VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

December 12, 2018

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:

Andrew Reisinger, Chair
Myra Howard, Vice-Chair
Candice L. Bennett
Dean A. Lynch
Stephen Northup
Linda Melton (arrived at 12:41 p.m.)
Valerie L.T. Roth
John Crouse
Larry Murphy

The following Board members were absent:

Robert Schaberg
Abigail Spanberger

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

Jay DeBoer, Director
Christine Martine, Executive Director
James Chapman, Board Administrator
Jeffrey Williams, Board Administrator
Liz Hayes, Fair Housing Administrator
Deanda Shelton, Assistant Fair Housing Administrator
Emily Trent, Administrative Assistant
Angela Keefe-Thomas, Fair Housing Investigator
Trudy Miller, Fair Housing Investigator
Donnitria Mosby, Fair Housing Investigator
Dominica McGowen, Fair Housing Investigator
Loraine Schroeder, Fair Housing Investigator

Tom Payne and Mona Siddiqui, Assistant Attorney Generals with the Office of the Attorney General, were present.

Mr. Reisinger called the meeting to order at 10:05 A.M. Ca

Call to Order

A motion was made by Ms. Howard and seconded by Mr. Agenda Murphy to approve the Agenda. The motion passed unanimously. Members voting "Yes" were: Bennett, Crouse, Howard, Lynch, Murphy, Northup, Reisinger and Roth.

A motion was made by Ms. Bennett and seconded by Mr. Minutes Lynch to approve the August 29, 2018, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Bennett, Crouse, Howard, Lynch, Murphy, Northup, Reisinger and Roth.

There was no public comment.

Liz Hayes updated the Board on the current investigative case load.

Fair Housing Administrator's Report

Public Comment

In the matter of FHB File Number 2018-00853, Dwana Jones v. Ashton Square Apartments LP and Realty Management Services, Inc., the case was deferred to the next Board meeting to obtain additional information.

FHB File Number 2018-00853, Dwana Jones v. Ashton Square Apartments LP and Realty Management Services, Inc.

In the matter of FHB File Number 2018-03278, Courtney Beverly v. Moyork, LLC and Signature Management **Corp.**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. Courtney Beverly, complainant, and Barrie Bowers, attorney for the Corp. respondents, were present and addressed the Board. A motion was made by Mr. Northup and seconded by Mr. Crouse to find no reasonable cause that the respondents discriminated against the complainant by refusing to make a reasonable accommodation or retaliating against the complainant for her involvement in a protected activity based on disability. The motion passed unanimously. Members voting "Yes" were: Bennett, Crouse, Howard, Lynch, Murphy, Northup, Reisinger and Roth.

FHB File Number 2018-03278, Courtney Beverly v. Moyork, LLC and Signature Management

In the matter of FHB File Number 2018-02342, Tara W. Dabney v. Tuckernuck Trails LLC and Kings Properties, Inc., the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. David Solodar, attorney for the respondents, was present and addressed the Board. A motion was made by Mr. Lynch and seconded by Mr. Crouse to find no reasonable cause the

FHB File Number 2018-02342, Tara W. Dabney v. **Tuckernuck Trails LLC** and Kings Properties, Inc.

respondents discriminated against the complainant by imposing discriminatory terms and conditions of a rental based on race. The motion passed unanimously. Members voting "Yes" were: Bennett, Crouse, Howard, Lynch, Murphy, Northup, Reisinger and Roth.

In the matter of FHB File Number 2018-01925, Laura Timberlake and Joseph Timberlake v. Longhill Woods Community Company, Jim Miller, and Roger Ticconi, the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Revised Case Analysis. Laura Timberlake, complainant, and Scott C. Hartin, attorney for the respondents, were present and addressed the Board. A motion was made by Mr. Crouse and seconded by Mr. Northup to find no reasonable cause the respondents discriminated against the complainants in terms and conditions or subjected complainants to harassment, intimidation or coercion based on race, color or national origin. The motion passed by majority vote. Members voting "Yes" were: Bennett, Crouse, Howard, Lynch, Northup, Reisinger and Roth. Member voting "No" was Murphy.

