

Minutes of the Fairfax County Consumer Protection Commission

December 20, 2022

7:30 PM

Government Center Conference Room 232

12000 Government Center Parkway

Fairfax, VA 22035

Vice Chairperson Fee, presiding

Attendance:

Commissioners: Belkowitz, Fee, Freedenthal,
Gulakowski, Kratovil, Springer, Svab

Remote Attendance:

Commissioners: Hargraves, Kharat, Kirk, Rosier

Absent:

Commissioners: O'Savio, Roark

Public Attendance:

Kyle Summers, Chief Operating Officer
Old Dominion Transportation Group, Inc.

Staff:

Rebecca L. Makely, Director
Cable and Consumer Services
Susan C. Jones, Consumer Specialist III
Consumer Affairs Branch
Carl Newcomb, Consumer Specialist III
Regulation and Licensing Branch
John W. Burton, Assistant County Attorney
Office of the County Attorney

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

Chairperson Fee notified the Commission that Commissioners Kirk, Rosier, Kharat, and Hargraves requested to participate in the meeting remotely.

Vice Chairperson Gulakowski made the motion to approve Chairperson Fee's decision to approve Commissioner Kirk's request to participate from a remote location in conformance with the Consumer Protection Commission's Remote Participation Policy. Commissioner Freedenthal seconded the motion. The motion was approved, 7-0-0.

Chairperson Fee made the motion that Commissioner Kirk's voice can be heard by all persons at the primary meeting location. Vice Chairperson Gulakowski seconded the motion. The motion was approved, 7-0-0. Commissioner Kirk participated remotely from Falls Church, Virginia due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance.

Vice Chairperson Gulakowski made the motion to approve Chairperson Fee's decision to approve Commissioner Rosier's request to participate from a remote location in conformance with the Consumer Protection Commission's Remote Participation Policy. Commissioners Freedenthal and Belkowitz seconded the motion. The motion was approved, 7-0-0.

Chairperson Fee made the motion that Commissioner Rosier's voice can be heard by all persons at the primary meeting location. Vice Chairperson Gulakowski seconded the motion. The motion was approved, 7-0-0. Commissioner Rosier participated remotely due to a personal matter involving an out-of-town trip. This is Commissioner Rosier first remote participation due to a personal matter.

Vice Chairperson Gulakowski made the motion to approve Chairperson Fee's decision to approve Commissioner Kharat's request to participate from a remote location in conformance with the Consumer Protection Commission's Remote Participation Policy. Commissioner Freedenthal seconded the motion. The motion was approved, 7-0-0.

Chairperson Fee made the motion that Commissioner Kharat's voice can be heard by all persons at the primary meeting location. Vice Chairperson Gulakowski seconded the motion. The motion was approved, 7-0-0. Commissioner Kharat participated remotely from Herndon, Virginia due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance.

Vice Chairperson Gulakowski made the motion to approve Chairperson Fee's decision to approve Commissioner Hargraves' request to participate from a remote location in conformance with the Consumer Protection Commission's Remote Participation Policy. Commissioner Freedenthal seconded the motion. The motion was approved, 7-0-0.

Chairperson Fee made the motion that Commissioner Hargraves' voice can be heard by all persons at the primary meeting location. Vice Chairperson Gulakowski seconded the motion. The motion was approved, 7-0-0. Commissioner Hargraves participated remotely from Kingstown, Virginia due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance.

Minutes

The minutes for the November 15, 2022, meetings were approved without objection.

Report of the Chairperson

Chairperson Fee had no matters to bring before the Commission.

Report of the Director

Director Rebecca Makely emailed the Commission a link to the Regional Analysis of Impediments on behalf of the County Executive.

Commissioner Matters

Commissioner Gulakowski had no matters to bring before the Commission, and wished everyone a happy holiday season.

Commissioner Freedenthal had no matters to bring before the Commission, and wished everyone a happy holiday season.

Commissioner Springer had no matters to bring before the Commission.

Commissioner Kratovil shared an analysis on identity theft trends in Fairfax County by zip code. He showed the rates of applications for financial products that are linked to identity theft. The top five zip codes with the highest concentration are 22034, 22039, 20124, 20120, and 22101.

A discussion ensued on fraud, credit freezes, and notifying credit cards and banks when traveling.

Commissioner Belkowitz had no matters to bring before the Commission, but echoed the information on identity theft.

Commissioner Svab had no matters to bring before the Commission.

Commissioner Rosier had no matters to bring before the Commission.

Commissioner Kirk had no matters to bring before the Commission.

Commissioner Hargraves had no matters to bring before the Commission, but echoed the need to alert credit companies when traveling.

Commissioner Kharat had no matters to bring before the Commission.

Chairperson Fee had no matters to bring before the Commission.

Old Business

Vice Chairperson Gulakowski, Nominating Committee, reported the following slate of candidates:

Chairperson - Commissioner Jason Kratovil
Vice Chairperson - Commissioner Denis Gulakowski
Secretary – Commissioner Jacqueline Rosier

There were no nominations from the floor. Election of the slate of candidates will occur at the February 2023 meeting.

New Business

1. Public Hearing on Proposed Amendments to Fairfax County Code Section 84.1-8-3, Vehicle Requirements. Chairman Fee read the following statement of Commission Responsibility.

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

Director Rebecca Makely presented the staff analysis and recommendation which included changes to the vehicle requirements, taxicab certificates, taxicab vehicle cost, comparison of taxicab rates in local jurisdictions, timeline of events, and staff recommendations.

A discussion ensued on the vehicle safety requirements

Kyle Summers, Chief Operating Officer, Old Dominion Transportation Group, Inc. thanked staff for their work on this issue and shared the impact the pandemic had on the taxicab industry. Mr. Summers spoke of future purchases of electric vehicles.

Staff recommends approval of the proposed amendments.

Chairperson Fee moved that the Consumer Protection Commission recommend the Board of Supervisors approve the Proposed Amendments to Fairfax County Code Section 84.1-8-3, Vehicle Requirements. Commissioner Gulakowski seconded the motion. The motion passed unanimously, 11-0-0.

2. Chapter 28.1. Director Makely reviewed a redline draft of Chapter 28.1 that incorporated recommendations by Commissioner Freedenthal. Staff again highlighted areas that the Commission had previously discussed but had not made formal recommendations. Director Makely will send an updated version that will include the accepted recommendations by Commissioner Freedenthal after the meeting.

A discussion ensued on licensing requirements, formatting changes, defining of erogenous areas, penalizing massage therapists, inspections, permit displays, verbiage updates, may versus shall, and timeline of the appeal.

Director Makely will email the Commission the latest draft for discussion at the next meeting.

Chairperson Fee made the motion to adjourn the meeting. Commissioner Gulakowski seconded the motion. The motion passed unanimously, 11-0-0.

The meeting adjourned at 9:12 PM.