Neither party was present to address the Board in person, by counsel, or by any other qualified representatives.

Karl Pridemore v. Shelly
M. Arnoldi and Daniel J.
Leary
FHB File Number: 202201281
HUD File Number: 03-220235-8

At 11:09 A.M., Ms. Buyalos moved 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 were in attendance to reasonably aid the consideration of the topic: Brian Wolford, Jeb Wilkinson, Stephen Kirschner, Tom Payne, Anika Coleman, Liz Hayes, Donnitria Mosby, Todd Shockley, and David Dendulk (ADA support for Angela West).

Closed Session

Mr. Morgan seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

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

Karl Pridemore v. Shelly M. Arnoldi and Daniel J.Leary

FHB File Number: 2022-01281 HUD File Number: 03-22-0235-8

At 11:35 A.M., the Board members agreed by consensus to adjourn the closed meeting and reconvene in an open meeting.

WHEREAS, the Fair Housing Board has convened a closed

Closed Session Certification of Closed

meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and Meeting

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 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, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Stuart Gilchrist, Dean Lynch, John Scott, and Rachel Wright.

Upon reconvening in an open session, a motion was made by Mr. Morgan to find no reasonable cause to believe the respondents discriminated against the complainant by failing to make a reasonable accommodation, by imposing discriminatory terms and conditions, or by attempting to coerce the complainant based on the complainant's minor child's disability. Mr. Phillos seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

Reconvene in Open Session

The Board took a recess from 11:37 AM to 11:43 AM.

Recess

A motion was made by Ms. Buyalos to take FHB File Number: 2020-02409 and FHB File Number: 2024-01709 as

BLOCK VOTE OF CONCILIATION

a block vote.

AGREEMENTS

Mr. Phillos seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

In the matter of Haley Corbin and Courtney Segretto v. Walter Muzo FHB File Number: 2020-02409, a motion was made by Ms. Buyalos to approve the conciliation agreement as agreed to by the parties. Mr. Phillos seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

In the matter of Patrick Levesque v. Bonaventure
Property Management Services, LLC and BPMS Cove
Pointe, LLC FHB File Number: 2024-01709, a motion was
made by Ms. Buyalos to approve the conciliation agreement
as agreed to by the parties. Mr. Phillos seconded the motion
which was unanimously approved by members: Astrada,
Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

Haley Corbin and
Courtney Segretto v.
Walter Muzo
FHB File Number: 202002409
HUD File Number: 03-205136-8

Patrick Levesque v.
Bonaventure Property
Management Services,
LLC and BPMS Cove
Pointe, LLC
FHB File Number: 202401709
HUD File Number: 03-234390-8

END OF BLOCK VOTE

NEW BUSINESS

Mr. Shockley provided the Board with the litigation update.

Ms. Coleman provided the Fair Housing Board with the Executive Director's Update.

Ms. Coleman informed the Board that, the Notice of Intended Regulatory Action was approved by the Governor on June 25, 2024. The Board was provided a copy of the proposed Fair Housing Certification Regulations to review and approve to authorize Board staff to file the proposed stage. A motion was made by Ms. Fenty to adopt the proposed language and authorize Board staff to file the proposed stage. Mr. Marks seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

Litigation Summary

Executive Director's Update

Regulatory Update

Ms. Coleman informed the Board that the public comment period ran from July 15, 2024, to August 14, 2024. One anonymous comment was received, and Board staff have prepared a draft response for board approval. Both the comment and the draft response were included in the agenda. Ms. Coleman asked the Board to review the prepared draft response and if satisfied make a motion to approve the response. A motion was made by Ms. Buyalos to approve the prepared draft response. Mr. Marks seconded the motion which was unanimously approved by members: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

Ms. Coleman opened the floor for nominations for the position of Chair of the Fair Housing Board. Ms. Fenty nominated Scott Astrada for the position of Chair. The motion was seconded by Mr. Marks. The motion was unanimously approved. Members voting "Yes" Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West. By acclimation, Mr. Astrada was named Board Chair.

Ms. Coleman opened the floor for nominations for the position of Vice-Chair of the Fair Housing Board. Mr. Marks nominated Amanda Buyalos for the position of Vice-Chair. The motion was seconded by Mr. Phillos. The motion was unanimously approved. Members voting "Yes" Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West. By acclimation, Ms. Buyalos was named Board Vice-Chair.