FHB File Number 2018-01925, Laura Timberlake and Joseph Timberlake v. Longhill Woods Community Company, Jim Miller, and Roger Ticconi

In the matter of FHB File Number 2018-03155, Yasmeen Makeba v. Latitudes Apartments LLC, Chandler Management Corporation, Raina Smith, Mary Beth Mimna, and Lajuane Artis, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. Joshua David, attorney for the respondents, was present and addressed the Board. A motion was made by Ms. Bennett and seconded by Mr. Murphy to find no reasonable cause that the respondents discriminated against the complainant by failing to make a reasonable accommodation or retaliating against complainant based on disability. The motion passed unanimously. Members voting "Yes" were: Bennett, Crouse, Howard, Lynch, Murphy, Northup, Reisinger and Roth.

FHB File Number 2018-03155, Yasmeen Makeba v. Latitudes Apartments LLC, Chandler Management Corporation, Raina Smith, Mary Beth Mimna, and Lajuane Artis

In the matter of FHB File Number 2018-01020, Shirley M. Salt v. Harbour Point Condominium Association, Inc., the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Official Consultation Memorandum from the Office of the Attorney General. Shirley M. Salt, complainant, was present and addressed the Board.

FHB File Number 2018-01020, Shirley M. Salt v. Harbour Point Condominium Association, Inc.

At 11:10 A.M., Mr. Northup offered a motion which was Closed Session seconded by Mr. Reisinger, 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 nonmembers will be in attendance to reasonably aid the consideration of the topic: Jay DeBoer, Tom Payne, Mona Siddiqui, Liz Hayes and Loraine Schroeder.

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

- FHB File Number 2018-01020, Shirley M. Salt v. Harbour Point Condominium Association, Inc.
- 12. **FHB** File Number 2018-01880, Housing Opportunities Made Equal of Virginia, Inc. v. Harbour Point Condominium Association, Inc.

At 11:40 A.M., a motion was made by Ms. Bennett and seconded by Mr. Northup 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: 8-0

AYES: Bennett, Crouse, Howard, Lynch, Northup, Reisinger, Roth and Spanberger.

NAYS: None.

ABSENT DURING THE VOTE: Melton.

ABSENT DURING THE MEETING: Schaberg and Spanberger.

In the matter of FHB File Number 2018-01020, Shirley M. Salt v. Harbour Point Condominium Association, Inc., a motion was made by Mr. Northup and seconded by Mr. Crouse to find reasonable cause the respondents discriminated against the complainant in terms or conditions in the provisions of services or facilities during the course of the complainant's residency based on disability. The motion passed by majority vote. Members voting "Yes" were: Crouse, Howard, Murphy, Northup, Reisinger and Roth. Members voting "No" were Bennett and Lynch.

FHB File Number 2018-01020, Shirley M. Salt v. **Harbour Point** Condominium Association, Inc.

In the matter of FHB File Number 2018-01880, Housing Opportunities Made Equal of Virginia, Inc. v. Harbour Point Condominium Association, Inc., the Board reviewed the record which consisted of the Final Investigative Report, Case Analysis and Official Consultation Memorandum from the Office of the Attorney General. Alex Guzmán, Director of Fair Housing, Housing Opportunities Made Equal of Virginia, Inc., was present and addressed the Board. A motion was made by Mr. Northup and seconded by Mr. find reasonable cause the respondents Crouse to discriminated against the complainant in terms or conditions in the provision of services or facilities based on disability. The motion passed unanimously. Members voting "Yes" were: Crouse, Howard, Murphy, Northup, Reisinger and Roth. Bennett and Lynch abstained from voting in the matter.

FHB File Number 2018-01880, Housing Opportunities Made Equal of Virginia, Inc. v. **Harbour Point** Condominium Association, Inc.

In the matter of FHB File Number 2018-00071, John & Kasey Shea v. Association Community Services West, Inc. and The Villages of Longmeadow Association, Inc., the Board reviewed the record which consisted of the Final Investigative Report. Case Analysis and Official Consultation Memorandum from the Office of the Attorney Villages of Longmeadow

FHB File Number 2018-00071, John & Kasey Shea v. Association **Community Services** West, Inc. and The

General. John Shea, complainant, and Helen Hardiman, Association, Inc. attorney for the complainant, were present and addressed the Board.

