

Minutes of the Fairfax County Consumer Protection Commission

January 19, 2016

7:30 PM Conference 4/5
Government Center
12000 Government Center Pkwy.
Fairfax, Virginia 22035
Chairman Fee, presiding

Attendance:

Commissioners: Belkowitz, Fee, Hargraves,
Hine, Kirk, Nguyen, Roark, Rosier, Roth

Absent:

Commissioners: Callender, Kazmi

Staff:

Michael S. Liberman, Director
Department of Cable and Consumer
Services
John W. Burton, Assistant County Attorney
Henri Stein-McCartney, Branch Chief
Regulation and Licensing Branch
Carl Newcomb, Consumer Specialist II
Regulation and Licensing Branch
Wil Slaughter, Consumer Specialist II
Consumer Affairs Branch
Heidi Baggett, AA IV
Consumer Affairs Branch

The meeting was called to order at 7:31 PM by Chairman Fee.

Minutes

The minutes of the November 17, 2015, meetings were approved.

Report of the Chairman

Chairman Fee stated former Springfield Board of Supervisor (BOS) Elaine McConnell passed away. She played a key role in establishing the Virginia Railway Express service.

Chairman Fee mentioned the Precious Metal and Gem/Pawn ordinance revision hearing was scheduled for February's meeting.

Report of the Director

Director Liberman stated the Board of Supervisor's Budget Committee began an overview of the Lines of Business (LOB) with presentations by Management and Budget in regard to revenue stream, Economic Development as well as a presentation by Land Development Services in Department of Public Works and Environmental Services. There will be a total of 13 meetings to be held on Tuesday and Fridays. On March 8, 2016, Director Liberman will give the DCCS

LOBs, which include four general fund and six cable fund lines of business. He invited the commissioners to attend the presentation.

Commission Matters

Commissioner Roth had no matters to bring before the commission.

Commissioner Hargraves had no matters to bring before the commission.

Commissioner Roark had no matters to bring before the commission.

Commissioner Kirk had no matters to bring before the commission.

Commissioner Rosier had no matters to bring before the commission.

Commissioner Belkowitz stated a friend who works with gems and precious metals knew nothing about the ordinance. He stated information on the ordinance needs to be promoted.

Commissioner Hine had no matters to bring before the commission.

Commissioner Nguyen mentioned a friend asked about payday loans. He will contact staff when he has more information.

Old Business

There was no old business.

New Business

1. Nomination and Election of Officers.

Commissioner Nguyen, as the designated member of the nominating committee, contacted all commissioners regarding a slate of candidates.

Commissioner Kirk made the motion to re-elect the slate of candidates:

John Fee- Chairman

Hung Nguyen- Vice Chairman

Dirck Hargraves- Secretary

Commissioner Roth seconded the motion. The vote was unanimous. The motion passed.

2. Hacker License Appeal – Getachew Amare. Chairman Fee reviewed the Appeal Hearing Procedures. Present: Appellant Getachew Amare

Mr. Amare spoke about his family, his work record, details of the driving record, convictions, and the request for a second chance.

Henri Stein-McCartney, Chief, Regulation and Licensing Branch (RALB), presented staff's position as required under Chapter 84.1 of the Fairfax County Code. When determining the issuance and denial of a hacker's license, staff follows Section 84.1-3-4(c.) Mr. Amare's driving records indicated he was convicted of Improper Driving in May 2015 and Improper Passing on

the Right in March 2015 and three additional moving violations in 2013, speeding, improper left turn, and wearing headphones.

A discussion followed on the details of the events, customer complaints, convictions, points on the driving record, passenger safety, and the denial process.

Chairman Fee made the motion to uphold staff's recommendation to deny the hacker's license. Commissioner Nguyen seconded the motion.

The motion was called. The vote was unanimous to deny Mr. Amare's hacker's license.

3. Hacker License Appeal – Eui Jin Kim. Chairman Fee reviewed the Appeal Hearing Procedures. Present: Appellant Eui Jin Kim and his attorney Andrew J. Kersey.

Mr. Kim spoke about his sincere regret for past mistakes, the clients who depend on him for services, letters of support from Fairfax County residents, and the financial need to support his family.

Mr. Kelsey, attorney for Mr. Kim stated he admits all wrongdoing, but would like the opportunity to rectify the situation, the riders who depend on him, the loyalty of his customers and employer, and how important this job is for Mr. Kim and his family.

Henri Stein-McCartney, Chief, Regulation and Licensing Branch, presented staff's position as required under Chapter 84.1 of the Fairfax County Code. When determining the issuance and denial of a hacker's license, staff follows Section 84.1-3-4(c.) Mr. Kim was convicted of numerous moving violations in 2015, 2014, 2013, and drinking alcohol while driving in 2011.

A discussion ensued about when a temporary hacker's license is given, ordinance questions in regard to a temporary hacker's license, state and county codes, concern over different types of driving records, and details of the convictions.

Chairman Fee made the motion to uphold staff's recommendation to deny Mr. Kim's hacker's license. Commissioner Nguyen seconded the motion.

The motion was called. Four commissioners voted in favor of denying the hacker's license and five commissioner opposed. The motion failed.

A brief discussion on the clarification of the original motion.

Commissioner Belkowitz made the motion to overturn staff's recommendation to deny Mr. Kim's hacker's license. Commissioner Hargraves seconded the motion.

The motion was called. Five commissioners voted in favor of overturning staff recommendation and four voted against. The motion passed. Mr. Kim will obtain his hacker's license.

The meeting ended at 10:15 PM.