

FAIR HOUSING BOARD

TENTATIVE AGENDA

February 22, 2023- 10:00 a.m.

2nd Floor – Board Room 2

Department of Professional and Occupational Regulation

9960 Mayland Drive

Richmond, Virginia 23233

(804) 367-8526

I. CALL TO ORDER

II. ADMINISTRATIVE MATTERS

1. Approval of Agenda
2. Approval of Minutes:
 - A. December 7, 2022 - Fair Housing Board Meeting

III. PUBLIC COMMENT PERIOD **

IV. FAIR HOUSING REPORT

1. Fair Housing Administrator's Report

V. FAIR HOUSING CASES

1. Penny Warden v. Gilbert Real Estate, LLC
FHB File Number: 2021-02588
HUD File Number: 03-21-9006-8
2. Keisha Manning and Wilson Lodge v. Roanoke Owner 1 LLC and The Solomon Organization LLC
FHB File Number: 2021-02650
HUD File Number: 03-21-9061-8
3. Ashley Grube and Bryan Grube v. Intown Suites Virginia Beach LLC
FHB File Number: 2021-02865
HUD File Number: 03-21-8797-8
4. Jimmy Landrom Sr. and Stacia Landrom v. Navy Federal Credit Union, Victor Soares and Melissa Westerfield
FHB File Number: 2022-02755
HUD File Number: 03-22-1594-8
5. Alice Kyle v. Star View Management, Inc., Arellano Properties, LLC and Elizabeth Rector
FHB File Number: 2021-02651
HUD File Number: 03-21-9196-8

6. April Audiffred v. Justin Freeman, Bella Apartments, LLC and LC and WB, LLC
FHB File Number: 2022-01110
HUD File Number: N/A

7. Julie Murphy v. Preddy Gables, LLC and Fried Companies, Inc.
FHB File Number: 2022-01970
HUD File Number: 03-22-0857-8

8. Shuntra Muse and Mark Johnson v. Delores Laprad
FHB File Number.: 2022-02490
HUD File Number.: 03-22-1393-8

9. Trevor York and Sherwood Cofer II v. Carlos Wilson, JRK Property Holdings, Inc. and Heritage at Freemason Apartments Property Owner, LLC
FHB File Number: 2022-02625
HUD File Number: 03-22-1471-8
Appointment – Dr. Trevor York, complainant

10. Kisha Robinson v. Craig Mottley and Gilberton Mottley
FHB File Number: 2022-00138
HUD File Number: 03-21-9553-8

11. Tamika Thomas v. Foliang Chen and Shiping Peng
FHB File Number: 2022-00602
HUD File Number: 03-21-9432-8
{Referred to OAG for Official Consultation}

VI. ADMINISTRATIVE ISSUES

- Litigation update

VII. OLD BUSINESS

VIII. NEW BUSINESS

- Board financial statement

IX. ADJOURNMENT

NEXT MEETING SCHEDULED FOR: JUNE 7, 2023

** 5-minute public comment, per person, on those items not included on the agenda with the exception of any open disciplinary files. No other public comment will be accepted by the Board during the meeting. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the Department at (804) 367-8552 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 Act.

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

December 7, 2022

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:

Dean Lynch
Candice L. Bennett
Colin Arnold
Amanda Buyalos
Scott Astrada
Stuart 'Gray' Gilchrist
Morton 'Tracy' Marks, III (arrived at 10:06 a.m.)
Owen R. Morgan

Board member absent from the meeting: Myra Howard, Chair
Larry Murphy, Vice-Chair
Amanda Pohl

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

Demetrios Melis, Director
Tom Payne, Deputy Director
Christine Martine, Executive Director
Liz Hayes, Fair Housing Administrator
Deanda Shelton, Assistant Fair Housing Administrator
Emily Trent, Administrative Coordinator
Angela Keefe-Thomas, Fair Housing Investigator
Loraine Schroeder, Fair Housing Investigator

Todd Shockley, Assistant Attorney General, with the Office of the Attorney General was present.

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

Call to Order

Board member Tracy Marks arrived at 10:06 A.M.

Arrival of Board Member

A motion was made by Ms. Bennett and seconded by Ms. Buyalos to approve the Agenda. The motion passed

Agenda

unanimously. Members voting "Yes" were: Arnold, Astrada, Bennett, Buyalos, Gilchrist, Lynch, Marks and Morgan.

A motion was made by Ms. Bennett and seconded by Mr. Marks to approve the August 31, 2022, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Arnold, Astrada, Bennett, Buyalos, Gilchrist, Lynch, Marks and Morgan.

There was no public comment.

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

In the matter of **FHB File Number 2021-02778, Monique Fleming v. Allegiance Realty Partners, LLC, c/o Re/Max Allegiance and Robert C. and Anne R. McDonough**, the case was directed to the Real Estate Board.

In the matter of **FHB File Number 2022-01183, Dr. Deborah A. Hutchins v. David Hudson, Keith and Janise Morgan and Bull Run Country Club Estates**, the case was withdrawn.