Ms. Coleman provided a report from the August 28, 2024, Fair Housing Education Committee meeting. The Board by consensus adopted the August 28, 2024, Fair Housing Education Committee meeting report.

Ms. Coleman introduced, Allyson Yohe, Captech Contractor for EpicX, to the Board to give a presentation on the EpicX system. Ms. Yohe demonstrated the Fair Housing certification application process both for the licensee/applicant and for the licensing specialist.

Election of Officers

Education Committee Report

OTHER BOARD BUSINESS EpicX Update

John Robertson, Communications and Digital Media Manager, informed the Board that EpicX will transform how we do business at DPOR and will be digitizing the process for everything we do.

The Board reviewed the financial statement. There was no action taken by the Board.

Board Financial Statement

Ms. Coleman informed the Board that the Board Member Training Conference will take place October 10-11, 2024.

Board Member Training Conference

The Board adjourned at 12:14 P.M.

ADJOURN

manda Buyalos, Vice-Chair

Brian P. Wolford, Secretary

1.	Name	Steven Rivera
		(Name of Board Member/Presiding Officer)
2.	Title:	Board Member
3.	Agency:	DPOR/Fair Housing Board
		(Name of Board)
4.	Transaction:	Meeting/ ☐ Informal Fact-Finding Conferences held on: August 28, 2024
5.	Do you have a	personal interest in the following transaction?
	No; I do	not have a personal interest in any transactions taken at this meeting/conference.
	Yes - If	yes, please answer the following questions.
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	(Agenda Ite	m)
		Personal Interest Affected by Transaction:
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		that I am a member of the following business, profession, occupation or group, the members of affected by the transaction:
	D. 🗌 lar	m able to participate in this transaction fairly, objectively, and in the public interest. or
	☐ I di	d not participate in the transaction.
6.	Signature of Bo	pard Member/Presiding Officer:
U.	orginature of be	and Wellbert Testaing Officer.
	Se Se	Signed Calculation
	Ma	12/3/34 for 8/28/24
	Signature	Date

1.	Name	Angela West		
		(Name of Board Member/Presiding Officer)		
2.	. Title: Board Member			
3. Agency: DPOR/Fair Housing Board (Name of Board)			,	
4.	Transaction:		eld on: August 28, 2024	
5.	Do you have a	personal interest in the following transaction?		
	No; I do	not have a personal interest in any transactions taken at	this meeting/conference.	
	Yes - If	yes, please answer the following questions.		
	Α.			
(Agenda Item)				
	B. Nature of	Personal Interest Affected by Transaction:		
	C. I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:			
	D. 🗌 la	D.		
	☐ Idi	d not participate in the transaction.		
6.	Signature of Bo	pard Member/Presiding Officer:		
	6	ingela west		
		The man	August 28, 2024	
	Signature		Date	

1.	Name	Scott Astrada			
		(Name of Board Member/Presiding Officer)			
2.	Title:	Board Member	_		
3.	Agency:	DPOR/Fair Housing Board (Name of Board)			
4.	Transaction:	Meeting/ Informal Fact-Finding Conferences held on: August 28, 2024			
5.	Do you have a	personal interest in the following transaction?			
	No; 1 do	not have a personal interest in any transactions taken at this meeting/conference.			
		yes, please answer the following questions.			
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	(Agenda Ite	m)			
	B. Nature of Personal Interest Affected by Transaction:				
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		that I am a member of the following business, profession, occupation or group, the members affected by the transaction:	0		
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C	Cianatura of Do	pard Member/Presiding Officer:			
6.	Signature of Bo	and Member/Presiding Office			
(Signature	Date 28, 2024			

