

Minutes of the Fairfax County Consumer Protection Commission

March 15, 2016

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

Attendance:

Commissioners: Callender, Fee, Hargraves,
Hine, Kazmi, Kirk, Nguyen, Roark, Rosier,

Absent:

Commissioners: Belkowitz, Roth

Staff:

Susan C. Jones, Branch Chief
Consumer Affairs
John W. Burton, Assistant County Attorney
Henri Stein-McCartney, Branch Chief
Regulation and Licensing Branch
Carl Newcomb, Consumer Specialist II
Regulation and Licensing Branch
Rebecca Makely, Fiscal Manager
Mail and Administrative Services

The meeting was called to order at 7:38 PM by Chairman Fee.

Minutes

The minutes of the January 19, 2016, and February 16, 2016, were approved.

Report of the Chairman

Chairman Fee mentioned the upcoming Precious Metal and Gem/Pawn ordinance revision hearing and the high school education presentation.

Report of the Director

Director Liberman was not in attendance. Susan Jones, Branch Chief, Consumer Affairs informed the commission that DCCS will present LOBs on Friday, April 1, 2016.

Commission Matters

Commissioner Roark had no matters to bring before the commission.

Commissioner Kazmi had no matters to bring before the commission.

Commissioner Hargraves had no matters to bring before the commission.

Commissioner Callender requested a copy of the LOB presentation once it has been heard by the Board of Supervisors.

Commissioner Kirk had no matters to bring before the commission.

Commissioner Rosier had no matters to bring before the commission.

Commissioner Hine had no matters to bring before the commission.

Commissioner Nguyen stated when customers' personal information or circumstances change, Verizon will suspend services or close the account until situation is rectified. In addition, Commissioner Nguyen asked which agency addresses health insurance and staff referred him to the State Corporation Commission, Bureau of Insurance.

Old Business

There was no old business.

New Business

1. Hacker License Appeal – Tony Chehrehnama. Chairman Fee reviewed the Appeal Hearing Procedures. Present: Appellant Tony Chehrehnama and his nephew Emad Maghsoudi.

Mr. Maghsoudi spoke about Mr. Chehrehnama being an outstanding citizen in Fairfax County for 30 years, his values and work ethics, details of his driving record, convictions, his lack of understanding of the impact on his driver's record by simply paying the tickets, long service with the taxicab company, purchasing a new personal vehicle and having it detailed to drive as a taxicab, driver improvement course, and the request for a second chance.

Henri Stein-McCartney, Chief, Regulation and Licensing Branch (RALB), 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. Chehrehnama's driving records indicated he was convicted of speeding 77 mph in 55 mph zone in October 2015, speeding 75 mph in 55 mph zone in August 2015, and failure to obey high sign in June 2014.

A discussion followed on the details of the events, customer complaints, convictions, points on the driving record, passenger involvement, driver improvement course, recommendations by citizens, and the denial process.

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

The motion was called. Two commissioners voted in favor of denying the hacker's appeal, five commissioners opposed, and one commissioner abstained. The motion failed.

Chairman Fee made the motion for Mr. Chehrehnama's hacker's license to be reinstated. Commissioner Nguyen seconded the motion.

Six commissioners voted in favor, two commissioners opposed. Motion passed.

2. Hacker License Appeal – Mohamed Edris Chairman Fee reviewed the Appeal Hearing Procedures. Present: Appellant Mohamed Edris and his attorney Andrew J. Kersey.

Mr. Kersey, attorney for Mr. Kim, provided a letter from L & Z Transportation (White Top) portraying Mr. Edris as hard working, customer oriented, and no customer complaints. Mr. Kelsey discussed the points on the driving record since one of the speeding convictions was in Maryland, confusing verbiage in section 84.1-3-4(c), no accidents by Mr. Edris, his success in passing the driver improvement course, and all convictions were made in Mr. Edris personal vehicle not his taxicab.

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. Edris was convicted of speeding 60 mph in 35 mph in September 2014, failure to pay full time and attention in May 2015, and speeding 61 mph in 35 mph in September 2015.

A discussion ensued about the 24 month period to review the driving record, appreciation for staff's due diligence, supporting family, details of the events, persistent pattern of reckless driving, lack of taxicab experience, points on the driver's record, and public safety.

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

The motion was called. Three commissioners voted in favor of denying the hacker's license and five commissioner opposed. The motion failed.

Chairman Fee made the motion for Mr. Edris' hacker's license be reinstated. Commissioner Nguyen seconded the motion.

The motion was called. Six commissioners voted in favor, two commissioners opposed. The motion passed.

The meeting ended at 9:28 PM.