

Minutes of the Fairfax County Consumer Protection Commission

August 1, 2023

7:30 PM

Government Center
12000 Government Center Parkway
Fairfax, VA 22035
Chairperson Kratovil, presiding

Attendance:

Commissioners: Belkowitz, Freedenthal,
Hargraves, Kharat, Kratovil, Roark, Springer,
Svab

Remote Attendance:

Commissioner: Rosier

Absent:

Commissioner: Gulakowski, Kirk, O'Savio,

Staff:

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

Guest:

Eva Velasquez, CEO
Identity Theft Resource Center

The meeting was called to order at 7:33 PM by Chairperson Kratovil.

Chairperson Kratovil notified the Commission that Commissioner Rosier requested to participate in the meeting remotely.

Commissioner Springer made the motion to approve that Chairperson Kratovil's decision to approve Commissioner Rosier's request to participate from a remote location was in conformance with the Consumer Protection Commission's Remote Participation Policy. Commissioner Hargraves seconded the motion. The motion was approved, 8-0-0.

Chairperson Kratovil made the motion that Commissioner Rosier's voice can be heard by all persons at the primary meeting location. Commissioner Hargraves seconded the motion. The motion was approved, 8-0-0. Commissioner Rosier participated remotely from Great Falls, Virginia due a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance.

Minutes

The minutes for the June 20, 2023, meeting were adopted unanimously, 9-0-0.

Chairperson Kratovil officially cancelled the August 15, 2023, Consumer Protection Commission (CPC) meeting.

Report of the Director

Director Makely had the following information to share with the Commission.

1. The request for a Panhandling presentation at the July CPC meeting. The request went through several departments. Fairfax County Department of Neighborhood and Community Services (DNCS) planned to present, but during the week before the meeting reviewed the request and

decided not to present since DNCS provides services to people but were not a part of the panhandling issue. Staff went to the Fairfax County Police Department who also indicated they do not do presentations and directed staff to the County website on Panhandling. The County recently launched a NewsCenter piece on updated information on Panhandling which was emailed to the Commission last week. Director Makely stated she will recirculate an email sent to the Commission in May 2023, which has the most recent update the Board of Supervisors (BOS) which includes traffic violations.

Fairfax County Government Channel 16 received a request from Springfield District Supervisor Herrity to produce a Town Hall Meeting on Panhandling scheduled for August 17, 2023, at 7:00 p.m.

2. Update on Commissioner O'Savio. The Commission took action to recommend removal or replacement of Commissioner O'Savio at the May 2023 meeting. Director Makely consulted with the County Attorney's Office to make sure the process was done correctly and to consult on the next steps. The County Attorney's Office confirmed the CPC followed the Bylaws. Notification was provided to Supervisor Foust in person, and he was walked through the timeline. Supervisor Foust emailed Commissioner O'Savio on July 21, 2023, and Commissioner O'Savio responded that day that for the last several months he was busy with work, raising a toddler, and juggling several other volunteer community activities and had overextended himself. Commissioner O'Savio will draft a resignation letter to Supervisor Foust.
3. Update on Chapter 28.1, Massage Ordinance. The last update was Deputy County Executive for Safety and Security Tom Arnold, was hoping to reconvene the taskforce after July 4, 2023, when data was supplied by the Fairfax County Police Department (FCPD). A follow-up email was sent on July 12, 2023, and staff was informed of the delay and now the data is requested to be provided by FCPD by September 1, 2023.
4. Commissioner Rosier provided information on Chairperson John Fee's history and service to the County to draft a proclamation. Staff provided the Commission with a proclamation example. Commissioner Rosier's draft, and staff's draft template for review. Chairman McKay agreed to present the proclamation. Commissioner Rosier made a motion to submit the proclamation to the BOS. Commissioner Hargraves seconded the motion. The motion passed unanimously, 9-0-0.
5. Next meeting for CPC is scheduled for September 19, 2023. Director Makely and Assistant County Attorney John Burton will be in court and may not be available to attend the meeting.

New Business

1. Identity Theft Resource Center Presentation. Eva Velasquez, President/CEO of Identity Theft Resource Center (IRTC) provided an overview of the history and mission of ITRC, ITRC research publications, victim impact and identity crime trends, and free recovery resources.

A discussion ensued capturing metrics on data breaches, ransomware, MOVEit, risk minimization, legitimate sites, and phishing.

Commissioner Matters

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 Hargraves spoke as immediate past Chair for the Police Civilian Review Panel (PCRP) who provided an Annual Report of the activities of the PCRP over the past year to the BOS. He is interested in Deputy County Executive Tom Arnold's responses to the Commission and making sure there is parallel activity with PCRP. He stated it was important to ensure the safety of the community from serious misconduct by the Fairfax County Police Department.

Commissioner Svab had no matters to bring before the Commission.

Commissioner Springer had no matters to bring before the Commission.

Commissioner Belkowitz had no matters to bring before the Commission.

Commissioner Rosier spoke about the resolution drafted for former Chairperson Fee. Commissioner Rosier mentioned she read a news report that a person sold their watch and accepted a cashier's check as payment and the check was fraudulent.

Chairperson Kratovil stated over the several months he has spoken to folks who have some role in consumer protection from the police to land development who is concerned about construction scams. He stated it was fantastic to hear all the work that is being done and it has been educational and eye opening. He believes it is an opportunity for folks to get together and coordinate ideas.

Commissioner Belkowitz had a question about the term Lord Fairfax in the resolution for Chairperson Fee. Director Makely stated it has not come up in any of the County's deliberations on renaming and the Board of Supervisors announced the call for Lord and Lady Fairfax for the upcoming event on October 3, 2023.

