

Minutes of the Fairfax County Consumer Protection Commission

July 21, 2015

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

Attendance:

Commissioners: Belkowitz, Fee, Hargraves,
Hine, Kirk, Roark, Rosier

Absent:

Commissioners: Callender, Kazmi, Nguyen

Staff:

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

The meeting was called to order at 7:33 PM by Chairman Fee.

Minutes

The minutes of the June 16, 2015, meeting were approved.

Report of the Chairman

Chairman Fee stated the Board of Supervisors approved the recommendation of the taxicab certificates.

Report of the Director

Director Liberman stated the 2016 CPC meeting calendar will be reviewed for possible conflicts.

Commission Matters

Commissioner Roark had no matters to bring before the commission.

Commissioner Belkowitz had no matters to bring before the commission.

Commissioner Hine spoke about his dealings with an automobile repair facility and how the shop recommended repairs that had already been performed.

Commissioner Hargraves dealt with an air conditioner issue at his home with a company he has used for many years. He had the coil replaced before, but instead of a possible repair, the company kept pushing to replace the entire unit.

Commissioner Kirk had no matters to bring before the commission.

Commissioner Rosier had no matters to bring before the commission.

Old Business

There was no old business to discuss.

New Business

1. Hacker License Appeal-Chairman Fee reviewed the Appeal Hearing Procedures.

Present: Appellant Mirwais Zalmai.

Mr. Zalmai spoke about his family situation, his work record, details of the event, the arrest, and the court conviction.

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. Zalmai was convicted of felony unlawful bodily injury in January 2014.

A discussion followed on the details of the event, reasons for the reaction from appellant, customer complaints, misdemeanor versus felony, postponement of the court dates, anger issues, and current work situation.

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

A discussion ensued on the time lapse of the conviction date versus recorded documents, seriousness of the charge, road rage, and future incidents.

The motion was called. Three commissioners voted in favor, four commissioners voted against the motion. The motion was defeated.

Commissioner Hargraves made the motion to move that Mr. Mirwais Zalmai's hacker license be re-instated. Commissioner Belkowitz seconded the motion. Five Commissioners voted in favor, two Commissioners voted against the motion. The motion passed.

2. Closed Session-Chairman Fee made the motion to move into closed session, in accordance with Va Code §2.2-3711 (A)(5). Commissioner Kirk seconded the motion.

The Commission ended closed session.

Chairman Fee made the motion that in the event the county receives notice of any sale agreement, transfer or change in management of a taxicab operating company, the Consumer Protection Commission authorizes a public hearing on August 18, 2015, Consumer Protection Commission meeting. Commissioner Kirk seconded the motion. Six commissioners voted in favor, one commissioner voted against the motion. The motion passed.

The meeting ended at 8:59 PM.