VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

December 9, 2009

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:

> David B. Rubinstein, Chairman Phyllis Randall Tonye Epps Stephen McMaster Martin Maples Neil Bhatt

Board members not present: Penny Johnson

Robert Ruais Jeffrey Adkins Rosario Carrera Jim Ginnell

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

Jay DeBoer, Director Mark Courtney, Deputy Director Christine Martine, Executive Director Liz Hayes, Fair Housing Administrator Deanda Shelton, Assistant Fair Housing Administrator Emily Trent, Administrative Assistant

Trudy Miller, Fair Housing Investigator

Angela Keefe-Thomas, Fair Housing Investigator

Karen Taylor, Fair Housing Specialist Yvette Barnes, Fair Housing Investigator Aysan Sanchez, Fair Housing Investigator

Tom Payne, Assistant Attorney General with the Office of the Attorney General, was present.

Chairman Rubinstein called the meeting to order at 10:18 Call to Order A.M.

A motion was made by Ms. Randall and seconded by Mr. Agenda Martin to approve the Agenda. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

Helen O'Beirne, Director for the Center for Housing Public Comment Leadership for H.O.M.E., updated the Board on H.O.M.E.'s Legislative Agenda items for the Center for Housing Leadership. No action was taken by the Board.

A motion was made by Mr. McMaster and seconded by Minutes Mr. Bhatt to approve the October 7, 2009, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

Liz Hayes updated the Board on the current investigative Fair Housing case load. No action was taken by the Board.

Administrator's Report

In the matter of FHB File Number 2010-00601, Geraldine B. Todd v. Richmond Redevelopment and Housing Authority, and Rayne Jones-Fultz, the Board v. Richmond reviewed the record which consisted of the Final Case **Analysis** Investigative Report and Recommendation. Jeffrey Shapiro, attorney for the Rayne Jones-Fultz respondent, appeared and addressed the Board. A motion was made by Mr. Bhatt and seconded by Mr. Maples to close the case with a finding of no reasonable cause. The motion passed by majority vote. Members voting "Yes" were: Bhatt, Epps, Maples, Randall and Rubinstein. Member voting "No" was McMaster.

FHB File Number 2010-00601, Geraldine B. Todd Redevelopment and and Housing Authority, and

In the matter of FHB File Number 2010-00479, Geraldine B. Todd v. Benson and Cynthia S. Woo, the Board reviewed the record which consisted of the Final v. Benson and Cynthia S. Investigative Report and Case Analysis Recommendation. Benson Woo, respondent, was present and addressed the Board. A motion was made by Mr. Maples and seconded by Mr. Bhatt to close the case with a finding of no reasonable cause. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

FHB File Number 2010-00479, Geraldine B. Todd Woo

In the matter of FHB File Number 2010-00787, William Marshall v. Jimmi Rowland, John Neal, Neighborhood Properties. Inc. BL LLC, and Neighborhood Properties. Inc., the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Supplemental Final Investigative Report and letter from complainant. Jimmi Rowland, Respondent, and William Tanner, attorney for the respondent, were present and addressed the Board. A motion was made by Mr. Maples and seconded by Ms. Randall to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

FHB File Number 2010-00787, William Marshall v. Jimmi Rowland, John Neal, Neighborhood Properties, Inc. BL LLC. and Neighborhood Properties, Inc.

In the matter of FHB File Number 2009-01239, Garv Spencer v. Marion Watkins, Quality Investments Management Company, Inc., and LTT Associates, LLC, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation, and Official Consultation Memorandum from the Office of the Attorney General. Charles Twine, respondent's representative, appeared and addressed the Board.

FHB File Number 2009-01239, Gary Spencer v. Marion Watkins, Quality **Investments Management** Company, Inc., and LTT Associates, LLC

The Board recessed from 11:00 A.M. to 11:09 A.M.

Break

At 11:10 A.M., Ms. Epps offered a motion which was Closed Session seconded by Mr. Maples, 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 and Yvette Barnes.

