

Minutes of the Fairfax County Consumer Protection Commission

May 16, 2023

7:30 PM
Government Center
12000 Government Center Parkway
Fairfax, VA 22035
Chairperson Kratovil, presiding

Attendance:

Commissioners: Belkowitz, Gulakowski,
Freedenthal, Hargraves, Kirk, Kharat, Kratovil,
Roark, Rosier, Springer, Svab

Absent:

Commissioner: O'Savio

Staff:

Rebecca L. Makely, Director
Cable and Consumer Services
Susan C. Jones, Consumer Specialist III
Consumer Affairs Branch

Guests:

Sarah M. Freedenthal

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

Minutes

Chairperson Kratovil made the motion to accept the minutes. Commissioner Gulakowski seconded the motion. The minutes for the March 21, 2023, meetings were approved unanimously, 9-0-0.

Report of the Director

Director Makely informed the Commission that the FY 2024 budget was approved on Tuesday, May 9, 2023, and will go into effect on July 1, 2023.

Chairperson Kratovil inquired how the Department of Cable and Consumer Services (DCCS) did in the budget process. Director Makely indicated DCCS went in fully funded until the Board of Supervisors (BOS) Budget Committee meeting on April 28, 2023. The Chief Financial Officer emailed department directors noting a gap between what the BOS wanted to fund and what was available of approximately 7 million dollars. Department budget reductions were based on current vacancy rates. DCCS's FY 2024 budget was reduced by approximately \$3,100. BOS mark-up budget reduced the real estate tax by two cents, fully funded compensation for employees, funded affordable housing, etc. Director Makely stated the FY 2025 budget will have targeted reductions and is expected to be a difficult year.

Commissioner Matters

Commissioner Springer had no matters to bring before the Commission.

Commissioner Belkowitz had no matters to bring before the Commission.

Commissioner Kirk mentioned a variety of issues occurring in his neighborhood, including solicitors and tax evaders.

Commissioner Freedenthal had no matters to bring before the Commission.

Commissioner Roark had no matters to bring before the Commission.

Commissioner Kharat had no matters to bring before the Commission.

Commissioner Gulakowski mentioned he had received a Jeopardy game show application.

Commissioner Rosier mentioned a motorized scooter was left in the Great Falls area. Staff informed Commission on what steps to take to address the removal of the shared mobility device.

Commissioner Svab had no matters to bring before the Commission.

Commissioner Hargraves mentioned the panhandling concerns in Fairfax County. Staff will provide information and resources on the issue.

Chairperson Kratovil mentioned his professional work on drafting definitions of fraud vs. scams.

Report of the Chairperson

Chairperson Kratovil spoke of the mission of the Consumer Protection Commission (CPC) and discussion of possible topics/interests for the rest of the year, challenging Commissioners to ask, “so what?”. Chairperson Kratovil gave the example of the presentation on Resilient Fairfax and CECAP and what is the nexus between that briefing and the CPC and what will the CPC do with that information as a Commission or individual Commissioner in the community.

1. Attendance Policy Review and RSVP Procedures

Chairperson Kratovil asked staff to review the current attendance policy and RSVP procedures. Director Makely stated the prior Chairperson requested staff to send the meeting agenda packet one week prior to the meeting. In both the email and the agenda cover memo, it requested Commissioners RSVP with their attendance by COB the day prior to the meeting date. The CPC currently has 12 filled positions, and seven Commissioners constitute a quorum. Additionally, a quorum is required at the physical meeting location for any remote participation.

A discussion ensued on the CPC Bylaws pertaining to missed meetings, notifying staff if not attending the meeting, calendar invite, quorum, action vs. information items, Robert’s Rules of Order, changing the quorum provision in the CPC Bylaws, and serving refreshments.

Chairperson Kratovil mentioned for the Commission to consider the possibility of shifting the location of the meetings for attendance purposes and to reach consumers from different parts of the County. A discussion ensued on locations for possible meetings, community interactions, exposure to parts of the County, push-back to stay within County, and facilities for ADA compliance. Chairperson Kratovil summarized the discussion on the attendance process and noted he did not hear a strong need to change and confirmed the CPC would continue to use the current process in place. He said it appears the Commission is willing to have a discussion later to talk about meeting locations.

Chairperson Kratovil introduced the process for removal and replacement of a Commissioner. He indicated Commissioner O'Savio has attended one meeting in the last year and failed to conform to the CPC Bylaw requirements.

Commissioner Kirk made the motion to recommend to the BOS to remove or replace Commissioner O'Savio from the Commission. Commissioner Hargraves seconded the motion. A discussion ensued on whether to contact Commissioner O'Savio by telephone, send email to notify Commissioner O'Savio of his recommended removal from the Commission; and/or direct staff to make the phone call. Director Makely read the CPC Bylaws Articles VI, Attendance and Participation and VII, Removal. The motion was called. The motion passed, 10-1-0.

Commissioner Hargraves made the motion to direct staff to contact Commissioner O'Savio one time by telephone and to leave a voice message if not answered to notify him of the motion from the Commission to recommend to the BOS to remove or replace him. Commissioner Rosier seconded the motion. The motion failed, 2-9-0.

2. Formatting a long-term agenda and driving relevancy.

Chairperson Kratovil spoke about planning the agenda and how we operate the business of the Commission moving forward. Chairperson Kratovil, in the May 2023 CPC agenda packet, laid out his views, goals, and objectives that he hopes the Commission can achieve. Chairperson Kratovil spoke on how the Commission conducts business on significant projects. He gave the example of Chapter 28.1. He felt if a special subcommittee had been assigned to manage that process and then report to the full Commission monthly, the process would have taken less time and recommendations would have been made to the BOS.

Chairperson Kratovil outlined some proposed areas of focus that he believes the Commission should consider establishing subcommittees.

- i. **Public/Community Engagement.** The Commission should be more engaged and take the opportunity and encouragement to be out in the community, supporting staff on all the programs they provide, and developing initiatives for the Commission and its members.
- ii. **Budget and Marketing.** A Subcommittee would look at how the County is promoting consumer issues and helping staff with promoting outreach efforts.
- iii. **Data Review.** Looking at consumer complaints and understanding and tracking what the trends are and what that means for the CPC and the County priorities moving forward.
- iv. **Policy/code review.** Considering possible changes to codes within CPC purview.

Chairperson Kratovil stated Director Makely, through the Office of the County Attorney, was able to provide clarification regarding the Virginia Freedom of Information Act (VFOIA) requirements. Chairperson Kratovil stated if the Commission put strict guidelines around the Subcommittee content and ensured no one spoke or provided advice or discussed approval, revocation, or suspension of licenses, the Commission may conduct committee meetings virtually.

A discussion ensued on previous subcommittees in the past, whether the focus is on an ad hoc committee when issues arise or is each Commissioner assigned to a committee, four Commissioners must be on a standing or special subcommittee, possible change to the CPC Bylaws, and attending outreach events with staff. Chairperson Kratovil requested feedback from Commissioners about the views, goals, and objectives proposed and will discuss at the next Commission meeting.

Old Business

There was no old business before the Commission.

New Business

There was no new business before the Commission.

Commissioner Hargraves made the motion to adjourn. Commissioner Gulakowski seconded the motion. The motion passed, 10-0-0 and the meeting adjourned at 9:16 PM.