

Minutes of the Fairfax County Consumer Protection Commission

October 19, 2021

7:30 PM
Government Center, Conference 11
12000 Government Center Parkway
Fairfax, Virginia 22035
Chairperson Fee, presiding

Attendance:

Commissioners: Callender, Fee, Hargraves,
Kratovil, Kirk, Roark

Remote:

Commissioners: Belkowitz, Rosier

Absent:

Commissioners: Gulakowski

Staff:

Michael S. Liberman, Director
Cable and Consumer Services
Rebecca L. Makely, Director
Consumer Services Division
Susan C. Jones, Branch Chief
Consumer Affairs Branch
John W. Burton, Assistant County Attorney
Office of the County Attorney

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

Chairperson Fee notified the Commission that Commissioner Belkowitz and Commissioner Rosier requested to participate in the meeting remotely.

Chairperson Fee made the motion to approve Commissioner Belkowitz's attendance remotely from Fairfax Station due to a medical condition. The motion was approved unanimously.

Chairperson Fee made the motion to approve Commissioner Rosier's attendance remotely from Great Falls due to a medical condition. The motion was approved unanimously.

Minutes

The minutes for the August 17, 2021, meeting were approved.

Report of the Chairman

Chairperson Fee had no matters to bring before the Commission.

Report of the Director

Rebecca Makely, Director, Consumer Services Division, informed the Commission that the County's workforce returned to work on Monday, October 11, 2021, after teleworking since March 2020. The County's policy allows employees to telework no more than 60 percent of their

normal weekly scheduled work hours, with approval of their Director. The County is at a Substantial community transmission status and all individuals in County facilities must wear a mask, regardless of vaccination status. The Health Department continues to provide vaccinations to the public at the Government Center.

Commission Matters

Commissioner Kirk had no matters to bring before the Commission.

Commissioner Callender notified the Commission that October 18-22, 2021, was Charity Fraud Awareness Week. Commissioner Callender provided a flyer from Charity Navigator to bring awareness of fraud and the sharing of information and resources that will help eliminate or drastically reduce the number of occurrences of fraud and its victims.

Commissioner Kratovil had no matters to bring before the Commission.

Commissioner Roark had no matters to bring before the Commission.

Commissioner Hargraves alerted staff that the “no surprise act” concerning medical billing was passed by Congress.

Commissioner Belkowitz had no matters to bring before the Commission.

Commissioner Rosier mentioned October was Breast Awareness Cancer month and encouraged women over 40 to get their mammograms. Commissioner Rosier stated she mailed several packages from the Post Office. She received a text from the Post Office that one of the packages was not delivered and to provide personal information. Commissioner Rosier stated this was a scam and the Post Office will not send a text or link to request information.

Chairperson Fee mentioned the trash haulers staffing issues surrounding yard waste. Chairperson Fee delivered wood to a friend’s house, and someone removed the wood off their property.

Old Business

There was no old business before the Commission.

Director Liberman arrived from the Board Auditorium where the Board of Supervisors meeting just ended. Director Liberman stated the Collective Bargaining Ordinance was approved by the Board of Supervisors.

New Business

1.Appeal Process Discussion. John W. Burton, Assistant County Attorney, Office of the County Attorney, gave a summary of how the appeal jurisdiction of the CPC set forth in County Code Chapter 28.1 differs from other chapters in the County Code. If County staff denies an applicant a license under Chapter 28.1 because of a disqualifying offense, the CPC appeal hearing is a determination of whether the applicant in fact committed a disqualifying offense. Under the relevant provisions of Chapter 28.1, a disqualifying offense precludes an applicant from obtaining a license pursuant to Chapter 28.1. County staff does not have discretion to issue a license if the applicant has committed a disqualifying offense. Because the right of appeal and the resulting hearing before the CPC are both part of Chapter 28.1, the CPC does not have

authority to order County staff to issue a license if the applicant did in fact commit a disqualifying offense. The CPC also discussed possibly recommending to the Board of Supervisors that Chapter 28.1 be amended to allow for greater CPC appeal authority in this area. County staff advised the CPC that the County has formed a task force to examine Chapter 28.1 as part of an effort to combat human trafficking, which may provide an opportunity for amendments.

A discussion ensued on disqualifying offenses and the appeal process under Chapter 28.1, contradictions to the code, providing notice to the applicant, legal guidance, staff's decision to deny the permit, may versus shall, lack of consistency in the code, revision to the special procedures, clear recommendations, protecting consumers practicing their craft, and the disparity of treatment of the applicants.

Director Liberman stated the discussion tonight was informative and will be reviewed by staff.

Director Liberman spoke on the massage therapist appeal held in December 2020. The hearing was conducted electronically and with discussions from Commissioners on several code concerns made advising the Commission difficult in real time. Director Liberman requested in the future that the Commission focus on the code chapter pertaining to the hearing.

Director Liberman suggested the Commission consider updating the CPC's Special Procedures.

Chairman Hargraves made the motion to adjourn.

The meeting adjourned at 8:34 PM.