




County of Fairfax, Virginia

MEMORANDUM

DATE: June 13, 2023

TO: Consumer Protection Commission

FROM: Rebecca L. Makely, Director 
Department of Cable and Consumer Services

SUBJECT: Consumer Protection Commission Meeting for June 20, 2023

Please find attached the Consumer Protection Commission meeting packet. The next scheduled meeting is **Tuesday, June 20, 2023, at 7:30 p.m. in Conference Room 232** of the Government Center, 12000 Government Center Parkway, Fairfax, Virginia.

Please RSVP with your attendance to Susan Jones by COB on Monday, June 19, 2023, at Susan.Jones@fairfaxcounty.gov or 703-324-5877.

Enclosures

cc: Ellicia Seard-McCormick, Deputy County Executive

Susan C. Jones, Consumer Specialist III
Department of Cable and Consumer Services



**FAIRFAX COUNTY
CONSUMER PROTECTION COMMISSION
June 20, 2023 AGENDA**

Call to Order by the Chairperson (7:30 PM)

Remote Participation Motions

Minutes

- Approval of the draft May 16, 2023, meeting minutes

Report of the Director

Old Business

- Update on Commissioner Replacement
- Update on Chapter 28.1 consideration by the Board of Supervisors

New Business

Commissioner Matters

Presentation: Virginia Senior Medicare Patrol by Commissioner Freedenthal

Report of the Chairperson

- BOS Engagement
- Review draft subcommittee outline (see attachment)
- Future briefings and activities
- Open discussion and ideation

General Interest

- Consumer Protection Commission Calendar
- Consumer Protection Commission Membership
- Community Outreach
- Consumer Resources

Minutes of the Fairfax County Consumer Protection Commission

May 16, 2023

7:30 PM
Government Center
12000 Government Center Parkway
Fairfax, VA 22035
Chairperson Kratovil, presiding

Attendance:

Commissioners: Belkowitz, Gulakowski,
Freedenthal, Hargraves, Kirk, Kharat, Kratovil,
Roark, Rosier, Springer, Svab

Absent:

Commissioner: O'Savio

Staff:

Rebecca L. Makely, Director
Cable and Consumer Services
Susan C. Jones, Consumer Specialist III
Consumer Affairs Branch

Guests:

Sarah M. Freedenthal

The meeting was called to order at 7:30 PM by Chairperson Kratovil.

Minutes

Chairperson Kratovil made the motion to accept the minutes. Commissioner Gulakowski seconded the motion. The minutes for the March 21, 2023, meetings were approved unanimously, 9-0-0.

Report of the Director

Director Makely informed the Commission that the FY 2024 budget was approved on Tuesday, May 9, 2023, and will go into effect on July 1, 2023.

Chairperson Kratovil inquired how the Department of Cable and Consumer Services (DCCS) did in the budget process. Director Makely indicated DCCS went in fully funded until the Board of Supervisors (BOS) Budget Committee meeting on April 28, 2023. The Chief Financial Officer emailed department directors noting a gap between what the BOS wanted to fund and what was available of approximately 7 million dollars. Department budget reductions were based on current vacancy rates. DCCS's FY 2024 budget was reduced by approximately \$3,100. BOS mark-up budget reduced the real estate tax by two cents, fully funded compensation for employees, funded affordable housing, etc. Director Makely stated the FY 2025 budget will have targeted reductions and is expected to be a difficult year.

Commissioner Matters

Commissioner Springer had no matters to bring before the Commission.

Commissioner Belkowitz had no matters to bring before the Commission.

Commissioner Kirk mentioned a variety of issues occurring in his neighborhood, including solicitors and tax evaders.

Commissioner Freedenthal had no matters to bring before the Commission.

Commissioner Roark had no matters to bring before the Commission.

Commissioner Kharat had no matters to bring before the Commission.

Commissioner Gulakowski mentioned he had received a Jeopardy game show application.

Commissioner Rosier mentioned a motorized scooter was left in the Great Falls area. Staff informed Commission on what steps to take to address the removal of the shared mobility device.

Commissioner Svab had no matters to bring before the Commission.

Commissioner Hargraves mentioned the panhandling concerns in Fairfax County. Staff will provide information and resources on the issue.

Chairperson Kratovil mentioned his professional work on drafting definitions of fraud vs. scams.

Report of the Chairperson

Chairperson Kratovil spoke of the mission of the Consumer Protection Commission (CPC) and discussion of possible topics/interests for the rest of the year, challenging Commissioners to ask, “so what?”. Chairperson Kratovil gave the example of the presentation on Resilient Fairfax and CECAP and what is the nexus between that briefing and the CPC and what will the CPC do with that information as a Commission or individual Commissioner in the community.

