

Minutes of the Fairfax County Consumer Protection Commission

May 19, 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, Kazmi, Kirk, Luse,
Nguyen

Absent:

Commissioners: Chung, Roark, Rosier

Staff:

Michael S. Liberman, Director
Department of Cable and Consumer
Services
John W. Burton, Assistant County Attorney
Susan Hafeli, Senior Utilities Analyst
Public Utilities Branch
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 7:32 PM by Chairman Fee.

Minutes

The minutes of the April 21, 2015, meeting were approved.

Report of the Chairman

Chairman Fee continues to receive unsolicited telephone calls.

Report of the Director

Director Liberman reviewed the agenda for the May and June CPC meetings.

Commission Matters

Commissioner Durant had no matters to bring before the commission.

Commissioner Hargraves had no matters to bring before the commission.

Commissioner Callender had no matters to bring before the commission.

Commissioner Belkowitz inquired if DCCS addressed issues concerning restaurants. Staff suggested he send details of the complaint for review.

Commissioner Kirk had no matters to bring before the commission.

Commissioner Luse had no matters to bring before the commission.

Commissioner Hine had no matters to bring before the commission.

Commissioner Nguyen had no matters to bring before the commission.

Commissioner Kazmi had no matters to bring before the commission.

Old Business

There was no old business to discuss.

New Business

1. Taxicab Certificates: Susan Hafeli, Senior Utility Analyst presented the 2015 Certificate Demand Analysis and Recommendation. Susan Hafeli spoke about the 2015 legislation on transportation network companies (TNC), Taxicab Company 2013-2014 reports, taxicab demand formula, and staff recommendation.

Charlie King, Transportation General, spoke about problems facing taxicab companies, crossing jurisdictions, Department of Motor Vehicles laws, metro riding, and TNCs.

A discussion ensued on handicap vehicle for vision-impaired consumers, current certificates in use, code requirements, lack of drivers, and TNC competition.

Chairman Fee made the motion to recommend no additional taxicab certificates be awarded. Commissioner Nguyen seconded the motion. The motion passed unanimously.

2. Solicitor's License Appeal: Chairman Fee reviewed the Appeal Hearing Procedures. Present: Appellant Robert Clanagan.

Henri Stein McCartney, Chief, Regulation and Licensing Branch, presented staff's position as required under Chapter 31 of the Fairfax County Code. When determining the issuance and denial of a solicitor's license, staff follows Section 31-2-8. Mr. Clanagan was convicted of possession of marijuana in Prince William County, Virginia in July 2013, and of possession of marijuana 2nd offense in the City of Fredericksburg, Virginia in October 2014.

Mr. Clanagan provided a written statement to the commission outlining his work background, community service activities, and reasons why he should receive his solicitor's license.

A discussion ensued on the circumstances surrounding the arrest, disclosure on the application, business background, licenses in other counties, and plans for the future if license is denied.

Henri Stein McCartney mentioned to the commission that Mr. Clanagan had pending charges for soliciting without a proper license, which Mr. Clanagan admitted to the charges.

Chairman Fee made the motion to uphold staff's recommendation to deny the solicitor's license. Commissioner Kirk seconded the motion.

A discussion ensued on the convictions, severity of the charges, code requirements, management training program, and future opportunities.

Commissioner Nguyen called for a vote in favor of upholding staff's denial of the solicitor's license.

Four commissioners voted in favor, six commissioners voted against the motion. The motion failed and Mr. Clanagan will receive his solicitor's license.

For clarification of the motion made by Chairman Fee, Commissioner Kazmi made the motion to grant Mr. Clanagan his solicitor's license. Commissioner Nguyen seconded the motion. Six commissioners voted in favor, and four commissioners voted against the motion. The motion passed in favor of granting Mr. Clanagan his solicitor's license.

The meeting ended at 9:35 PM.