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

12. FHB File Number 2009-01239, Gary Spencer v. Marion Watkins, Quality Investments Management

Company, Inc., and LTT Associates, LLC

At 11:48 A.M., a motion was made by Mr. Bhatt and seconded by Mr. Martin 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: 9-0

AYES: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Atkins, Carrera, Ginnell, Johnson and Ruais.

In the matter of FHB File Number 2009-01239, Gary FHB File Number 2009-Spencer v. Marion Watkins, Quality Investments Management Company, Inc., and LTT Associates, LLC, a motion was made by Mr. McMaster and seconded by Mr. Maples to close the case with a finding of no reasonable cause for refusing to rent, engaging in Associates, LLC

01239, Gary Spencer v. Marion Watkins, Quality **Investments Management** Company, Inc., and LTT

discriminatory terms and conditions and refusal to make The motion passed reasonable accommodations. unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

A motion was made by Mr. McMaster and seconded by Mr. Bhatt to find reasonable cause for making discriminatory statements based on handicap and for staff to pursue conciliation until the Board's next meeting. The motion passed by majority vote. Members voting "Yes" were: Bhatt, Epps, McMaster, Randall and Rubinstein. Member voting "No" was Maples.

In the matter of FHB File Number 2010-00555, Larry Tuthill v. Eva Papaefthimiou and Department of Housing and Community Development, the Board reviewed the record which consisted of the Final Investigative Report and Case **Analysis** and Recommendation. A motion was made by Mr. McMaster and seconded by Mr. Bhatt to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

FHB File Number 2010-00555, Larry Tuthill v. Eva Papaefthimiou and **Department of Housing** and Community **Development**

In the matter of FHB File Number 2009-04610, Judith E. Vido v. Grace Street, L.P., Beacon Residential Management, L.P., and Betsy Bighinatti, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis Recommendation. A motion was made by Mr. Bhatt and seconded by Mr. Maples to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

FHB File Number 2009-04610, Judith E. Vido v. Grace Street, L.P., **Beacon Residential** Management, L.P., and Betsv Bighinatti

In the matter of FHB File Number 2009-03646, Robert and Ann Lebrun v. Cedarwood Association, Inc. and Cedarwood Condominium Association, Inc. Board of Directors, the Board reviewed the record which consisted of the Final Investigative Association, Inc. and Report and Case Analysis and Recommendation and Cedarwood Supplement to the Final Investigative Report. A motion was made by Mr. McMaster and seconded by Mr. Bhatt to Association, Inc. Board

FHB File Number 2009-Condominium 03646, Robert and Ann Lebrun v. Cedarwood Condominium Condominium

refer the case to the Office of the Attorney General for an of Directors official consultation opinion. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

The Board recessed from 12:40 P.M. to 12:54 P.M.

Break

In the matter of FHB File Number 2009-01956, Daniel FHB File Number 2009-Rothenhoefer v. Thomas Houseknecht and Elizabeth Epps, the Board reviewed the record which consisted of Rothenhoefer v. Thomas the Final Investigative Report and Case Analysis and Houseknecht and Recommendation, and Official Consultation Memorandum from the Office of the Attorney General.

01956, Daniel Elizabeth Epps

At 1:10 P.M., Mr. Rubinstein offered a motion which was Closed Session seconded by Mr. Maples, 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 and Yvette Barnes.

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

11. FHB File Number 2009-01956, Daniel Rothenhoefer v. Thomas Housknecht and Elizabeth Epps

At 2:20 P.M., a motion was made by Mr. McMaster and seconded by Ms. Epps 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: 9-0

AYES: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Atkins, Carrera, Ginnell, Johnson and Ruais.

