### **FAIR HOUSING BOARD**

### Tuesday, December 3, 2024 – 10:00 a.m. 2<sup>nd</sup> Floor – Board Room 2

### Department of Professional and Occupational Regulation 9960 Mayland Drive Richmond, Virginia 23233

**Mission**: Our mission is to protect the health, safety and welfare of the public by licensing qualified individuals and businesses enforcing standards of professional conduct for professions and occupations as designated by statute.

### I. CALL TO ORDER

- a. Emergency Egress
- b. Determination of Quorum

### II. APPROVAL OF AGENDA

### III. APPROVAL OF MINUTES

a. Fair Housing Board Meeting, August 28, 2024

### IV. WELCOME & INTRODUCTIONS

### V. PUBLIC COMMENT PERIOD \*FIVE MINUTE PUBLIC COMMENT, PER PERSON\*

### VI. FAIR HOUSING REPORT

a. Fair Housing Administrator's Report

### VII. FAIR HOUSING CASE FILES

a. Vanessa Escobar and Joshua Mahoney v. Beacon Hill Community Association, Inc.

and Beacon Hill Board of Directors FHB File Number: 2025-00080 HUD File Number: 03-24-5060-8

Appointment- Ann Reardon, Attorney for Respondents

b. Philip Bloxam v. Auxmite Village LLC

FHB File Number: 2024-02581 HUD File Number: 03-24-4769-8

Appointment- Philip Bloxam, Complainant

c. Tabatha Wright and Beverly Wright v. JABC Properties, LLC and Monacan Nation

Cultural Foundation Inc.

FHB File Number: 2024-02038 HUD File Number: 03-24-4538-8

d. Jonathan and Jessica Melin v. Matt Burgess

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

{Referred to OAG for Official Consultation} Appointment- Matt Burgess, Respondent e. Christina Khan v. Elvis Jefferson and Vu Pham

FHB File Number: 2021-01407 HUD File Number: 03-21-3470-8

{Referred to OAG for Official Consultation}

f. Joseph Archual v. Lynn Brizendine, Skyline Manor Apartments, LLC and sed topics for discussion sed topics for discussion RAVE

Landmark Property Management Company

FHB File Number: 2024-01711 HUD File Number: 03-24-4352-8

{Referred to OAG for Official Consultation}

### VIII. NEW BUSINESS

- a. Litigation Update
- b. Executive Director's Update

### IX. OTHER BUSINESS

- a. EPICx Update
- b. Board Financial Statement
- c. Fair Housing Training

# X. COMPLETE CONFLICT OF INTEREST FORM AND TRAVEL VOUCHER

- a. Travel Voucher
- b. Conflict of Interest Form

### XI. ADJOURNMENT

## NEXT MEETING SCHEDULED FOR WEDNESDAY, FEBRUARY 19, 2025

- ❖ Agenda materials made available to the public do not include disciplinary case files or application files pursuant to §54.1-108 of the Code of Virginia.
- Five-minute public comment, per person, with the exception of any open disciplinary or application file.
- Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-2785 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities

# PERIMETER CENTER CONFERENCE CENTER EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS

(Script to be read at the beginning of each meeting.)

### PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, <u>leave the room immediately</u>. Follow any instructions given by Security staff

### **Board Room 1**

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT.** Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

### **Board Room 2**

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT.** Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

### **Board Rooms 3 and 4**

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT.** Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

### **Training Room 1**

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT.** Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

### **Training Room 2**

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT.** Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board, consist of twelve a requirement that a quorum, defa.

In number of members necessary to official business, is constituted by seven a members in accordance with § 54.1-2344.

### 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:

... Gracy" Marks, III
... wen R. Morgan
Angelo Phillos
Steven Rivera (arrived at 10:16AM)
Angela West

om the meeting:
tuart "Gray" Gilchrist
ean Lynch
nn Scott
hel Wri

Board members absent from the meeting:

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 Amka Coleman, Executive 2...
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

DRAFFICIALS CONTAINS

NATIONAL TOO Todd Shockley 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: 2024-01761 HUD File Number: 03-24-4675-8

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.