In the matter of **FHB File Number 2022-00040, Mark Miller v. Humphrey Management, LLC, Nora Shaffer and New Market Associates, LP**, 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. Arnold to find no reasonable cause that the respondents discriminated against the complainant by offering discriminatory terms and conditions, otherwise deny or make housing unavailable, or intimidated, harassed or coerced him based upon his sex or sexual orientation. The motion passed unanimously. Members voting "Yes" were: Arnold, Astrada, Bennett, Buyalos, Gilchrist, Lynch, Marks and Morgan.

In the matter of **FHB File Number 2021-01445, David Parker v. Shashtrui Maharaj, LLC, Bahavesh Patel and**

Minutes

Public Comment

**Fair Housing
Administrator's Report**

**FHB File Number 2021-
02778, Monique Fleming
v. Allegiance Realty
Partners, LLC, c/o
Re/Max Allegiance and
Robert C. and Anne R.
McDonough**

**FHB File Number 2022-
01183, Dr. Deborah A.
Hutchins v. David
Hudson, Keith and Janise
Morgan and Bull Run
Country Club Estates**

**FHB File Number 2022-
00040, Mark Miller v.
Humphrey Management,
LLC, Nora Shaffer and
New Market Associates,
LP**

**FHB File Number 2021-
01445, David Parker v.**

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Materials submitted in this agenda are proposed for discussion and are not to be construed as an offer for official Board position.

Paul Patel, 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. Gilchrist to find no reasonable cause that the respondents discriminated against the complainant by offering discriminatory terms and conditions or failing to provide a reasonable accommodation based upon disability. The motion passed unanimously. Members voting "Yes" were: Arnold, Astrada, Bennett, Buyalos, Gilchrist, Lynch, Marks and Morgan.

**Shashtrui Maharaj, LLC,
Bahavesh Patel and Paul
Patel**

In the matter of **FHB File Number 2021-02465, Aneisha Pitt v. Abberly CenterPointe LLC and HHHunt Corporation**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. A motion was made by Mr. Arnold and seconded by Mr. Astrada to find no reasonable cause that the respondents discriminated against the complainant by otherwise making housing unavailable or by imposing discriminatory terms and conditions based upon race. The motion passed unanimously. Members voting "Yes" were: Arnold, Astrada, Bennett, Gilchrist, Lynch, Marks and Morgan.

**FHB File Number 2021-
02465, Aneisha Pitt v.
Abberly CenterPointe
LLC and HHHunt
Corporation**

Ms. Buyalos abstained from voting or discussion in the matter due to possible conflict of interest.

In the matter of **FHB File Number 2022-00367, Tanya Breeden v. Jane Gable Properties, LLC, Bradley J. Gable & John Lamorte Trust, Hamilton Management, LLC and Michell Price**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Supplemental Final Investigative Report. A motion was made by Ms. Buyalos and seconded by Mr. Arnold to find no reasonable cause that the respondents discriminated against the complainant by otherwise making housing unavailable, by imposing discriminatory terms and conditions, failure to make a reasonable accommodation, or retaliation based upon disability. The motion passed unanimously. Members voting "Yes" were: Arnold, Astrada, Bennett, Buyalos, Gilchrist, Lynch, Marks and Morgan.

**FHB File Number 2022-
00367, Tanya Breeden v.
Jane Gable Properties,
LLC, Bradley J. Gable &
John Lamorte Trust,
Hamilton Management,
LLC and Michell Price**

In the matter of **FHB File Number 2022-01028, Keisha Johnson on behalf of minor child J.A. v. Richmond Redevelopment & Housing Authority**, the Board reviewed

**FHB File Number 2022-
01028, Keisha Johnson on
behalf of minor child J.A.**

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the record which consisted of the Final Investigative Report, and Case Analysis. Susan Childers North, attorney for the respondent, submitted a written statement which was read to the Board by Investigator Schroeder. A motion was made by Ms. Bennett and seconded by Mr. Arnold to find no reasonable cause that the respondents discriminated against the complainant by imposing discriminatory terms and conditions or by failing to make a reasonable accommodation based upon the complainant's minor child's disability. The motion passed unanimously. Members voting "Yes" were: Arnold, Astrada, Bennett, Buyalos, Gilchrist, Lynch, Marks and Morgan.

**v. Richmond
Redevelopment &
Housing Authority**

In the matter of **FHB File Number 2021-00355, Angela and Damien Smith v. Regina Turner**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis and Official Consultation Memorandum from the Office of the Attorney General. Angela Smith, complainant, was present and addressed the Board.

**FHB File Number 2021-
00355, Angela and
Damien Smith v. Regina
Turner**

At 10:30 A.M., Mr. Marks offered a motion which was seconded by Mr. Gilchrist, 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, Demetrios Melis and Todd Shockley.

Closed Session

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

9. FHB File Number 2021-00355, Angela and Damien Smith vs. Regina Turner

At 10:33 A.M., a motion was made by Mr. Marks and seconded by Mr. Arnold that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

DRAFT AGENDA
Materials submitted in this agenda are for informational purposes only and do not constitute a final decision. This document is not to be construed as regulation or official Board position.

