

Consumer Protection Commission FY 2023 Annual Report



Fairfax County Consumer Protection Commission
September 2023

FAIRFAX COUNTY BOARD OF SUPERVISORS



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CHAIRPERSON'S MESSAGE

It's an honor and privilege for me to write for the first time as Chairperson of the Consumer Protection Commission. The CPC protects and advances the interests of consumers in Fairfax County well, and I am excited to work with my fellow Commissioners to continue that stewardship in the coming months and years.

As County residents, we are fortunate to have the support of the Department of Cable and Consumer Services. From regulating key industries and providing educational opportunities, to directly assisting with dispute resolution, the dedicated staff are an asset. As Chairperson, one of my top priorities is raising awareness of these resources and exploring ways to bolster existing education and outreach initiatives.

On behalf of the Commission, I thank the Board of Supervisors for the opportunity to serve Fairfax County residents and businesses and look forward to a productive year ahead.



Jason J. Kratovil

Chairperson

Consumer Protection Commission

CONSUMER PROTECTION COMMISSION

FAIRFAX COUNTY CONSUMER PROTECTION COMMISSION



Jacqueline Rosier
Resident #1
Appointed by Chairman McKay



Harold G. Belkowitz
Resident #8
Appointed by Supervisor Herry



Michael J. Roark
Resident #2
Appointed by Supervisor Storck



Chester J. Freedenthal
Resident #9
Appointed by Chairman McKay



Jason J. Kratovil
Resident #3
Appointed by Chairman McKay



Josef Gasimov
Resident #10
Appointed by Chairman McKay



Dennis D. Kirk
Resident #4
Appointed by Supervisor Gross



Paul Svab
Resident #11
Appointed by Supervisor Herry



Dirck A. Hargraves
Resident #5
Appointed by Chairman McKay



Denis Gulakowski
Resident #12
Appointed by Supervisor Walkinshaw



Pratik J. Kharat
Resident #7
Appointed by Supervisor Smith



Maurice Springer
Resident #13
Appointed by Supervisor Palchik

The Board of Supervisors established the Public Utilities Commission in 1964 and in June of 1972 the Board designated the Commission to address consumer protection issues and changed the name to the Consumer Protection and Public Utilities Commission. The name was changed to the Consumer Protection Commission on March 2, 1981.

The Commission is composed of Fairfax County residents appointed by the Board of Supervisors to three-year terms. The Commission has 13 members, of which at least seven are consumers not actively engaged in business in Fairfax County.

The business of the Commission is guided by the Bylaws adopted by a majority vote of the Commission members and approved by the Board of Supervisors.

The Commission meets the third Tuesday of each month at 7:30 p.m. In-person meetings are open to the public and publicly accessible.



The power and duties of the Commission are:

- Shall advise the Board of Supervisors on consumer affairs and shall report periodically thereto concerning the Commission's activities.
- Shall advise the Department of Cable and Consumer Services on consumer matters and on carrying out its duties and functions under Fairfax County Code Chapter 10.
- May hold public hearings on and publish its finding on issues of widespread public interest which deal with illegal, fraudulent, deceptive, or dangerous consumer practices. May adopt, promulgate, amend, and rescind rules and regulations, subject to the approval of the Board of Supervisors, concerning such issues.
- May refer apparent violations of any provisions of Fairfax County Code Chapter 2.1 (Virginia Home Solicitation Sales Act §§ 59.1-196 through 59.1-207) of Title 59.1 of the Code of Virginia, as amended, to either the Commonwealth Attorney or to the County Attorney or to both for investigation.
- Shall have all powers and perform all duties specified under 28.1 (Massage Therapy, Establishments and Services), Chapter 31 (Peddlers, Solicitors, and Canvassers), Section 82-5-32 (Removal, immobilization, and disposition of Vehicles unlawfully parked on private or County property), and Chapter 84.1 (Public Transportation) of the Code of the County of Fairfax.
- May, as directed by the Board, advise, and inform the Board of Supervisors on all issues relating to cable communications.

During FY 2023, the Commission meetings included the following new items of business:

JULY 2022 - POLICE CIVILIAN REVIEW PANEL PRESENTATION, FY 2022 ANNUAL REPORT

Commissioner Hargraves, Chairperson for the Police Civilian Review Panel (PCRP), introduced Stephen Richardson who was appointed PCRP Executive Director. Commissioner Hargraves presented an overview of the functions of PCRP, jurisdiction on the abuse of authority and serious misconduct complaints, and the role of the Independent Police Auditor. Rebecca L. Makely, Acting Director, Department of Cable and Consumer Services, presented an overview of the FY 2022 CPC Annual Report.