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.

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

# ed Meeting ote of

Reconvene in Open Session

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.

HUD File Number: 03-244310-8

Haney, Yzavia v. AHFand
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Haney, Yzavia v. AHFAfton Gardens LLC. and
Atlantic
Housing Foundation, Inc.
FHB File Number: 202401399
HUD File Number: 03-24-

4254-8

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

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

Tair Housing

Justiness matters lawfully

Justiness matters lawfully

Justiness matters by Virginia law

Justiness matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 8-0

YES: Astrada, Buyalos, Fenty, Marks, Morgan, Phillos, ivera, and West.

AYS: None.

SENT DIPT

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, ed the r Buyalos, Fenty, Marks, Morgan, Phillos, Rivera, and West.

**Haley Corbin and Courtney Segretto** Walter Muzo FHB File Number: 2020-02409 **HUD File Number: 03-20-**5136-8

Patrick Levesque v. **Bonaventure Property** Management Services, **LLC and BPMS Cove** Pointe, LLC FHB File Number: 2024-01709 **HUD File Number: 03-23-**4390-8

**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.

Ju Astrada, Chair

Brian P. Wölford, Secretary The Board reviewed the financial statement. There was no action taken by the Board.

**Board Financial Statement** 

**Board Member Training** 

### FAIR HOUSING CASES FOR DECEMBER 3, 2024 FHB AGENDA

1. Vanessa Escobar and Joshua Mahoney v. Beacon Hill Community

Association, Inc. and Beacon Hill Board of Directors

FHB File Number: 2025-00080 HUD File Number: 03-24-5060-8

2. Philip Bloxam v. Auxmite Village LLC

FHB File Number: 2024-02581 HUD File Number: 03-24-4769-8

3. Tabatha Wright and Beverly Wright v. JABC Properties, LLC and Monacan Nation Cultural Foundation

**Monacan Nation Cultural Foundation Inc.** 

FHB File Number: 2024-02038 HUD File Number: 03-24-4538-8

4. Jonathan and Jessica Melin v. Matt Burgess

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

{Referred to OAG for Official Consultation}

5. Christina Khan v. Elvis Jefferson and Vu Pham

FHB File Number: 2021-01407 HUD File Number: 03-21-3470-8

{Referred to OAG for Official Consultation}

6. Joseph Archual v. Lynn Brizendine, Skyline Manor Apartments,

**LLC and Landmark Property Management Company** 

LLC at FHB Fit HUD Filk (Referred FHB File Number: 2024-01711 HUD File Number: 03-24-4352-8

{Referred to OAG for Official Consultation}

# Department of Professional and Occupational Regulation Statement of Financial Activity

# Fair Housing Board 954630

2022-2024 Biennium May 2024

			Biennium-to-Date Comparison	
	May 2024 Activity	July 2020 - May 2022	July 2022 - May 2024	
Cash/Revenue Balance Brought Forward			949,415	
Revenues	3,075	59,455	62,795	
Cumulative Revenues		:05 2	1,012,210	
Cost Categories:		100,000		
Board Expenditures	555	13,831	18,335	
<b>Board Administration</b>	0	0	C	
Administration of Exams	0	0	0	
Enforcement	104,588	1,508,067	1,135,739	
Legal Services	25993	204,997	264,754	
Information Systems	0 (8)	0	C	
Facilities and Support Services	104,588 25993 0 74 0	1,413	1,003	
Agency Administration	0	0	C	
Other / Transfers	0	(719,438)	(679,071	
Total Expenses	131,209	1,008,870	740,761	
Transfer To/(From) Cash Reserves	0	0	(111,235	
Ending Cash/Revenue Balance			382,684	
Official die Bo				
Cash Reserve Beginning Balance	(1,060,649)	0	(949,415	
Change in Cash Reserve	0	0	(111,235	
Cash Reserve Ending Balance	(1,060,649)	0	(1,060,649	
Number of Regulants				
Current Month	2,135			

1,968

Previous Biennium-to-Date