1. Attendance Policy Review and RSVP Procedures

Chairperson Kratovil asked staff to review the current attendance policy and RSVP procedures. Director Makely stated the prior Chairperson requested staff to send the meeting agenda packet one week prior to the meeting. In both the email and the agenda cover memo, it requested Commissioners RSVP with their attendance by COB the day prior to the meeting date. The CPC currently has 12 filled positions, and seven Commissioners constitute a quorum. Additionally, a quorum is required at the physical meeting location for any remote participation.

A discussion ensued on the CPC Bylaws pertaining to missed meetings, notifying staff if not attending the meeting, calendar invite, quorum, action vs. information items, Robert’s Rules of Order, changing the quorum provision in the CPC Bylaws, and serving refreshments.

Chairperson Kratovil mentioned for the Commission to consider the possibility of shifting the location of the meetings for attendance purposes and to reach consumers from different parts of the County. A discussion ensued on locations for possible meetings, community interactions, exposure to parts of the County, push-back to stay within County, and facilities for ADA compliance. Chairperson Kratovil summarized the discussion on the attendance process and noted he did not hear a strong need to change and confirmed the CPC would continue to use the current process in place. He said it appears the Commission is willing to have a discussion later to talk about meeting locations.

Chairperson Kratovil introduced the process for removal and replacement of a Commissioner. He indicated Commissioner O'Savio has attended one meeting in the last year and failed to conform to the CPC Bylaw requirements.

Commissioner Kirk made the motion to recommend to the BOS to remove or replace Commissioner O'Savio from the Commission. Commissioner Hargraves seconded the motion. A discussion ensued on whether to contact Commissioner O'Savio by telephone, send email to notify Commissioner O'Savio of his recommended removal from the Commission; and/or direct staff to make the phone call. Director Makely read the CPC Bylaws Articles VI, Attendance and Participation and VII, Removal. The motion was called. The motion passed, 10-1-0.

Commissioner Hargraves made the motion to direct staff to contact Commissioner O'Savio one time by telephone and to leave a voice message if not answered to notify him of the motion from the Commission to recommend to the BOS to remove or replace him. Commissioner Rosier seconded the motion. The motion failed, 2-9-0.

2. Formatting a long-term agenda and driving relevancy.

Chairperson Kratovil spoke about planning the agenda and how we operate the business of the Commission moving forward. Chairperson Kratovil, in the May 2023 CPC agenda packet, laid out his views, goals, and objectives that he hopes the Commission can achieve. Chairperson Kratovil spoke on how the Commission conducts business on significant projects. He gave the example of Chapter 28.1. He felt if a special subcommittee had been assigned to manage that process and then report to the full Commission monthly, the process would have taken less time and recommendations would have been made to the BOS.

Chairperson Kratovil outlined some proposed areas of focus that he believes the Commission should consider establishing subcommittees.

- i. **Public/Community Engagement.** The Commission should be more engaged and take the opportunity and encouragement to be out in the community, supporting staff on all the programs they provide, and developing initiatives for the Commission and its members.
- ii. **Budget and Marketing.** A Subcommittee would look at how the County is promoting consumer issues and helping staff with promoting outreach efforts.
- iii. **Data Review.** Looking at consumer complaints and understanding and tracking what the trends are and what that means for the CPC and the County priorities moving forward.
- iv. **Policy/code review.** Considering possible changes to codes within CPC purview.

Chairperson Kratovil stated Director Makely, through the Office of the County Attorney, was able to provide clarification regarding the Virginia Freedom of Information Act (VFOIA) requirements. Chairperson Kratovil stated if the Commission put strict guidelines around the Subcommittee content and ensured no one spoke or provided advice or discussed approval, revocation, or suspension of licenses, the Commission may conduct committee meetings virtually.

A discussion ensued on previous subcommittees in the past, whether the focus is on an ad hoc committee when issues arise or is each Commissioner assigned to a committee, four Commissioners must be on a standing or special subcommittee, possible change to the CPC Bylaws, and attending outreach events with staff. Chairperson Kratovil requested feedback from Commissioners about the views, goals, and objectives proposed and will discuss at the next Commission meeting.

Old Business

There was no old business before the Commission.

New Business

There was no new business before the Commission.

Commissioner Hargraves made the motion to adjourn. Commissioner Gulakowski seconded the motion. The motion passed, 10-0-0 and the meeting adjourned at 9:16 PM.