SEPTEMBER 2022 - REMOTE PARTICIPATION POLICY, CHAPTER 28.1

Acting Director Makely reviewed highlights of the changes to the Remote Participation Policy. Acting Director Makely reminded the Commission about the discussion from January/February 2022 surrounding Chapter 28.1 Massage Therapy, Establishments and Services that is regulated by the Fairfax County Regulation and Licensing Branch. A discussion ensued on identifying and clarifying the various procedures, standardizing the language, finding a logical due process for appeals, and CPC authority.

OCTOBER 2022 – CRYPTOCURRENCY PRESENTATION, EMERGENCY TAXICAB FUEL SURCHARGE

Acting Director Makely informed the Commission that the presenter had to leave. Acting Director Makely will provide the presentation slides and the *Consumer Connection* Facebook Live program on Cryptocurrency recorded that afternoon for the CPC to review. Acting Director Makely explained the current Emergency Taxicab Fuel Surcharge will end on December 29, 2022. The County Executive requested a no gap extension of the fuel surcharge. Acting Director Makely stated staff analysis shows gas prices are on the rise again. Acting Director Makely has come to the Commission to request authorization to advertise a public hearing at the November 15, 2022, meeting. The motion passed unanimously, 8-0-0.

NOVEMBER 2022 – TEMPORARY TAXICAB FUEL SURCHARGE PUBLIC HEARING, CHAPTER 28.1, PROPOSED AMENDMENTS TO FAIRFAX COUNTY CODE CHAPTER 84.1, NOMINATION OF OFFICERS

Acting Director Makely presented the staff report on the Emergency Taxicab Fuel Surcharge which included a review of Fairfax County Code, taxicab certificates, taxicab company data, gasoline price trends, surcharge amount required to offset increased fuel cost, comparison rates, and sample billing analysis. Acting Director Makely informed the Commission that White Top Cab Company shutdown their operations in Fairfax County, on September 1, 2022. Chairperson Fee made the motion to approve a temporary uncodified ordinance that will provide for an emergency taxicab fuel surcharge up to a \$1.00 per-trip from December 30, 2022, through June 30, 2023. Commissioner Gulakowski seconded the motion. The motion passed, 9-1-0.

Acting Director Makely provided the requested redline draft of Chapter 28.1, prepared by the County Attorney with proposed amendments to the appeals language. Acting Director Makely informed the Commission that the Illicit Massage Businesses (IMB) Taskforce will review Chapter 28.1 and will forward their recommendations to the Commission in the Spring of 2023. A discussion ensued on the highlighted areas in the chapter, Virginia Code, authority and police powers, inspection requirements, descriptive language, and application denial deadline. The Commission will review Chapter 28.1 and provide their recommendations at the December meeting.

Acting Director Makely presented the staff analysis and recommendation to the Commission which included the review of Fairfax County Code, taxi certificates, vehicle cost, and timeline. A discussion ensued on the number of taxicabs effected, gap between vehicle mileage “aged out” and approval from the Board of Supervisors, leasing cost, extra fleet vehicles, emissions requirements, and taxicab industry attendance at the public hearing. Chairperson Fee made a motion for the Consumer Protection Commission to Authorize Advertisement of a Public Hearing to be held on Tuesday, December 20, 2022, 7:30 p.m. on Proposed Amendments to Fairfax County Code Section 84.1-8-3, Vehicle Requirements. Commissioner Hargraves seconded the motion. The motion passed unanimously, 10-0-0.

Chairperson Fee appointed Commissioner Gulakowski to chair the Nominating Committee. Commissioner Gulakowski will reach out to the Commission for nominations of Chairperson, Vice-Chairperson, and Secretary.