At 12:01 P.M., Mr. Northup offered a motion which was Closed Session seconded by Mr. Reisinger, 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 nonmembers will be in attendance to reasonably aid the consideration of the topic: Jay DeBoer, Tom Payne, Liz Hayes, Mona Siddiqui and Dominica McGowen.

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

13. FHB File Number 2018-00071, John & Kasey Shea v. Association Community Services West, Inc. and The Villages of Longmeadow Association, Inc.

At 12:40 P.M., a motion was made by Ms. Roth and seconded by Ms. Bennett 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: 8-0

AYES: Bennett, Crouse, Howard, Lynch, Northup, Reisinger, Roth and Spanberger.

NAYS: None.

ABSENT DURING THE VOTE: Melton.

ABSENT DURING THE MEETING: Schaberg and Spanberger.

Linda Melton arrived at 12:41 P.M.

In the matter of FHB File Number 2018-00071, John & Kasey Shea v. Association Community Services West, Inc. and The Villages of Longmeadow Association, Inc., a motion was made by Ms. Howard and seconded by Mr. Murphy to reopen the case for reconsideration. The motion passed by majority vote. Members voting "Yes" were: Crouse, Howard, Lynch, Murphy, Northup, Reisinger and Roth. Member voting "No" was Bennett. Melton abstained from voting in the matter.

A motion was made by Ms. Roth and seconded by Mr. Crouse to find reasonable cause the respondents discriminated against the complainants in terms or conditions in the provision of services or facilities during the course of the complainant's occupancy based on familial status. The motion passed by majority vote. Members voting "Yes" were: Crouse, Howard, Lynch, Murphy, Northup, Reisinger and Roth. Member voting "No" was Bennett. Melton abstained from voting in the matter.

A motion was made by Ms. Roth and seconded by Ms. Howard to find reasonable cause the respondent, The Villages of Longmeadow Association, Inc., discriminated against the complainants by making discriminatory written statements based upon the complainant's familial status. The motion passed by majority vote. Members voting "Yes" were: Crouse, Howard, Lynch, Murphy, Northup, Reisinger and Roth. Member voting "No" was Bennett. Melton abstained from voting in the matter.

A motion was made by Ms. Roth and seconded by Ms.

Arrival of Board Member

FHB File Number 2018-00071, John & Kasey Shea v. Association Community Services West, Inc. and The Villages of Longmeadow Association, Inc.

Howard to find no reasonable cause the respondent, Association Community Services West, Inc., discriminated against the complainants by making discriminatory written statements based upon the complainant's familial status. The motion passed unanimously. Members voting "Yes" were: Crouse, Howard, Lynch, Murphy, Northup, Reisinger and Roth. Bennett and Melton abstained from voting in the matter.

In the matter of FHB File Number 2018-01750, Christina Bugna & Jason Bugna v. Donna J. Miner & In My Home, Inc., the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. A motion was made by Ms. Bennett and seconded by Mr. Lynch to find no reasonable cause that the respondents discriminated against the complainants by refusing to rent, in terms and conditions of the rental or making discriminatory statements based on familial status. The motion passed unanimously. Members voting "Yes" were: Bennett, Crouse, Howard, Lynch, Melton, Murphy, Northup, Reisinger and Roth.

FHB File Number 2018-01750, Christina Bugna & Jason Bugna v. Donna J. Miner & In My Home, lnc.

In the matter of FHB File Number 2018-01158, Virginia Rose Langhorne v. Roland Peters, Nellie Peters and Randy Peters, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. Colman Adams, attorney for the respondents, provided a written statement, which was read by Deanda Shelton to the Board members. A motion was made by Mr. Lynch and seconded by Mr. Crouse to find no reasonable cause that the respondents discriminated against the complainant in terms and conditions of rental or in the provision of services or facilities in connection with rental based upon a person with a disability requiring the use of an assistance animal. The motion passed unanimously. Members voting "Yes" were: Bennett, Crouse, Howard, Lynch, Melton, Murphy, Northup, Reisinger and Roth.

