

## **Minutes of the Fairfax County Consumer Protection Commission**

May 17, 2016

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

Attendance:

Commissioners: Belkowitz, Callender, Fee,  
Gulakowski, Hine, Roark, Rosier, Woodruff

Absent:

Commissioners: Hargraves, Kazmi, Kirk, Roth

Staff:

Michael S. Liberman, Director  
Cable and Consumer Services  
John W. Burton, Assistant County Attorney  
Susan C. Jones, Branch Chief,  
Consumer Affairs  
Henri Stein McCartney, Chief  
Regulations and Licensing Branch  
Rebecca Makely, Fiscal Manager  
Mail and Administrative Services  
Carl Newcomb, Consumer Specialist II  
Regulations and Licensing Branch  
Michael Nickolas, Detective  
Fairfax County Police Department

Guests:

Boy Scout Troop 872

The meeting was called to order at 7:30 PM by Chairman Fee.

### **Minutes**

The amended minutes of the April 19, 2016, meeting were approved.

### **Report of the Chairman**

Chairman Fee submitted information on door-to-door solicitors to his community email website.

### **Report of the Director**

Director Liberman stated the advertised budget for FY 2017 was approved by Board of Supervisors (BOS) and will go into effect on July 1, 2016. BOS is considering a meal tax referendum.

### **Commission Matters**

Commissioner Nguyen spoke about a Fairfax County resident being robbed in her home and all the jewelry was taken. A report was made by the police.

Commissioner Hine had no matters to bring before the commission.

Commissioner Gulakowski had no matters to bring before the commission.

Commissioner Belkowitz had no matters to bring before the commission.

Commissioner Woodruff had no matters to bring before the commission.

Commissioner Rosier mentioned an article on Fairfax County receiving the highest bond rating on two different bonds. In addition, Commissioner Rosier received information on low hanging utility lines off of Jansen Drive in Springfield. Staff will get information to Cable Inspection Branch.

Commissioner Callender had no matters to bring before the commission.

Commissioner Roark had no matters to bring before the commission.

### **Old Business**

There was no old business to discuss.

### **New Business**

- 1. Precious Metal and Gem/Pawn Ordinance Revision Public Hearing:** Chairman Fee read the statement of Commission responsibility under the ordinance:

*All hearings or other public proceedings conducted by the Commission shall be conducted in an informal manner. The Commission shall have the discretion to admit all evidence which may be of probative value even if that evidence is not in accord with formal rules of legal practice and procedure. Applicants and appellants may appear, either by personal appearance, legal counsel, or other representation, to present argument and evidence on their behalf. In addition, the Commission may establish rules of procedure for the conduct of hearings which are consistent with law. Any interested party may record all public proceedings of any hearing in any manner which will not impede the orderly conduct of the hearing.*

Henri Stein McCartney, Chief, Regulations and Licensing Branch, provided staff report on the proposed revisions in Chapter 33 of Fairfax County Code. There are currently 42 precious metal and gem dealers who are permitted by Fairfax County to purchase metal and gems from the public. By law, employees of the dealer's business may also purchase items on behalf of the dealer. Fairfax County limits the number of pawn permits available for issuance to twelve. There are nine pawnbrokers currently permitted by Fairfax County.

Eric Rizer, Royal Pawn, expressed concerns over Section 33-1-6(7) of Chapter 33 photographing each individual piece brought into his store and the difficulty of capturing inscriptions or engravings. He stated each piece is clearly marked on the form, but the cost of taking individual photographs, providing digital storage for 24 months would be costly. He said taking pictures of group items would be reasonable. He did not have any concerns with the rest of the revised changes.

Jerry Bouchard, Tyson's Watch and Jewelry Exchange also expressed concerns over taking quality pictures of serial numbers and engravings. He did not have issue with the rest of the revised changes.

Alexander Rizer, Royal Pawn, spoke about researching with several companies about the digital imaging and off site storage capabilities and extreme cost involved. He did agree taking a group picture of items brought into the store was a more reasonable solution to the code.

TJ Shea, Penny Pincher Coins expressed concerns over the individual photograph, but was accepting of all other revisions.

Chairman Fee made the motion to accept staff recommendation to update Chapter 33 of Fairfax County Code pertaining to the regulation of precious metals and gem dealers and pawnbrokers. Commissioner Nguyen seconded the motion.

A discussion ensued on feasibility of taking individual photographs, time factor affecting customers, and Fairfax County Police current system used for pawn shops.

Commissioner Nguyen made the motion to amend Section 33-1-6 (7) to Digital images of the Precious Metals or Gems purchased by the dealer. Such digital images shall show the items of Precious Metal or Gems. Commissioner Hine seconded the motion.

Eight commissioners voted in favor of the amendment to Section 33-1-6(7). One commissioner abstained. Motion passed.

Chairman Fee made the motion to accept all the revisions to Chapter 33 as amended. Commissioner Nguyen seconded the motion. Eight commissioners voted in favor and one commissioner abstained. Motion passed.

Public Hearing ended at 8:57 p.m.

**2. Hacker License Appeal- Abdurrahman Abusam.** Chairman Fee reviewed the Appeal Hearing Procedures. Present Abdurrahman Abusam.

Mr. Abusam spoke about his driving record, the arrest by police, the deferred sentencing until July 2017, and the participation in anger management class. Mr. Abusam stated the judge did not find him guilty and he had no jail time or fine. Mr. Abusam stated he had no complaints from the taxicab company or from passengers.

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. Abusam's criminal history report shows he was convicted of misdemeanor assault in Fairfax County General District Court in July 2015.

A discussion ensued about the wait period to reapply, no witnesses to support the applicant, staff's denial on similar charges, family situation, lack of responsibility, application acknowledging the conviction, deferred sentencing, appeal to circuit court, and lack of previous violent history.

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

The motion was called. Three commissioners voted in favor of denying the hacker's license and six commissioners opposed. The motion failed.

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

Five commissioners voted in favor of reinstating Mr. Abusam's hacker's license. Three commissioners against, and one commissioner abstained. Motion passed.

The meeting ended at 9:54 PM.

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