1.	Name	Shion Fenty
		(Name of Board Member/Presiding Officer)
2.	Title:	Board Member
3.	Agency:	DPOR/Fair Housing Board (Name of Board)
4.	Transaction:	Meeting/ ☐ Informal Fact-Finding Conferences held on: August 28, 2024
5.	Do you have a	personal interest in the following transaction?
	No; I do	not have a personal interest in any transactions taken at this meeting/conference.
	Yes - If	yes, please answer the following questions.
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	B. Nature of	Personal Interest Affected by Transaction:
		that I am a member of the following business, profession, occupation or group, the members of affected by the transaction:
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6.	Signature of Bo	pard Member/Presiding Officer:
	Signature	1000 Date \$28 2004
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1.	Name	Owen Morgan (Name of Board Member/Presiding Officer)			
2.	Title:	Board Member			
3.	Agency:	DPOR/Fair Housing Board (Name of Board)			
4.	Transaction:		August 28, 2024		
5.	Do you have a	personal interest in the following transaction?			
	/	not have a personal interest in any transactions taken at this me	eeting/conference.		
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	(Agenda Ite	m)			
	B. Nature of Personal Interest Affected by Transaction:				
		that I am a member of the following business, profession, occ affected by the transaction:	cupation or group, the members o		
	D. 🗌 lar	n able to participate in this transaction fairly, objectively, and in t	he public interest. or		
	☐ I di	d not participate in the transaction.			
6.	Signature of Bo	pard Member/Presiding Officer:			
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	(/_ 1	1- M-	not 28, 2024		
	Signature	Aug	ust 28, 2024		
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1.	Name	Amanda Buyalos (Name of Board Member/Presiding Officer)	-
2.	Title:	Board Member	
3.	Agency:	DPOR/Fair Housing Board (Name of Board)	
4.	Transaction:	■ Meeting/	August 28, 2024
5.	No; I do Yes - If A. (Agenda Ite	personal interest in the following transaction? not have a personal interest in any transactions taken at this meeting yes, please answer the following questions. m) Personal Interest Affected by Transaction:	ng/conference.
		that I am a member of the following business, profession, occupa affected by the transaction:	ition or group, the members o
		m able to participate in this transaction fairly, objectively, and in the pd not participate in the transaction.	public interest. or
6.		and Member/Presiding Officer: August :	28, 2024

1.	Name	Angelo Phillos		
		(Name of Board Member/Presiding Officer)		
2.	Title:	Board Member		
3.	Agency:	DPOR/Fair Housing Board (Name of Board)		
4.	Transaction:	Meeting/ ☐ Informal Fact-Finding Conferences held of the conferences held of the conferences held of the conferences held of the conference held of the	August 28, 2024	
5.	Do you have a	personal interest in the following transaction?		
	No; I do	not have a personal interest in any transactions taken at this	meeting/conference.	
	Yes - If	yes, please answer the following questions.		
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	(Agenda Ite	em)		
	B. Nature of Personal Interest Affected by Transaction:			
		that I am a member of the following business, profession, or affected by the transaction:	occupation or group, the members o	
	Which are	e affected by the transaction.		
	D. 🗌 la	m able to participate in this transaction fairly, objectively, and	in the public interest. or	
	□ Id	id not participate in the transaction.		
6.	Signature of B	oard Member/Presiding Officer:		
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	Signature	/	ugust 28, 2024	
	o gradus		67.50	

1.	Name	Morton *Tracy* Marks, III (Name of Board Member/Presiding Officer)		
2.	Title:	Board Member		
3.	Agency:	DPOR/Fair Housing Board (Name of Board)		
4.	Transaction:	▼ Meeting/		
5.		personal interest in the following transaction? not have a personal interest in any transactions taken at this meeting/conference.		
	Yes - If A. (Agenda Ite	yes, please answer the following questions.		
		that I am a member of the following business, profession, occupation or group, the members of affected by the transaction:		
		n able to participate in this transaction fairly, objectively, and in the public interest. or d not participate in the transaction.		
6.		Fard Member/Presiding officer:		
	Signature	Date \		



FAIR HOUSING BOARD VISITOR SIGN-IN SHEET BOARD MEETING AUGUST 28, 2024 - 10 AM

NO.	NAME/AFFILIATION	EMAIL	DO YOU WISH TO SPEAK? (Y/N)
1	Abigail George HDME		
2	Les Dun		N
3	David Washington		N
4	Kelly Washington	drasimlosagma	1 18
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7	michelle L. FERREUSA	mummum fer cellanoi.c	The same of the sa
8	Jessica Melin	Jessica. h. melin@9	mad com V
9	Jonathan Meln	melin jorathan Egma 1.com	4 /
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