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: Arnold, Astrada, Bennett, Buyalos, Gilchrist, Lynch, Marks and Morgan.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Howard, Murphy and Pohl.

In the matter of **FHB File Number 2021-00355, Angela and Damien Smith v. Regina Turner**, a motion was made by Ms. Bennett and seconded by Mr. Marks to find reasonable cause the respondent discriminated against the complainants by refusing to rent on basis of race; discriminating in terms, conditions or privileges of a rental on basis of race; and making discriminatory statements about the complainants on the basis of their race. The motion passed unanimously. Members voting "Yes" were: Arnold, Astrada, Bennett, Buyalos, Gilchrist, Lynch, Marks and Morgan.

FHB File Number 2021-00355, Angela and Damien Smith v. Regina Turner

In the matter of **FHB File Number 2022-01476, William Walker and Chanelle Walker v. Hugh T. Antrium, Esq., Administrator for the Real Estate of Teresa Vatter**, a motion was made by Ms. Buyalos and seconded by Ms. Bennett to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously.

FHB File Number 2022-01476, William Walker and Chanelle Walker v. Hugh T. Antrium, Esq., Administrator for the Real Estate of Teresa

Members voting "Yes" were: Arnold, Astrada, Bennett, **Vatter**, Buyalos, Gilchrist, Lynch, Marks and Morgan.

In the matter of **FHB File Number 2022-02050, Akia Johnson v. Kaitlin Shelton, Andrews Avenue Residential LLC and BPP Deer Run, LLC**, a motion was made by Ms. Buyalos and seconded by Ms. Bennett to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Arnold, Astrada, Bennett, Buyalos, Gilchrist, Lynch, Marks and Morgan.

FHB File Number 2022-02050, Akia Johnson v. Kaitlin Shelton, Andrews Avenue Residential LLC and BPP Deer Run, LLC

In the matter of **FHB File Number 2021-00480, Joseph and Laura Timberlake v. Longhill Woods Community Company**, the Board reviewed the record which consisted of the Final Investigative Report, and Case Analysis. Joseph Timberlake, respondent, was called by staff at the telephone number provided with no answer. Laura Timberlake, complainant, addressed the Board via teleconference. Mrs. Timberlake was granted additional time to address the Board on behalf of Mr. Timberlake. A motion was made by Ms. Bennett and seconded by Ms. Buyalos to find no reasonable cause that the respondent discriminated against the complainants by imposing discriminatory terms and conditions based upon the complainants' race and national origin or by retaliating against the complainants based on the complaints' engagement in a protected activity. The motion passed unanimously. Members voting "Yes" were: Arnold, Astrada, Bennett, Buyalos, Gilchrist, Lynch, Marks and Morgan.

FHB File Number 2021-00480, Joseph and Laura Timberlake v. Longhill Woods Community Company

Mr. Shockley provided the Board with the litigation update.

Litigation Summary

At 11:00 A.M., Ms. Buyalos offered a motion which was seconded by Mr. Morgan, 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, Todd Shockley, Liz Hayes and Demetrios Melis.

Closed Session

This motion is made with respect to the matter(s) identified

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as agenda item(s):

Litigation update – FHB File No. 2020-01430 – Mary McNeal vs. Gates Hudson Community Management LLC and Greenwich Hill Homeowner’s Association and FHB File No. 2020-01431 – Linda Artson vs. Gates Hudson Community Management LLC and Greenwich Hill Homeowner’s Association

At 11:19 A.M., a motion was made by Ms. Bennett and seconded by Mr. Marks that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and **Certification**

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member’s knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 8-0

AYES: Arnold, Astrada, Bennett, Buyalos, Gilchrist, Lynch, Marks and Morgan.

NAYS: None.

ABSENT DURING THE VOTE: None.

ABSENT DURING THE MEETING: Howard, Murphy and Pohl.

The Board reviewed the Board financial statements. No **New Business**

action was taken by the Board.

The Board reviewed the 2023 Board meeting dates. No action was taken by the Board.

The Board adjourned at 11:23 A.M.

Myra Howard, Chair

Demetrios J. Melis, Secretary

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Materials contained in this agenda
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**Department of Professional and Occupational Regulation
Statement of Financial Activity**

**Fair Housing Board
954630**

2022-2024 Biennium

December 2022

	December 2022 Activity	Biennium-to-Date Comparison	
		July 2020 - December 2020	July 2022 - December 2022
Cash/Revenue Balance Brought Forward			949,415
Revenues	2,300	15,580	14,850
Cumulative Revenues			964,265
Cost Categories:			
Board Expenditures	1,146	3,459	4,999
Board Administration	0	0	0
Administration of Exams	0	0	0
Enforcement	132,402	222,473	170,089
Legal Services	0	52,536	35,757
Information Systems	0	0	0
Facilities and Support Services	57	367	277
Agency Administration	0	0	0
Other / Transfers	0	0	0
Total Expenses	133,604	278,834	211,122
Transfer To/(From) Cash Reserves	0	0	(111,235)
Ending Cash/Revenue Balance			864,377

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	2,002
Previous Biennium-to-Date	2,296

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