DECEMBER 2022 – PUBLIC HEARING ON PROPOSED AMENDMENTS TO FAIRFAX COUNTY CODE SECTION 84.1-8.-3 VEHICLE REQUIRMENTS, CHAPTER 28.1

Director Rebecca Makely presented the staff analysis and recommendation which included changes to the vehicle requirements, taxicab certificates, taxicab vehicle cost, comparison of taxicab rates in local jurisdictions, timeline of events, and staff recommendations. A discussion ensued on the vehicle safety requirements. Kyle Summers, Chief Operating Officer, Old Dominion Transportation Group, Inc. thanked staff for their work on this issue and shared the impact the pandemic had on the taxicab industry. Mr. Summers spoke of future purchases of electric vehicles. Staff recommends approval of the proposed amendments. Chairperson Fee moved that the Consumer Protection Commission recommend the Board of Supervisors approve the Proposed Amendments to Fairfax County Code Section 84.1-8-3, Vehicle Requirements. Commissioner Gulakowski seconded the motion. The motion passed unanimously, 11-0-0.

Director Makely reviewed a redline draft of Chapter 28.1 that incorporated recommendations by Commissioner Freedenthal. Staff again highlighted areas that the Commission had previous discussed but had not made formal recommendations. Director Makely will send an updated version that will include the accepted recommendations by Commission Freedenthal after the meeting. A discussion ensued on

licensing requirements, formatting changes, defining of erogenous areas, penalizing massage therapists, inspections, permit displays, verbiage updates, may versus shall, and timeline of the appeal. Director Makely will email the Commission the latest draft for discussion at the next meeting.

FEBRUARY 2023 - RESILIENT FAIRFAX AND CECAP PRESENTATION, ELECTION OF OFFICERS, 2023 ITEMS OF INTEREST, CPC MEETING TIME

Allison Homer and Maya Dhavale provided a presentation on the Community-wide Energy and Climate Action Plan (CECAP) in Fairfax County. They spoke about the development of the Office of Environmental and Energy Coordination (OEEC), functions of OEEC, interagency coordination, energy use and efficiency tracking, community programs and innovation, future climate plans, weather vs. climate, emissions reduction, CECAP status, buildings and energy efficiency, energy supply, climate projections, vulnerabilities, strategy pillars, and implementation roadmaps.

Nominating Committee, Vice Chairperson Gulakowski provided the Slate of Candidates:

Chairperson - Jason Kratovil

Vice Chairperson - Denis Gulakowski

Secretary - Jacqueline Rosier

Commissioner Hargraves made the motion to accept the report of the Nominating Committee.

Commissioner Freedenthal seconded the motion. The motion passed unanimously, 11-0-0.

Topics mentioned: Medicare Fraud by Commissioner Freedenthal, FCPD Community/traffic patrol (Blake Lane) by Commissioner Springer, TNC/Taxicab industry update by Commissioner Belkowitz, and Electrification/EV charging by Commissioner Hargraves.

Commissioner Svab requested a discussion to change the CPC meeting time from 7:30 p.m. to 5:00 p.m.

Commissioner Hargraves made the motion to consider meeting at 5:00 p.m. Commissioner Belkowitz seconded the motion. A discussion ensued on commissioner and public availability. The motion failed, 0-11-0.

MARCH 2023 - REQUEST TO AUTHORIZE ADVERTISEMENT OF A PUBLIC HEARING

The matter was deferred to the April meeting.

MAY 2023

There was no new business between the Commission.

JUNE 2023

There was no new business between the Commission.

Additional information on the Commission, including a copy of this annual report, is available on the Commission Web site at <https://www.fairfaxcounty.gov/cableconsumer/csd/consumer-protection-commission>.

CONSUMER INQUIRIES

Consumer Affairs responds to inquiries, mediates consumer complaints, and provides advice and referrals. Inquiries include complaints, advice, and customer walk-ins.

During FY 2023, Consumer Affairs responded to 7,745 inquiries relating to housing services, tenant-landlord, automotive, retail, and professional services.