DRAFT

Consumer Protection Commission Subcommittees: Ideas for Consideration

Goal: With one monthly meeting, it is difficult for the CPC to 1) juggle multiple initiatives 2) focus necessary time and expertise and 3) get things done in a timely fashion. By establishing Subcommittees as provided for in CPC Bylaws, smaller groups of Commissioners will be able to address these limitations, explore improvements and new initiatives, and overall better support the mission of the CPC to advance consumer protections in Fairfax County.

1) Community Engagement Subcommittee

This subcommittee meets monthly in order to coordinate and support community outreach and marketing activities related to Department initiatives, and provide content for Commissioner engagement. Activities to include:

- Development of white-label content for Commissioners, including but not limited to: short articles, quick-hit consumer-focused newsletter pieces, draft social media posts.
- Engages with Staff to review Department outreach initiatives, including promotion and awareness efforts, suggests best practices and explores additional opportunities.

2) Data/Consumer Complaints Subcommittee

Meets [quarterly] to review complaint data, trends and outcomes. Identifies and prioritizes issues to surface with full CPC. Advises on plans (outreach campaigns, Department initiatives, content) and policies.

3) Budget Subcommittee

Meets [as needed] to support and advise on Department/Consumer Affairs Branch budget needs and initiatives, with particular emphasis on needs forecasting and planning for future fiscal years. Coordinates and aligns budget recommendations with current priorities, in consultation with other newly proposed Subcommittee initiatives. Provides periodic updates and recommendations to CPC.

4) Policy Review Subcommittee

Meets [bi-monthly or as needed] to review County code and relevant policy material within the jurisdiction of the CPC. Proposes redlined updates/modifications/modernizations to CPC for consideration and recommendation to the BOS.

5) Financial Scams and Fraud Working Group

Meets monthly or as needed to support Department education and outreach initiatives specific to financial scams and fraud, such as identity fraud. Recommends best practices,

improvements, coordinates with FFX PD and contributes content to Community Engagement Subcommittee as appropriate.

CPC Calendar

Consumer Protection Commission
2023 Planning Calendar
June 20, 2023

- | | |
|--------------|--|
| January 17 | <ul style="list-style-type: none">• Chapter 28.1• 2023 Meeting Calendar |
| February 21 | <ul style="list-style-type: none">• Resilient Fairfax and CECAP Presentation• Election of Officers• 2023 Items of Interest |
| March 21 | <ul style="list-style-type: none">• Authorization to Advertise Public Hearing |
| April 18 | <ul style="list-style-type: none">• Meeting Cancelled |
| May 16 | <ul style="list-style-type: none">• |
| June 20 | <ul style="list-style-type: none">• Virginia Senior Medicare Patrol Presentation by Commissioner Freedenthal• BOS Engagement• Review draft subcommittee outline• Future briefings and activity• Open discussion and ideation |
| July 18 | <ul style="list-style-type: none">• FY 2023 Annual Report• Panhandling Presentation |
| August 15 | <ul style="list-style-type: none">• |
| September 19 | <ul style="list-style-type: none">• 2023 Taxicab Biennial Determination Report |
| October 17 | <ul style="list-style-type: none">• Electrification/EV Charging Presentation |
| November 21 | <ul style="list-style-type: none">• Nomination of Officers |
| December 19 | <ul style="list-style-type: none">• |

CPC Membership

Commissioners

Fairfax County Resident #1
Jacqueline Rosier (Secretary)
Appt. Expires 7/31/2025

Fairfax County Resident #2
Michael J. Roark
Appt. Expires 7/31/2023

Fairfax County Resident #3
Jason J. Kratovil (Chairperson)
Appt. Expires 7/31/2024

Fairfax County Resident #4
Dennis D. Kirk
Appt. Expires 7/31/2025

Fairfax County Resident #5
Dirck A. Hargraves
Appt. Expires 7/31/2023

Fairfax County Resident #6
Triston “Chase” O’Savio
Appt. Expires 7/31/2024

Fairfax County Resident #7
Pratik J. Kharat
Appt. Expires 7/31/2024

Fairfax County Resident #8
Harold G. Belkowitz
Appt. Expires 7/31/2024

Fairfax County Resident #9
Chester J. Freedenthal
Appt. Expires 7/31/2024

Fairfax County Resident #10
Vacant

Fairfax County Resident #11
Paul Svab
Appt. Expires 7/31/2024

Fairfax County Resident #12
**Denis Gulakowski
(Vice-Chairperson)**
Appt. Expires 7/31/ 2024

