

Minutes of the Fairfax County Consumer Protection Commission

September 20, 2016

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

Attendance:

Commissioners: Belkowitz, Fee, Hargraves,
Hine, Kazmi, Nguyen, Roark, Rosier,
Woodruff

Absent:

Commissioners: Callender, Gulakowski,
Kirk

Staff:

Michael S. Liberman, Director
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
Rebecca Makely, Fiscal Manager
Cable and Consumer Services
Jessica Lavender, Utilities Analyst
Public Utilities Branch
Michelle Chmielecki, Consumer Specialist I
Consumer Affairs Branch

The meeting was called to order at 7:30 PM by Chairman Fee.

Minutes

The minutes for August 16, 2016, meeting were approved.

Report of the Chairman

Chairman Fee stated the articles in the September CPC packet were interesting.

Report of the Director

Director Liberman spoke about an inquiry received by Consumer Affairs Branch from a consumer requesting all automobile repair facilities allow consumers to purchase repair parts to install in their vehicle.

Commission Matters

Commissioner Hine had no matters to bring before the commission.

Commissioner Nguyen had no matters to bring before the commission.

Commissioner Hargraves had no matters to bring before the commission.

Commissioner Kazmi related his positive experience with Verizon customer service.

Commissioner Belkowitz had no matters to bring before the commission.

Commissioner Rosier let staff know the low hanging wire issue was resolved.

Commissioner Woodruff stated he received a call from Rick Ellrod, Director, Communications and Policy Regulation Division to discuss Verizon's overall process and volunteer to assist when the franchise renewal occurs.

Commissioner Roark had no matters to bring before the commission.

Old Business

There was no old business to discuss.

New Business

1. Taxicab Ordinance Public Hearing. Chairman Fee reviewed the Statement of Commission Responsibility. Susan Hafeli, Senior Utilities Analyst, Public Utilities Branch, discussed proposed revisions to Chapter 84.1 of the county Code, regarding taxicab regulation. She discussed Fairfax County's regulated taxicab industry, competition from transportation network companies (TNCs), upcoming Board of Supervisors meeting dates, and several categories of proposed revisions. The categories discussed, and examples of each, included: structural/organizational revisions, particularly those redefining the term "operator's certificate" and enhancing reader-friendliness; operational revisions, including those pertaining to vehicles and equipment, inspections, and passenger interactions; and changes to the regulatory framework, including entry regulation, limits on authority, taxicab driver's licenses, and reporting and record-keeping.

A discussion ensued on various topics including the difference between a taxicab and Uber operator, increasing the life of the vehicle and mileage limits, the time constraints on remaining board meetings, downward pricing, revocation of license, supply/demand, annual inspections, and biannual reviews.

Guest Speakers:

Mahmood Benham, Mustafa Atayee, Habib Azimi, spoke in favor of staff's code changes to increase the life of the vehicle and mileage limits. Also, supported using GPS meters.

Charlie King, Vice President, Transportation General Inc., commended staff availability to meet with industry representatives to get input for changes to the code. He explained the current trends he sees and the impact of TNCs, advertising, downward pricing, and biennial certificate process.

A discussion ensued on the taximeter issue, technology changes, pricing, promotional rate changes, training, and advertising.

Spenser Kimball, Springfield Yellow Cab, introduced himself as the new owner, spoke about his future plans for his company, taxicab certificate process, and marketing opportunities.

Chairman Fee made the motion to accept staff's recommendations to update Chapter 84.1. Commissioner Hargraves seconded the motion.

A discussion ensued on demand/need, application input, eliminate cap, and biennial certificate process.

Commissioner Nguyen made the motion to amend the original motion and keep the current language in Chapter 84.1-2-5, *Establishment of public convenience and necessity; burden of applicant*. Commissioner Hargraves seconded the motion. Three commissioners voted in favor and six commissioners opposed the motion. Motion failed.

Commissioner Belkowitz made the motion to amend Chapter 84.1-6-3(5), *Rates, fares, and charges established*, to include service animals in training. Chairman Fee seconded the motion. The motion passed unanimously.

Commissioner Belkowitz made a motion that staff explore whether to include language prohibiting discrimination based on race, color, sex, religion, national origin, marital status, age, and disability in Chapter 84.1-7.1, *General requirements and standards*. Commissioner Hargraves seconded the motion. The motion passed unanimously.

A discussion ensued on the change to the duration of taxicab certificates, barrier to new companies' application, and biennial process vs. annual process.

Commissioner Belkowitz made the motion to make the biennial process to an annual application process. Commissioner Hine seconded the motion. Five commissioners voted in favor, three commissioners voted against, and one commissioner abstained. Motion passed.

Commissioner Hine made the motion to amend Chapter 84.1-4-1(c), *Appeals from decisions of the director*; by reducing the time in which hearings on appeals will be scheduled, from no more than 90 calendar days, as proposed by staff, to 45 days. Commissioner Belkowitz seconded the motion. Three commissioners voted in favor, and six commissioners voted against. Motion failed.

Commissioner Kazmi made the motion to keep the original language in Chapter 84.1-4-1(c), which currently provides that appeals be scheduled for hearing within 60 calendar days. Commissioner Hargraves seconded the motion. Eight commissioners voted in favor, one commissioner voted against the motion. Motion passed.

Chairman Fee made the motion to adopt staff's proposed changes to the ordinance, as amended by the commission. Six commissioners voted in favor, two commissioners voted against, and one commissioner abstained. Motion passed.

The meeting ended at 11:05 PM.