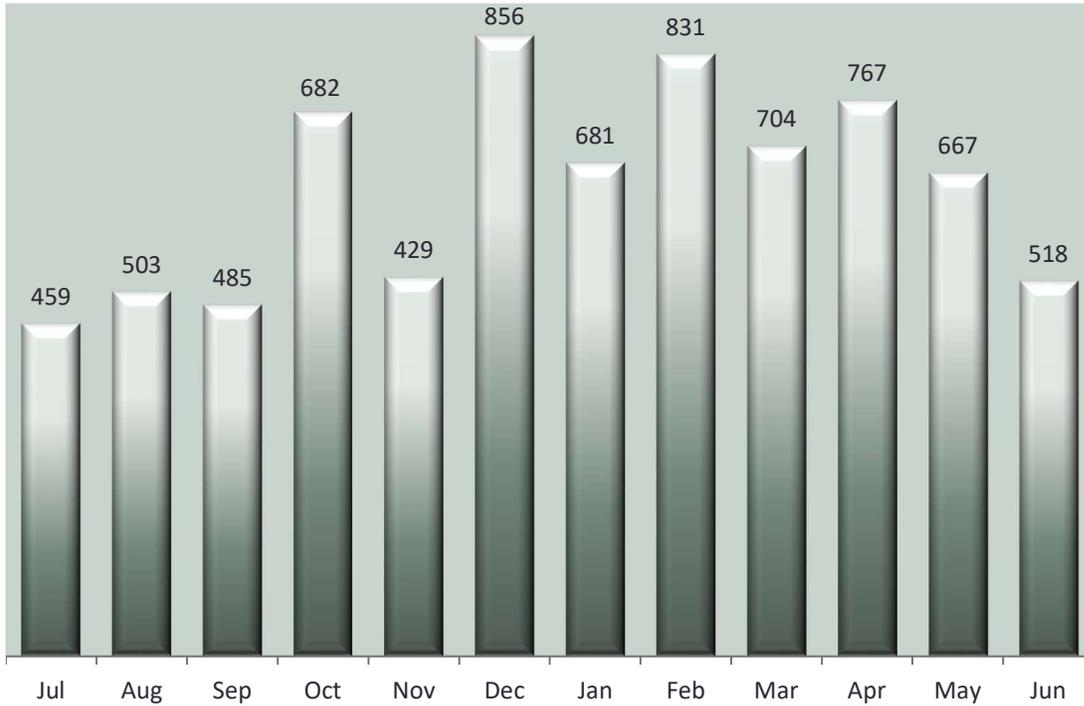


Figure 1 Consumer Inquiries for Fiscal Year 2023

CONSUMER COMPLAINTS

Consumers can file a complaint on the County Web site, in-person, or through the U.S. Mail. Once a complaint is filed, a Consumer Specialist provides voluntary mediation with the consumer and business to assist both parties in reaching a favorable resolution.

In FY 2023, Consumer Affairs mediated and investigated 1,040 consumer complaints on a variety of topics, such as housing services, tenant-landlord, automotive, retail, professional services, and other. Through the mediation efforts provided by Consumer Affairs, \$461,256 was recovered for consumers in FY 2023.

The chart below shows complaint trends over the last five years with tenant-landlord issues the most received complaint over that time.

In FY 2023, Professional Services includes faulty services, refunds, and billing disputes. Housing services complaints include contractors failing to complete work, faulty services or repairs, and failure to provide trash services. Tenant-landlord complaints include security deposit issues, maintenance issues, and lease terminations. Automotive complaints involve billing and repair issues. Retail complaints include refunds, warranty issues, and faulty goods. Other includes internet and wireless service billing, medical billing, towing, and cable TV.