Fairfax County Resident #13
Maurice B. Springer
Appt. Expires 7/31/2024

Staff

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Fax Number 703-653-1310
consumer@fairfaxcounty.gov

CPC Calendar

Outreach Event Calendar June 2023

DATE	EVENT	LOCATION	# of Guests	Event Time	Staff
6/21/2023	Leasing/Renting Apartments Presentation	George Mason University (Zoom) 4400 University Drive Fairfax, VA		9:30 a.m. - 10:30 a.m.	MDP
6/21/023	Community Health Fair	Lake Anne House 11444 North Shore Drive Reston, VA		10:00 a.m. - 2:00 p.m.	AB CH
6/22/2023	Consumer Connection Diease Carrying Insect Program	Fairfax County Consumer Affairs Facebook		11:00 a.m. - 11:20 a.m.	SCJ

Consumer Resources

Resource Items

Fairfax County Department of Cable and Consumer Services

<https://www.fairfaxcounty.gov/cableconsumer>

Fairfax County Consumer Affairs

<https://www.fairfaxcounty.gov/cableconsumer/csd/consumer>

Fairfax County Consumer Affairs Facebook

<https://www.facebook.com/fairfaxcountyconsumer/>

Consumer Affairs Day: National Consumer Protection Week (March 9, 2023)

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/consumer-affairs-day-2023>

Consumer Connection: Department of Code Compliance (May 18, 2023)

<https://fb.watch/kHaWDsPN33/>

Information Items

Fairfax plastic bag tax enters second year ([more](#))

Fairfax plastic bag tax enters second year

- By Richard H. Hronik III / Fairfax County Times



Fairfax County's disposable plastic bag tax is now in its second year of implementation.

The tax adds a cost of 5 cents for each disposable plastic bag used at a store.

“In its first year, between January 1, 2022 [and] December 31, 2022, the bag tax generated about \$2.3 million in revenue,” said John Silcox, public information officer for Fairfax County’s Office of Environmental and Energy Coordination.

This revenue has been put towards several county projects, according to Silcox. These include but are not limited to waste reduction posters at bus shelters, volunteer stream cleanups, and waste collection at commuter parking lots and bus stops.

While it is difficult to ascertain how plastic bag usage has changed because the county does not have records of plastic bag usage prior to the implementation of the tax, fewer plastic bags have been found during stream monitoring and litter cleanup events.

“We count and characterize the type of litter we are able to see on a specific stretch of the stream,” said Jennifer Cole, executive director of Clean Fairfax. “We monitor five different land uses, and at two of those locations, in the first three quarters of the calendar year that the 5-cent bag fee has been in place, we saw fewer plastic bags in the streams. While more time and more data will more fully tell the story of whether the bag fee is reducing plastic pollution, we believe, based on our years of doing this work, that we are trending in the right direction.”

However, some residents doubt the bag tax’s effectiveness, claiming that disposable plastic bag usage has increased.

“I am writing to request that you, the BOS, and the County Executive immediately rescind the highly regressive plastic bag tax that in fact has increased plastic bag use in the County by 16% within the last year,” said Great Falls resident William Denk in a letter to the Fairfax Board of Supervisors. “It is hurting financially the poorest in the county the most.”

Data from the Virginia Department of Taxation shows an increase in plastic bag usage in 2023 compared to 2022. Fairfax’s plastic bag tax revenue rose from \$165,198.97 in April 2022 to \$195,895.10 in April 2023 – an increase of more than \$30,000.

Denk also cited the tax's cost on merchants, who have been using paper bags as a free alternative for customers refusing to pay the plastic bag tax.

"Merchants tell me these paper bags cost them three to five times as much as plastic bags, the cost of which they then pass on to all their customers in the form of higher prices on groceries," he said.

According to Silcox, Fairfax County attempted to aid retailers with some costs associated with the bag tax.

"To deflect some of the administrative costs of the disposable plastic bag tax, and in accordance with state regulation, affected retailers are able to retain one out of every 5 cents collected from the plastic bag tax," said Silcox. "To provide additional support throughout the first year of implementation, retailers were permitted to retain a 2-cent discount."

In the future, Fairfax County will continue to identify projects to which it will allocate revenue from the bag tax, said Silcox. The selection process is open to county departments and contributory agencies like the Northern Virginia Soil and Water Conservation District. Updates on revenue allocations are provided to the county's Board of Supervisors.

For more information about the plastic bag tax, visit <https://bit.ly/3HWbtfO>