New Business

2. Proclamation for former Chairperson Fee. Commissioner Rosier moved to approve staff to submit the resolution to honor former Chairperson John Fee for his great work and accomplishments to the residents of Fairfax County. Commissioner Hargraves seconded the motion. The motion passed unanimously, 9-0-0. Director Makely stated that Chairman McKay will bring it up at board meeting that he would like to recognize John Fee and have the resolution approved. He will set the date of the proclamation.

3. FY 2023 Annual Report. Directly Makely sent out the draft FY 2023 CPC Annual Report for Commission review. The report was updated with metrics as of June 30, 2023. The report includes a summary of all meetings by the Commission; statistics on complaints, advice, and outreach; and sample case summaries; feedback from consumers; and good synopsis of the year's work. The Commission needs to consider and approve with a motion.

A discussion ensued on grammatical errors, formatting, more details in the "Other" complaint category, footnote on the category and data change, number of complaints made each year, and requirements for a business license. Staff will update the annual report, email it to the Commission, and vote on it at the September meeting.

Old Business

Chairperson Kratovil inquired whether the County Attorney was able to give some clarity regarding the Dillion Rule on the potential talking to other jurisdictions. Director Makely has a written opinion from Assistant County Attorney John Burton. She provided a summary of the opinion.

1. Whether the proposed agreement between the CPC and Howard County Office of Consumer Protection and the Montgomery County Advisory Committee on consumer protection is authorized under applicable law.

Based on Virginia and County Code nothing in these sections, even under an expansive reading, authorizes the CPC to independently engage with out-of-state governments or direct the allocation of staff resources in support of such engagement. Accordingly, applicable law does not authorize the engagement contemplated by the proposed motion.

2. If not, what must happen to authorize this engagement.

Any proposed arrangement with Howard County and Montgomery County must be reduced to written agreements containing the provisions set forth in this section, and must be approved by the BOS via an ordinance. It would require the BOS to approve an uncodified ordinance between the two jurisdictions and the agreement would not be between the CPC, but between Fairfax County Government and those local governments. This would be an uncodified ordinance requiring both an administrative item to the BOS and a public hearing.

Chairperson Kratovil inquired about local counties. Director Makely stated Virginia law addresses it for all localities to include in-state and out-of-state and provides no authority to enter into an agreement.

Report of the Chairperson

Chairperson Kratovil emailed the revised draft proposal in the form of a resolution for discussion with the Commission on five subcommittees. Chairperson Kratovil stated he tried to incorporate suggestions made by the Commission and added alternative statements that were expressed in the feedback.

Chairperson Kratovil spoke about the Community Engagement Subcommittee. He expressed his vision of one of the functions of the subcommittee to find new ways for the CPC to get the word out about things the Department and the County were doing. The subcommittee would draft information to be used by the CPC.

A discussion ensued on the budget subcommittee on its purpose, not a role of the CPC, and not within the CPC's jurisdiction or responsibility. Director Makely stated the CPC does not have a budget and there is nothing in the powers or duties of the CPC that speaks to the Department's budget. Director Makely further stated in the distant past, the Chairperson spoke at a public hearing when the Consumer Affairs was considered for reduction. Further discussion led to the suggestion to remove the budget subcommittee.

A discussion ensued on merging the data subcommittee with the financial scams and fraud subcommittee and rename, explanation of the data subcommittee involving reports and complaints, looking at trends, tracking the information, and the financial scams and fraud subcommittee having the ability to conduct outreach to consumers.

A discussion ensued on the role of the subcommittee's alternatives and the assignment of Chair and Vice-Chair, no limit to Commissioners participation, subcommittees up for annual review, existence, and viability, and mandating participation on a committee. Director Makely stated she needs to speak to the Bylaw County Attorney because the CPC Bylaws Article 8 – Committees. States the Chairperson may appoint standing committees and a Chairperson for each with the consent of a majority of the Commission members present and voting. Director will get clarification on the composition of its members and the item will be removed until determination is made.

Further discussion ensued on whether having committees with all the requirements are too much or necessary for the Commission to undertake, oversight concerns vs. the intention of CPC to further understanding information provided by staff, meeting occurrence requirements, leveraging staff's skills for advisory purpose, identifying the strategy in order it identify the tasks needed to accomplish the strategy, optimizing the meeting time, selecting specific things for the most impact and prioritizing the tasks to accomplish. Director Makely mentioned the Illicit Massage Business Taskforce is a directive from the BOS for the CPC and Department to review and the Department provides communications to the CPC on this initiative. Commission to look at the data points on where complaints are coming from, consider the trends, better educated on the issues, request staff to provide more regular briefings or deeper analysis on the data or having a standing subcommittee to do for staff to bring before the CPC. Director Makely stated staff is already identifying data daily, data drives what we do on outreach, what we educate staff, and the services we provide to consumers. Directly Makely further stated staff is out in the community doing 149 outreach events, reaching over 5,000 consumers, and posting on Facebook over 2,000 social media posts with relevant consumer information. She encouraged the CPC to take that information and leverage with their networks to reach more consumers. Staff could provide case summaries as examples of what staff is seeing and take that information and share with others.

A discussion ensued on the misinterpretation of the intent for subcommittees, trying to find ways for more CPC engagement, partnering with staff to fulfill the vision for the CPC and being more engage in outreach efforts.

Chairperson Kratovil provided an overview of the talking points provided by the Commission. Chairperson Kratovil will updated the subcommittee document and email it to the Commission for review and feedback.

Chairperson Kratovil made the motion to adjourn without objection. The meeting adjourned at 10:07 PM.