

## WilmerHale Wins Victory for Pro Bono Client: Home-Based Business Permit Awarded

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WilmerHale attorneys won an important victory for their client, Howard Daniel, when, under threat of a lawsuit alleging discrimination on the basis of sexual orientation, the Manassas City Council reversed its decision to deny Daniel a special use permit to operate a home-based business.

Mr. Daniel is a Virginia Board of Nursing-certified massage therapist, and has resided with his partner for 10 years in the City of Manassas. Daniel practices massage therapy part time in clients' homes and at a local hospital. To better serve his clients, he wanted to give them the option of use his home for sessions. This required him obtain a special use permit from the City.

Daniel had strong support from his immediate neighbors for his application, and the City's Department of Community Development and Planning Commission approved his application as well. His proposal, however, drew strong, organized opposition from certain Manassas residents outside his neighborhood, opposition that Daniel believed to be motivated by his sexual orientation. On October 23, 2006, the City Council rejected his application on a vote of 4-3.

WilmerHale attorneys began their representation of Daniel shortly before the October 23 Council meeting. They issued Virginia FOIA requests, conducted interviews with potential witnesses, and developed a strong case that Daniel was the victim of unlawful discrimination. The attorneys also discovered that one council member that voted against Daniel's application had a conflict of interest that should have disqualified him from voting at the October 23 meeting.

Soon after the attorneys presented this evidence in the form of a draft complaint to City representatives, the Council reversed course. At its February 12, 2007 meeting, the Council suspended its rules, and reconsidered the October 23 vote. The conflicted council member recused himself, and the Council voted in favor of granting Daniel's special use permit 4-1.

The WilmerHale team consisted of William Kolasky, [Steven Cherry](#), David Olsky, [Perry Lange](#) and Kevin Stemp.