

## **Minutes of the Fairfax County Consumer Protection Commission**

May 21, 2019

7:30 PM  
Government Center, Conference 8  
12000 Government Center Parkway  
Fairfax, Virginia 22035  
Chairman Fee, presiding

Attendance:

Commissioners: Belkowitz, Callender, Fee,  
Hargraves, Javed, Kirk, Kratovil, Lynch, Rosier

Absent:

Commissioners: Gulakowski, Hine, Omeish,  
Roark

Staff:

Michael S. Liberman, Director  
Cable and Consumer Services  
Rebecca L. Makely, Director  
Consumer Services Division  
Susan C. Jones, Branch Chief  
Consumer Affairs Branch  
Carl Newcomb, Manager  
Regulation and Licensing Branch  
John W. Burton, Assistant County Attorney  
County Attorney's Office

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

### **Minutes**

The minutes for the April 16, 2019, meeting were approved without objection.

### **Report of the Chairman**

Chairman Fee mentioned growing concerns with the trash service provided by American Disposal Service (ADS).

### **Report of the Director**

Rebecca Makely, Director, Consumer Services Division, reported on American Disposal Service (ADS) a private trash hauler licensed in the county by Solid Waste Management. ADS's shortage of drivers has caused service pick up issues throughout the County. The Consumer Affairs Branch currently has 35 complaints and is addressing billing concerns. On May 7, 2019, the Board of Supervisors (Board) adopted a motion directing the County Attorney to investigate actions of ADS under the Virginia Consumer Protection Act. The County will request production of documents by June 14, 2019, and the County Attorney will brief the Board at the June 25, 2019, meeting.

## **Commission Matters**

Commissioner Kratovil had no matters to bring before the Commission.

Commissioner Javed had no matters to bring before the Commission.

Commissioner Belkowitz received multiple texts message from Fairfax County Permits Office even though he did not request service.

Commissioner Hargraves received a recording from Apple Care of a possible breach and compromise of his accounts, which he identified as a Tech Support Scam. Commissioner Hargraves reached out to Consumer Affairs to assist his neighbor with a contractor issue.

Commissioner Kirk had no matters to bring before the Commission.

Chairman Fee had no matters to bring before the Commission.

Commissioner Callender had no matters to bring before the Commission.

Commissioner Rosier had no matters to bring before the Commission.

Commissioner Lynch had no matters to bring before the Commission.

## **Old Business**

There was no old business before the Commission.

## **New Business**

### **1. Public Hearing on the Application from King Cab Company, Inc.**

Public Hearing began at 7:43 PM.

Chairman Fee read the following statement of Commission Responsibility under Chapter 84.1. et.al. VA Code Ann: *All hearings or other public proceedings conducted by the Commission in accordance with this Chapter 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.*

King Cab Company, Inc., was represented by Gant Redmon, attorney; Abdul Bassier Karim, owner of King Cab Company; and Mustafa Atayee, manager of White Top Cab.

Mr. Redmon stated late last fall White Top of Fairfax went through a public hearing with the City of Alexandria and received subsequent approval. He stated an application was submitted to Fairfax County and all required documents were provided and that Abdul Karim had no outstanding person or business debt or criminal record.

Rebecca Makely, Director, Consumer Services Division, presented the staff report and findings on the application for transfer of control. She provided an overview of the sale of L&Z Transportation, Inc. d/b/a White Top of Fairfax to Abdul Bassier Karim, application to Fairfax County from King Cab Company, Inc., the applicable code provisions, evaluation factors, applicant's response and staff findings, and the timeline for the approval process.

A discussion ensued on number of taxicabs with wheelchair accessibility, separation or consolidation of the companies, impact on company where Metro stations are closing for repairs, certificate payment, competition of Uber/Lyft, driver app, and the increase of revenue.

The applicant had no closing statement.

Staff stated the applicant fulfilled the requirements of the application process.

The Public Hearing closed at 8:25 PM.

Chairman Fee made the motion that the Consumer Protection Commission vote to recommend to the Board of Supervisors approval of the requested transfer of control of L&Z Transportation, Inc. d/b/a White Top Cab of Fairfax to King Cab Company, Inc. Commissioner Kirk seconded the motion.

A discussion ensued on competition, 24 hours access, background checks, safety, reliability, and serving public interest. The motion passed unanimously.

**2. Taxicab Biennial Determination:** Rebecca Makely, Director, Consumer Services Division, presented the staff analysis and recommendations for the 2019 taxicab biennial determination, which included review of County code, taxicab certificates in Fairfax County, taxicab demand formula and analysis results, taxicab company data, summary of analysis, recommendation by staff, and the timeline of the approval process.

Chairman Fee made the motion that the Consumer Protection Commission vote to recommend to the Board of Supervisors that no additional taxicab certificates be made available to be issued in 2019. Commissioner Kirk seconded the motion.

A discussion ensued on fewer trips by taxicabs, evolving marketplace, no regulation for TNCs, price uncertainty, flat rates, and changes in the landscape. The motion passed unanimously.

Michael Liberman, Director, Cable and Consumer Services, spoke on the FY 2020 Budget and the 2.1 percent market rate adjustment for all employees effective July 2019. He informed the Commission that the Public Utilities Branch will transfer from DCCS to the new Office of Environmental and Energy Coordination.

Director Liberman requested the Commission approve the advertisement for a public hearing at the June meeting for the revisions to Fairfax County Chapter 9.1, Communication.

Chairman Fee made the motion that the Consumer Protection Commission vote to advertise to hold a public hearing on revisions to the Fairfax County Chapter 9.1, Communications, also

known as the Fairfax County Communications Ordinance on Tuesday, June 18, 2019.  
Commissioner Hargraves seconded the motion. The motion passed unanimously.

The proposed changes to Chapter 9.1 will be sent to the Commission prior to the June meeting.

The Annual Report will be presented at the June CPC meeting.

Chairman Fee made the motion to adjourn the meeting. Commissioner Hargraves seconded the motion. The meeting adjourned at 9:13 PM.