In the matter of FHB File Number 2009-01956, Daniel FHB File Number 2009-Rothenhoefer v. Thomas Houseknecht and Elizabeth 01956, Daniel Epps, a motion was made by Ms. Randall and seconded Rothenhoefer v. Thomas by Mr. Bhatt to find no reasonable cause that the Respondents discriminated against the Complainant by refusing to continue renting, terms and conditions of a rental, and failure to make reasonable modifications, based upon handicap. The motion passed by majority vote. Members voting "Yes" were Bhatt, McMaster, Randall and Rubinstein. Members voting "No" were Epps and Maples.

A motion was made by Ms. Randall and seconded by Mr. Maples to find reasonable cause that Respondent Houseknecht discriminated against the Complainant by making a discriminatory statement based upon handicap. The motion passed by majority vote. Members voting "Yes" were Epps. Maples, McMaster, Randall and Rubinstein. Member voting "No" was Bhatt.

Houseknecht and Elizabeth Epps

A motion was made by Ms. Randall and seconded by Mr. Bhatt to find no reasonable cause that Respondent Epps discriminated against the Complainant by making a discriminatory statement based upon handicap. Members voting "Yes" were Bhatt, motion failed. Randall and Rubinstein. Members voting "No" were Epps, Maples and McMaster.

A motion was made by Mr. Maples and seconded by Ms. Epps to find reasonable cause that Respondent Epps discriminated against the Complainant by making a discriminatory statement based upon handicap. Member voting "Yes" was Maples. motion failed. Members voting "No" were Bhatt, Epps, McMaster, Randall and Rubinstein.

A motion was made by Ms. Randall and seconded by Mr. Bhatt to find no reasonable cause that Respondent Epps discriminated against the Complainant by making a discriminatory statement based upon handicap. Members voting "Yes" were Bhatt, motion failed. Randall and Rubinstein. Members voting "No" were Epps, Maples and McMaster.

A motion was made by Mr. Bhatt and seconded by Mr. Maples to find reasonable cause to believe Respondent Epps is vicariously liable for discriminatory statements made by her agent, Thomas Houseknecht, based upon handicap. The motion passed unanimously. Memers voting "Yes" were Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

In the matter of FHB File Number 2009-02366, Nancy Hall v. Roseberry Community Association Board of 02366, Nancy Hall v. Directors, a motion was made by Ms. Randall and Roseberry Community seconded by Mr. McMaster to approve the terms of the Association Board of conciliation agreement as agreed to by the parties. The Directors motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

FHB File Number 2009-

In the matter of FHB File Number 2010-00984, Jose & FHB File Number 2009-

Sonia Duran v. Larry Wayland, and Meadowcreek/Lynnbrook Residential, LLC, d/b/a Lynbrook & Meadow Creek Apartments at Mark Center, a motion was made by Ms. Randall and seconded by Mr. McMaster to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

In the matter of FHB File Number 2010-01460, Kristen Seay v. Virginia Edmonds, Connie Hickman, and Virginia Rentals LLC, a motion was made by Ms. Randall and seconded by Mr. McMaster to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

In the matter of FHB File Number 2009-03637, Cheryl Brown v. Robert Owens, Eric Bastian, Gas Light Properties, LLC, and Space Properties/Gas Light, LLC, a motion was made by Ms. Randall and seconded by Mr. McMaster to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

In the matter of FHB File Number 2009-03864, Housing Opportunities Made Equal of VA, Inc. v. Robert Owens, Eric Bastian, Gas Light Properties, LLC; and Space Properties/Gas Light, LLC, a motion was made by Ms. Randall and seconded by Mr. McMaster to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

In the matter of FHB File Number 2010-00453, William Ray Lambert v. Hopewell Heights Associates, LP, and Aretha Jackson, a motion was made by Ms. Randall and seconded by Mr. McMaster to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes"

O0984, Jose & Sonia

Duran v. Larry Wayland,
and

Meadowcreek/Lynnbrook
Residential, LLC, d/b/a
Lynbrook & Meadow
Creek Apartments at
Mark Center