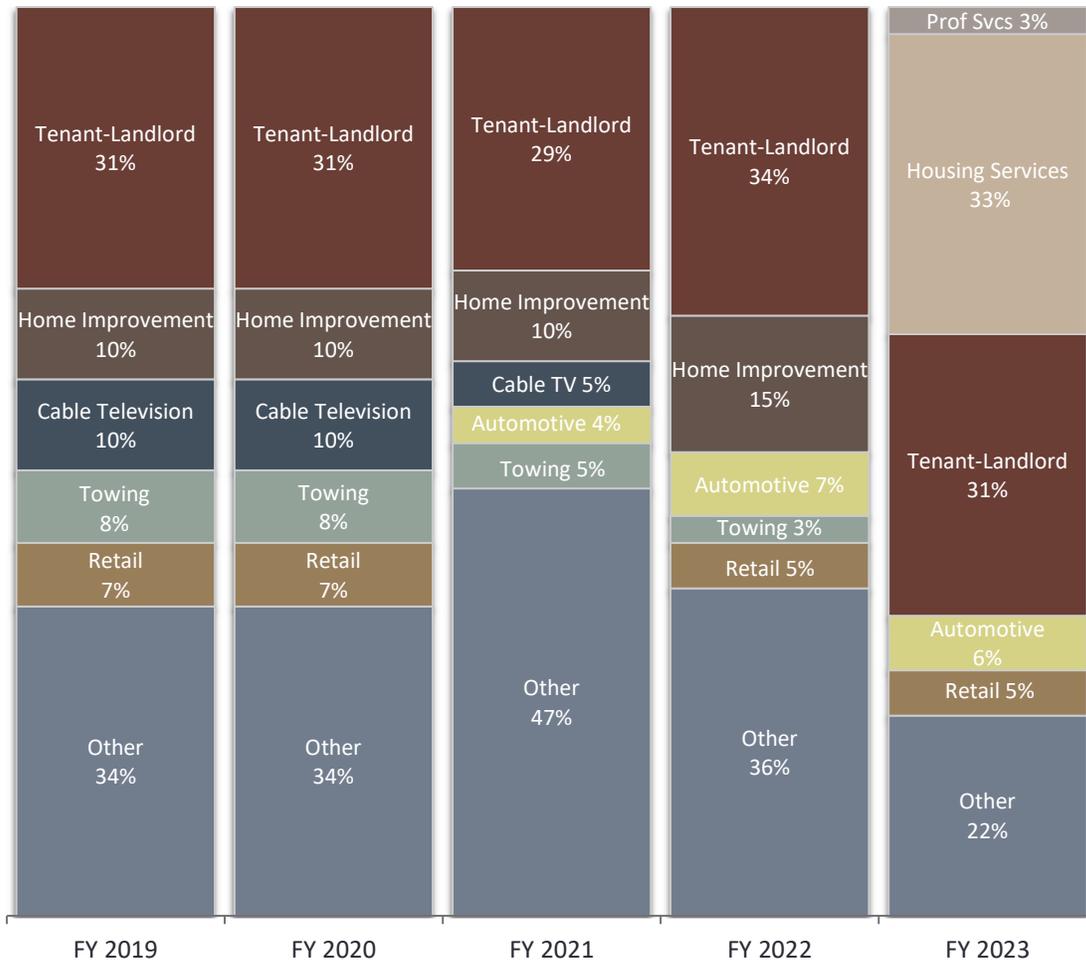


Figure 2 Consumer Categories from Fiscal Year 2019 to 2023

The chart above shows complaint trends over the last several years with Tenant-Landlord leading in complaints. However, in FY 2023, Consumer Affairs received an increase in Housing Services complaints which resulted in the top complaint category in FY 2023.

Also, in November 2022, Consumer Affairs migrated to a new customer relations module (CRM) for the management of complaints, advice, and outreach with enhanced data tracking and reporting. CRM includes a public-facing portal for the online submission of consumer complaints with a “complaint look-up” feature for the public to review closed complaint summaries.

COMPLAINT ARBITRATION

When mediation efforts are exhausted, a voluntary and legally binding [arbitration process](#) is available. Arbitration provides an efficient and free alternative to court for resolving consumer complaints.

In FY 2023, there were no requests for arbitration services.



COMPLAINT SUMMARIES

Consumer Affairs publishes case [summaries](#) of all closed complaints for one year on the County Web site. Reviewing complaint summaries offers an overview of Consumer Affairs mediation efforts and can also provide information to consumers about businesses operating in Fairfax County.



A sample of complaint summaries featuring comments from consumers satisfied with the mediation are highlighted below:

MOVING MISADVENTURE

Craig and Marcy, the consumers, contracted with a moving company to move their belongings from their home in Alexandria to their home in Centreville, Virginia. The consumers were provided an estimate of \$4,200 which consisted of two trucks and full crew for a one-day move. When the moving truck reached the Centreville home, the moving company called and stated the move went over the estimated cost and the consumers needed to provide a credit card for an additional \$3,000 to complete the move. Once the consumers paid the requested money, the move was completed. The consumers were told by the crew chief of the moving company that the consumers would receive a call about damages and a possible refund. When the consumers received a call from the moving company, the consumers were told the actual move took 14 hours and 30 minutes, but the consumers were only charged for 13 hours and 30 minutes. The consumers felt the moving company underestimated the job and only requested more money when the consumer's furniture was held hostage by the moving company. The consumers requested a partial refund. After Consumer Affairs intervention and mediation, the consumers received a settlement of \$1,153 from the mover's insurance company to the consumers satisfaction.

