

Minutes of the Fairfax County Consumer Protection Commission

October 20, 2015

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

Attendance:

Commissioners: Belkowitz, Callender, Fee,
Hine, Nguyen, Roark, Roth

Absent:

Commissioners: Hargraves, Kazmi, Kirk,
Rosier

Staff:

Michael S. Liberman, Director
Department of Cable and Consumer
Services
John W. Burton, Assistant County Attorney
Susan Hafeli, Senior Utility Analyst,
Public Utility Branch
Susan C. Jones, Branch Chief
Consumer Affairs Branch
Henri Stein-McCartney, Branch Chief
Regulation and Licensing Branch
Carl Newcomb, Consumer Specialist II
Regulation and Licensing Branch

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

Minutes

The minutes of the July 21, 2015, and September 15, 2015, meetings were approved.

Report of the Chairman

Chairman Fee introduced the newest appointment to the CPC, Adam Samuel Roth.

Report of the Director

Director Liberman stated DCCS submitted the lines of business documents for review by the Board of Supervisors (BOS.)

Commission Matters

Commissioner Nguyen mentioned he attended the September 22, 2015, BOS meeting for the approval of the CPC Bylaws. In addition, Commissioner Nguyen spoke about an issue brought to his attention about a management company and snow removal charges for services never performed. Staff referred him to the Common Interest Community Board.

Commissioner Hine had no matters to bring before the commission.

Commissioner Roth had no matters to bring before the commission.

Commissioner Callender had no matters to bring before the commission.

Commissioner Belkowitz had no matters to bring before the commission.

Commissioner Roark had no matters to bring before the commission.

Old Business

2015 Taxicab Rate Review Staff Recommendation. Susan Hafeli, Senior Utility Analyst presented the staff recommendation of no change in rates in 2015 and keeping the initial drop fee at \$3.50 and per-mile charge at \$2.16. The presentation included information about the taxicab industry in Fairfax County, taxicab annual rate review, price index, weighted changes, evaluation factors, gasoline price trends, driver licensing, regional regulated rate comparison, competition from TNCs, and other considerations.

Chairman Fee made the motion to accept staff's recommendation for no change in taxicab rates in 2015. Under the staff recommendation the initial drop fee charge would remain at \$3.50 and the per-mile charge would remain at \$2.16 per mile, or \$.36 per each one-sixth mile.

Commissioners Nguyen and Hines seconded the motion. The motion passed unanimously.

New Business

1. CPC Bylaws Approved by the BOS. Director Michael Liberman informed the commission that the CPC Bylaws were approved with one recommended change of "may" to "shall" in Article IV. Meetings Notification of Absence.

2. Hacker License Appeal. Chairman Fee reviewed the Appeal Hearing Procedures.

Present: Appellant Ahmed Fofanah

Mr. Fofanah 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, 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.) The DMV driving record shows Mr. Fofanah was convicted of Reckless Driving in Fairfax County General District Court in May 2013, Operation of Handheld Telephone While Operating a Motor Vehicle in Prince George's County General District Court on September 2014, and Improper Driving in Falls Church General District Court on March 2015.

A discussion followed on the details of the events, failure of the applicant to properly mark the application about his driving record, period of time violations are reviewed, current violation occurred while appellant was on duty with passengers in the vehicle, appellant received hacker license in 2014 even with the first offense and appellant committed other violations in 2015, pattern of offenses, excessive speed, and safety issues.

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

A discussion ensued on excessive speed, safety issues, improper application, obtaining a hacker license and continuing to receive driving violations, and pattern of violations.

The motion was called. Six commissioners voted in favor of denying the hacker's license and one commissioner abstained. The motion passed.

The meeting ended at 8:37 PM.