FHB File Number 2018-01158, Virginia Rose Langhorne v. Roland Peters, Nellie Peters and Randy Peters

In the matter of FHB File Number 2018-03157, Ikeoma Okafo Eke v. American Management of Virginia, Inc. and Unit Owners Association of Leesburg Gateway II Condominium, a motion was made by Mr. Lynch and seconded by Ms. Melton to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Condominium

FHB File Number 2018-03157, Ikeoma Okafo Eke v. American Management of Virginia, Inc. and Unit Owners Association of Leesburg Gateway II

Bennett, Crouse, Howard, Lynch, Melton, Murphy, Northup, Reisinger and Roth.

In the matter of FHB File Number 2019-00210, Annie FHB File Number 2019-West v. Donna W. Sheridan, a motion was made by Mr. Lynch and seconded by Ms. Melton to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bennett, Crouse, Howard, Lynch, Melton, Murphy, Northup, Reisinger and Roth.

00210, Annie West v. Donna W. Sheridan

In the matter of FHB File Number 2019-00528, Housing Opportunities Made Equal of Virginia, Inc. v. Gaynor VanLandingham, a motion was made by Mr. Lynch and seconded by Ms. Melton to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bennett, Crouse, Howard, Lynch, Melton, Murphy, Northup, Reisinger and Roth.

FHB File Number 2019-00528, Housing **Opportunities Made** Equal of Virginia, Inc. v. Gaynor VanLandingham

A motion was made by Ms. Howard and seconded by Ms. Bennett to adopt the draft policy presented to the Board regarding non-disclosure requests for Fair Housing Conciliation Agreements. The motion passed unanimously. Members voting "Yes" were Bennett, Crouse, Howard, Lynch, Melton, Murphy, Northup, Reisinger and Roth.

New Business

A motion was made by Ms. Bennett and seconded by Mr. Reisinger to approve the December 12, 2018, Fair Housing Education Committee report. The motion unanimously. Members voting "Yes" were: Bennett, Crouse, Howard, Lynch, Melton, Murphy, Northup, Reisinger and Roth.

Tom Payne gave the Board a litigation update.

Board members Candice Bennett, John Crouse, Dean Lynch and Andrew Reisinger departed at 1:00 P.M.

Departure of Board **Members**

The Board recessed from 1:00 P.M. to 1:20 P.M.

Break

Board member training was provided by Liz Hayes. Dr. Tiffany Jana spoke to the Board members and staff on the subject of bias.

Board Member Training

Board members Myra Howard and Larry Murphy departed Departure of Board at 2:15 P.M.

Members

The Board adjourned at 2:18 A.M.

1.	Name: Andrew Reisinger
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: December 12, 2018 (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 o group, the members of which are affected by the transaction:
	 □ I am able to participate in this transaction fairly, objectively, and in the publi 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 Table

1.	Name: Myra Howard
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: December 12, 2018
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.
b ./	I do not have a personal interest in any transactions taken at this meeting.
•	Thystorical 2.12.18

1.	Name: Candice L. Bennett
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: December 12, 2018 (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.
	Signature $\frac{ 2 12 25 8}{Date}$

1.	Name: John H. Crouse
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: December 12, 2018 (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.
	Signature Date

1.	Name: Larry B. Murphy
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: December 12, 2018 (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. 1

1.	Name: Stephen A. Northup
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: December 12, 2018
5.	(Date) 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.
	Signature Date

1.	Name: Dean A. Lynch
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: December 12, 2018 (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 $\frac{12 2 8}{Date}$

1.	Name: Valerie L. T. Roth
	(Name of Board Member)
۷.	Title:Board Member
3.	Agency: Fair Housing Board
	(Name of Board)
4.	Meeting/IFF Date: December 12, 2018
	(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.
	1/1/W/X. O. HTC. 12/12/18
	Signature

1.	Name: Linda R. Melton
2.	(Name of Board Member) Title: Board Member
3.	Agency: Fair Housing Board (Name of Board)
4.	Meeting/IFF Date: December 12, 2018 (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.
	Signature Date