*"WE ARE DEEPLY APPRECIATIVE OF
YOUR EFFORTS AND PERSEVERANCE"
CRAIG AND MARCY*

TARDY TESTS

Jan and Burt, the consumers, went to a business for a medical test. After three weeks of waiting, the consumers claimed no test results were provided by the business. The consumers requested the business provide reliable results from the test. After Consumer Affairs intervention and mediation, the business responded the delay was due to a national shortage of workers to perform the test. The business stated the specimen was stored correctly for stability. The business provided the requested results to the consumers. The consumers were unhappy with the business's lack of communication but were happy to receive the results.

*"OUR DEEP APPRECIATION FOR YOUR
EFFORTS IN HANDLING OUR
COMPLAINT AS WELL AS
CONSIDERABLE ADMIRATION FOR
YOUR SKILL AND EFFICIENCY IN
GETTING RESULTS" JAN AND BURT*

REFUSE REFUND

Bernadette, the consumer, contracted with a trash company for trash, recycling, and debris removal service. The consumer cancelled service with the trash company and paid her final bill. The consumer alleged the trash company sent a bill for a \$25 equipment fee for which the consumer claimed the trash company never informed her of the fee. The consumer requested the trash company waive the fee. After Consumer Affairs intervention and mediation, the trash company, as a goodwill gesture, agreed to remove the \$25 fee, to the consumer's satisfaction.

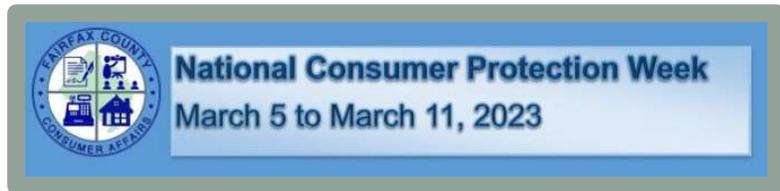
*"MY COMPLAINT WAS MADE ON PRINCIPLE, BUT CONSUMER AFFAIRS STAFF WAS EXTREMELY RESPONSIVE AND SHOULD BE COMMENDED FOR THEIR ASSISTANCE" **BERNADETTE***

COMMUNITY OUTREACH

Consumer Affairs analyzes trends and issues of concern in response to complaints received and mediated by staff. This analysis is used to develop educational information for outreach, publications, and programming.

Consumer Affairs develops educational programs for audiences of all ages on current consumer topics and trends. Consumer Affairs provides outreach presentations throughout the year to community groups, senior centers, schools, and faith-based and non-profit organizations. Consumer Affairs collaborates with Fairfax County Public Schools

and develops interactive case studies and presentations that are used both in the academy programs that focus on college and career readiness and STEM



programs (Science, Technology, Engineering, and Mathematics). Both approaches allow high school students to be educated on transactions and made aware of consumer resources. During National Consumer Protection Week, Consumer Affairs Day was celebrated on Thursday, March 9, 2023, with presentations on *Consumer Affairs 101*, *Tenant and Landlord Rights and Responsibilities*, *Funeral Planning*, and *Scams*.

Consumer Affairs conducted 149 outreach events with an attendance of 5,421 in FY 2023. A brochure that speaks about the services and resources provided by Consumer Affairs has been translated into the following languages – Spanish, Vietnamese, Korean, Arabic, and Chinese.

