

Minutes of the Fairfax County Consumer Protection Commission

March 17, 2015

7:30 PM Conference 4/5
Government Center
12000 Government Center Pkwy.
Fairfax, Virginia 22035
Chairman Fee, presiding

Attendance:

Commissioners: Belkowitz, Callender, Durant,
Fee, Hargraves, Hine, Luse, Kirk, Nguyen

Absent:

Commissioners: Chung, Kazmi, Roark, Rosier

Staff:

Michael S. Liberman, Director
Department of Cable and Consumer
Services
John W. Burton, Assistant County Attorney
Susan C Jones, Branch Chief
Consumer Affairs Branch
Henri Stein McCartney, Branch Chief
Regulatory and Licensing Branch
Carl Newcomb, Consumer Specialist II
Regulatory and Licensing Branch

The meeting was called to order at 7:34 PM by Chairman Fee.

Minutes

The minutes of the January 20, 2015, meeting were approved as amended.

Report of the Chairman

Chairman Fee had no matters to bring before the commission.

Report of the Director

Director Liberman informed that the County Executive presented his proposed budget to the Board of Supervisors on February 17, 2015. Budget Public Hearings are scheduled on April 7, 8, and 9. The Board will complete its markup of the FY 2015 budget in mid-April, with budget adoption on April 28.

Commission Matters

Commissioner Nguyen inquired about legislation and Uber. Staff will conduct a briefing with the CPC about Taxicab certificates and legislation at a future meeting.

Commissioner Hargraves announced that Uber was no longer a client.

Commissioner Kirk had no matters to bring before the commission.

Commissioner Durant had no matters to bring before the commission.

Commissioner Luse stated that she has seen the Consumer Protection Commission signs posted in retail stores. Staff discussed their initiative that targeted the four malls located in Fairfax County. In addition, Commissioner Luse liked the FTC article on companies tracking you across computers and smartphones.

A discussion ensued on privacy expectation, social media versus Internet availability, and the integrity of keeping information private and providing more education to the public.

Commissioner Hine had no matters to bring before the commission.

Commissioner Callender expressed concern on the amount of aerial and ground wires on poles in his neighborhood and the responsibility of the cable companies to address public safety hazards. Staff encouraged commissioners to report any problems to the Communications Policy and Regulation Division.

Commissioner Hargraves mentioned the Federal Communications Commission has delayed their review of the merger between Comcast/Time Warner and AT&T/DIRECTV.

Old Business

There was no old business to discuss.

New Business

1. Hacker's License Appeal: Chairman Fee reviewed the Appeal Hearing Procedures. Present: Appellant Eric Agyei Mensah. Mr. Mensah provided a written statement of the events that led to the denial of his hacker's license, his misunderstanding of the impact of the charges, and the effect on his livelihood to support his family.

Henri Stein McCartney, Chief, Regulation and Licensing Branch, presented staff's position as required under Chapter 84.1 of the Fairfax County Code. When determining the issuance and denial of a hacker's license, staff follows Section 84.1-3-4(c). Mr. Mensah was convicted of a disqualifying offense, therefore the Director, as required by Fairfax County Code, denied the hacker's license.

A discussion ensued on the outcome of the other parties involved in the offense, whether staff was able to view the video tape, information provided by Walmart manager, whether the appellant had other offenses on his record, the timeframe of the offense and the actual arrest date, failure of the officer to appear to provide details of the event and arrest, the appellant pleading to a lesser charge, whether the appellant has met the terms of the probation, the lack of danger to the public, and the fact that the appellant was found guilty by the court.

Chairman Fee called for a vote in favor of upholding staff's denial of the hacker's license. One commissioner voted in favor, seven commissioners voted against, and one commissioner abstained. The denial was overturned and the hacker's license will be renewed.

The meeting ended at 9:13 PM.