

Minutes of the Fairfax County Consumer Protection Commission

July 16, 2019

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

Attendance:

Commissioners: Belkowitz, Callender, Fee,
Hargraves, Hine, Kirk, Kratovil, Lynch,
Omeish, Roark

Absent:

Commissioners: Gulakowski, Javed, Rosier

Staff:

Michael S. Liberman, Director
Cable and Consumer Services
Rebecca L. Makely, Director
Consumer Services Division
John W. Burton, Assistant County Attorney
Office of County Attorney
Carl Newcomb, Manager
Regulation and Licensing Branch
Michelle Margeotes, Consumer Specialist I
Consumer Affairs Branch

The meeting was called to order at 7:32 PM by Chairman Fee.

Minutes

The minutes for the June 18, 2019, meeting were approved without objection.

Report of the Chairman

Chairman Fee had no matters to bring before the Commission.

Report of the Director

Director Liberman discussed an NBC4 segment called "Gone in 60 Seconds" where the Director of Fairfax County Consumer Services Division, Rebecca Makely, was interviewed regarding trespass towing. The segment included an incident involving an Amazon delivery truck being towed for having the vehicle double parked. In this instance, it is a legal tow because the tow company was doing exactly what the management company requested from the tow company.

Director Liberman stated at a future meeting the Commission will be asked to hold a public hearing on proposed regulation regarding electronic scooters for-hire.

Rebecca Makely, Director, Consumer Services Division discussed localities and their right to regulate electronic scooters. Fairfax County Department of Cable and Consumer Services is working with Department of Transportation to put together a draft framework for the ordinance.

The draft will include a fee structure and fleet size which incorporates up to 250 device licenses. In addition, there will be a provision to include an acceleration if there comes a need to increase fleet size. This ordinance will be under Fairfax County Code Chapter 84.1, Public Transportation regulated through the Regulation and Licensing Branch. The Commission will be seeing the ordinance as an amendment to Chapter 84.1 and will be revisited at a future meeting for a public hearing. The Board of Supervisors have concern about the safety of the public who will be the ones using the scooter and scooter abandonment.

A discussion ensued on a newspaper article regarding scooter regulations and the definition of “scooter”.

Commission Matters

Commissioner Kirk stated his neighbor bought tiles from Home Depot that did not match but received resolution through mediation efforts of Consumer Affairs.

Commissioner Hine stated his issue with Cox Communications has been resolved.

Commissioner Roark had no matters to bring before the Commission.

Commissioner Kratovil had no matters to bring before the Commission.

Commissioner Hargraves had no matters to bring before the Commission.

Commissioner Lynch had no matters to bring before the Commission.

Commissioner Belkowitz had no matters to bring before the Commission.

Commissioner Omeish discussed a recent issue that has come up in an apartment property. A towing company towed a car and subsequently removed the permit; however, their own photos showed the car had a permit. Director Liberman advised those complaints are accepted and mediated by the Regulation and Licensing Branch.

Commissioner Fee followed up on a new credit card scam seen in last month’s CPC packet. Commissioner Fee shared a story in which he used a credit card at a Shell Station at 7:30 a.m. and at 8:15 a.m. his wife received a phone call claiming someone used the card at a Shell Station. His wife confirmed the charge, but the time was incorrect by an hour probably due to central time. She did not give any information to the caller.

Old Business

There was no old business to discuss.

New Business

1. Public Hearing on revisions to Fairfax County Code Chapter 33, Precious Metals and Gem Dealers.

Public Hearing began at 7:50 PM.

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.*

Commissioner Belkowitz requested information on how the public hearing was advertised since he received information that some people were not made aware of the hearing and it was not posted to the public meetings calendar on the website. Director Liberman stated the licensees and stakeholders were contacted directly via email and having the CPC meeting on the County public meetings calendar.. Rebecca Makely, Director, Consumer Services stated by law they are required to run an advertisement in a newspaper two times, which was done. Office of Public Affairs posted it to the public meetings Web site as required to post three days in advance of the meeting.

Rebecca Makely, Director, Consumer Services Division, briefed the Commission on the proposed changes to Chapter 33, to include the use of military identification and some other “house-keeping” changes recommended by the County Attorney. Fairfax County notified the industry in April 2018 that they are no longer taking photocopies of military IDs. Industry is in compliance therefore the County Code must be brought into compliance with state and federal law. Recommending in the amendment to Chapter 33.

A discussion ensued on the use of pronouns, grammar, kinds of metal transactions, and United States Government ID as opposed to Military ID.

Rebecca Makely provided the timeline for the item.

The Public Hearing closed at 8:54 PM.

Chairman Fee made the motion that the Consumer Protection Commission vote to recommend that the Board of Supervisors amend Chapter 33 of the Fairfax County Code, Relating to Precious Metals and Gem Dealers and Pawnbrokers. Commissioner Hargraves seconded the motion. The motion passed with eight Commissioners in favor and two Commissioners abstained.

Commissioner Belkowitz requested that all future public hearing notices also be sent to the Commission. Staff agreed to do so.

Commissioner Hargraves inquired about the staff use of the *Washington Times* newspaper instead of the *Washington Post*. Staff responded it is set by the Clerk's office.

Commissioner Hargraves made the motion to adjourn the meeting. Commissioner Belkowitz seconded the motion. The meeting adjourned at 8:20 PM.