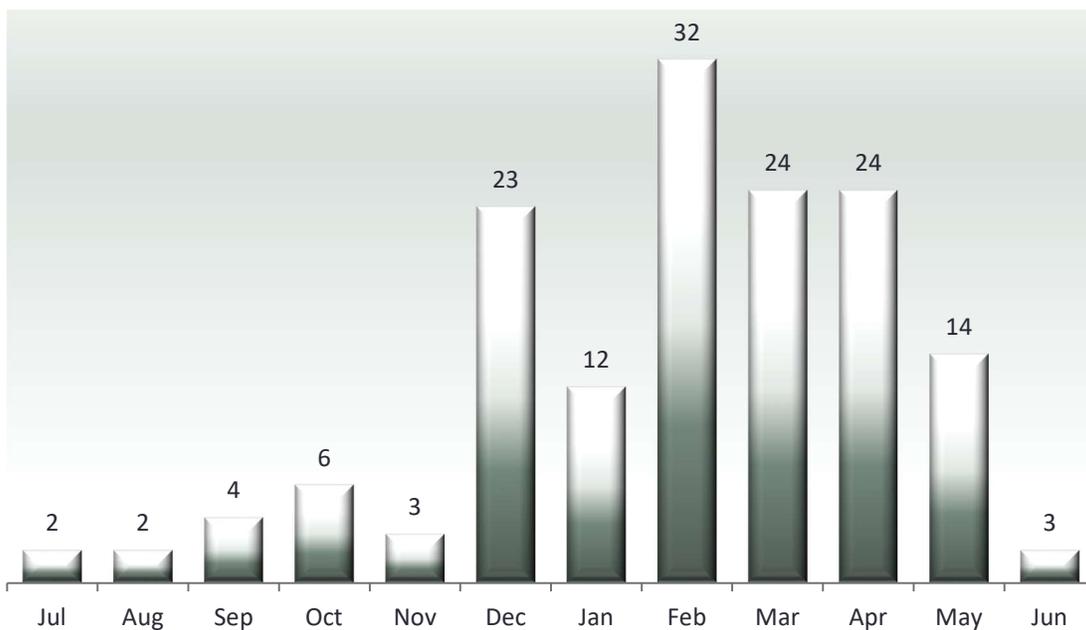


Figure 3 Community Outreach Events for Fiscal Year 2023

Consumer Affairs offers presentations on the following topics:

- Consumer Affairs 101
- Building a Better Credit Report
- Data Breaches
- Door to Door Scams
- Financial Education
- Funeral Planning
- High School 101
- Home Improvement
- How to Block Unwanted Calls
- Identity Theft
- Tenants and Landlords Rights and Responsibilities
- Medical Identity Theft
- Online Shopping
- Scams

Consumer Affairs promotes services through publications such a comprehensive consumer Web site and social media.

Consumer Affairs participates in the following consumer programs and initiatives:

CONSUMER CONNECTION

Consumer Affairs hosts a monthly Facebook Live program on consumer topics, including Hiring a Moving Company; Warranties, Emergency Preparedness Month; Cryptocurrency; Shopping Online and Holiday Scams; Gift Cards, Porch Pirates, and Holiday Returns; Tax Scams and How to Protect Yourself; National Consumer Protection Week; Senior Medicare Patrol; Code Compliance; and Disease Carrying Insects Program. Viewers can comment with questions that are answered in real-time during the online program. The programs can be viewed on the Consumer Affairs Facebook page at <https://www.facebook.com/fairfaxcountyconsumer>.

CONSUMER FOCUS

Consumer Affairs records a program highlighting various consumer issues that is televised on Fairfax County Government Channel 16 and available through Video-on-Demand on the County Web site.

SILVER SHIELD ANTI-SCAM CAMPAIGN

Consumer Affairs is a partner agency in the County's Silver Shield initiative. This campaign helps older adults avoid being scammed by sharing critical information about current scams. Resources available include outreach presentations at community events, podcasts, Fairfax County Government Channel 16 programs, publications, and Web sites with additional information.

FINANCIAL EXPLOITATION PREVENTION TASKFORCE

Consumer Affairs is a partner agency on the County's Financial Exploitation Prevention Taskforce. This taskforce meets monthly to review prevention and intervention strategies for assisting older adults with issues such as scams and exploitation. Consumer Affairs regularly participates in the Speakers Bureau associated with this initiative.

EVICITION PREVENTION TASKFORCE

Consumer Affairs is a partner agency on the County's Eviction Prevention Taskforce. This taskforce meets monthly to collaborate on efforts to connect residents who are facing evictions with services provided by the County.

Consumer Affairs regularly posts relevant consumer information on social media including tips, warnings, and resources. Commissioners also share consumer tips with fellow constituents. Following are several examples advising the public of relevant consumer issues and information:



IN REVIEW

The Commission and Consumer Affairs monitor consumer trends to ensure educational information is made available to consumers so they can make informed decisions. The Commission is committed to serving consumers and businesses to make certain that all state and County codes are met. The Commission continues to make recommendations on taxicab certificates and rates to the Board of Supervisors, follows the appeals process for licenses and permits, and stays abreast of changes to legislation that affect consumers.



Fairfax County Consumer Protection Commission

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

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

www.facebook.com/fairfaxcountyconsumer

consumer@fairfaxcounty.gov



To request this information in an alternate format, call the Department of Cable and Consumer Services, 703-222-8435, TTY 711.



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