FHB File Number 2010-01460, Kristen Seay v. Virginia Edmonds, Connie Hickman, and Virginia Rentals LLC

FHB File Number 2009-03637, Cheryl Brown v. Robert Owens, Eric Bastian, Gas Light Properties, LLC, and Space Properties/Gas Light, LLC

FHB File Number 2009-03864, Housing Opportunities Made Equal of VA, Inc. v. Robert Owens, Eric Bastian, Gas Light Properties, LLC; and Space Properties/Gas Light, LLC

FHB File Number 2010-00453, William Ray Lambert v. Hopewell Heights Associates, LP, and Aretha Jackson

were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

In the matter of FHB File Number 2010-00174, Zeijdn FHB File Number 2010-Sherwood Douglas Kline, and V. Apartments, LLC, a motion was made by Ms. Randall and seconded by Mr. McMaster to approve the terms of Sherwood Apartments, the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

00174, Zeijdn Brezinska v. Douglas Kline, and LLC

In the matter of FHB File Number 2009-04380, Norma Sapp & LaVance Lockhart v. Board of Trustees, Westridge Swim and Racquet Club. Inc., A Community Association, Christina Hernandez, and Westridge Swim and Racquest Club, Inc., A Community Association, a motion was made by Ms. Randall and seconded by Mr. McMaster to approve the terms of the conciliation agreement as agreed to by the The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

FHB File Number 2009-04380, Norma Sapp & LaVance Lockhart v. **Board of Trustees.** Westridge Swim and Racquet Club, Inc., A Community Association, Christina Hernandez, and Westridge Swim and Racquest Club, Inc., A **Community Association**

In the matter of the File Number 2010-00928, Rodney Hairston & Angelika Gibson v. The Tara Faye Corporation, Trustee of the 905 Highland Avenue Land Trust, a motion was made by Ms. Randall and seconded by Mr. McMaster to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randall and Rubinstein.

File Number 2010-00928, Rodney Hairston & Angelika Gibson v. The Tara Fave Corporation, Trustee of the 905 **Highland Avenue Land** Trust

In the matter of the File Number 2009-00405, Larissa Ann Davis (formerly Larissa Ann Wells) and Jaime Davis v. Debra Gantt and Gantt Investment Corporation, a motion was made by Ms. Randall and seconded by Mr. McMaster to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randali and Rubinstein.

File Number 2009-00405, Larissa Ann Davis (formerly Larissa Ann Wells) and Jaime Davis v. **Debra Gantt and Gantt Investment Corporation**

In the matter of the File Number 2008-02318, John File Number 2008-02318, Marsinko v. David Oliver and Keystone Management, a motion was made by Mr. McMaster and seconded by Mr. Maples to approve the settlement terms as presented. The motion passed unanimously. Members voting "Yes" were: Bhatt, Epps, Maples, McMaster, Randail and Rubinstein

John Marsinko v. David Oliver and Keystone Management

The Board adjourned at 2:45 p.m.

Dayid B. Rubinstein, Chairman

eBoer, Secretary

1.	Name: Neil Bhatt
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: December 9, 2009 (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.
	12 - 9 - 2019 Date

1.	Name: Martin Maples
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: December 9, 2009 (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.
	☐ I did not participate in the transaction.
6.	do not have a personal interest in any transactions taken at this meeting.
	MatMagh Signature 12/9/07 Date

1.	Name:David Rubinstein
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: December 9, 2009 (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.
	☐ I did not participate in the transaction.
6.	I do not have a personal interest in any transactions taken at this meeting.
	Signature Date 7/9/09

1.	Name: Stephen McMaster
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: December 9, 2009 (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: Phyllis Randall
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: December 9, 2009 (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.
	Phyllo Padall 12.9.09 Signature Date

1.	Name: Tonye R. Epps
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: December 9, 2009 (Date)
5.	I have a personal interest in the following transaction:
	(Agenda İtem)
	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.
	12-09-2009 Signature Date