

Minutes of the Fairfax County Consumer Protection Commission

April 19, 2022

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

Attendance:

Commissioners: Belkowitz, Callender, Fee,
Gulakowski, Hargraves, Kirk, Kratovil, Roark,
Rosier, Springer

Absent:

Commissioners: Svab

Staff:

Rebecca L. Makely, Acting Director
Cable and Consumer Services
Susan C. Jones, Consumer Specialist III
Consumer Affairs Branch
Prescott Barbash, Consumer Specialist I
Consumer Affairs Branch
John W. Burton, Assistant County Attorney
County Attorney Office

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

Minutes

The minutes for the March 15, 2022, meeting were approved without objection.

Report of the Chairperson

Chairperson Fee had no matters to bring before the Commission.

Report of the Director

Acting Director Makely welcomed the Commission to the in-person meeting. Acting Director Makely informed the Commission that the FY 2023 Advertised Budget Public Hearings took place last week. In addition to emails, calls, and written testimony received, over two hundred speakers participated in these public hearings. The Budget Committee Meeting is scheduled for Friday, April 22, 2022, to discuss the hearings. Budget mark-up will be held on Tuesday, April 26, 2022. On Tuesday, May 10, 2022, the FY 2023 Budget will be adopted.

Acting Director Makely let the Commission know Consumer Affairs filled three Consumer Specialist II positions with candidates Lauren Yeung, Prescott Barbash, and Melissa Pickham. The Consumer Specialist I positions will be advertised soon.

Acting Director Makely briefly updated the Commission on the Emergency Taxicab Fuel Surcharge. On April 12, 2022, the Board of Supervisors (BOS) voted unanimously to adopt an

emergency uncodified ordinance for a \$1.00 per-trip taxicab fuel surcharge to be enforced for no more than sixty days in accordance with Virginia Code § 15.2-1427, effective from April 13, 2022, through June 11, 2022, unless rescinded sooner by the BOS. Other surrounding jurisdictions approved similar fuel surcharges. Information on the taxicab fuel surcharge are located in each taxicab and on the Consumer Services Division Web site at www.fairfaxcounty.gov/cableconsumer/csd/regulation-licensing/taxicab-servies.

A discussion ensued on the index used to measure the data, average gas prices, effect on Uber or Lift drivers, gas tax holiday, and the ability to revisit if gas prices increase.

Commission Matters

Commissioner Roark had no matters to bring before the Commission.

Commissioner Belkowitz had no matters to bring before the Commission.

Commissioner Rosier had no matters to bring before the Commission.

Commissioner Gulakowski mentioned he received scam calls from the same person and number about owing maintenance fees.

Chairperson Fee was pleased the Commission was able to meet in-person with proper social distancing. He mentioned his trash service went to once a week pick-up but did not notice a significant drop in his quarterly rate.

A discussion ensued on driver retention, recruitment and signing bonuses, the BOS discussion on reestablishing the Fairfax County Solid Waste Authority to address these issues, the use of automated lift trash trucks, and the rental fees for trash containers and associated security deposit.

Commissioner Kirk received scam emails asking he was going by Costco and could this person add items on to the order. He mentioned continued car thefts and now intruders are checking homes for unlocked doors.

Commissioner Kratovil asked if any recruitment efforts had begun for a permanent DCCS Director. Acting Director Makely stated there has been no advertisement or recruitment at this time.

Commissioner Hargraves spoke about several issues. County landfill at Lorton has free mulch, hired a company to remove items from his mother's apartment, but found they would not take items that are scratched and reminded everyone to research this type of service for scams and issue with finding contact information for cable companies and discussed the accessibility to the public.

Commissioner Springer had no matters to bring before the Commission.

Commissioner Callender mentioned in Amsterdam in 2019 there were electric taxicabs and expects it will be an issue the Commission will explore in the future. He mentioned the upcoming 5th Annual Scam Jam on Friday, April 22, 2022.

Old Business

There was no old business before the Commission.

New Business

1. 2022 Legislation. Consumer Specialist Prescott Barbash presented the following legislative bills reviewed by Consumer Affairs that were approved by the Governor:

- HB 78 Automatic renewal or continuous service offer to consumer; cancellation and online opt-out. Approved by Governor 4/11/22 (effective 7/1/22).
- HB 381 Consumer Data Protection Act; data deletion request. Approved by Governor 4/11/22 (effective 7/1/22).
- HB 402 Landlords, participation; tax credit. Approved by Governor 4/8/22 (effective 7/1/22).
- HB 470 & SB 197 Common interest communities; prohibition on refusal to recognize a licensed real estate broker. Approved by Governor 4/1/22 (effective 7/1/22).
- HB 714 & SB 534 Consumer Data Protection Act; definitions, enforcement, abolishes Consumer Privacy Fund. Approved by Governor 4/11/22 (effective 1/1/23).

A discussion ensued on free trials, the difficulty of canceling memberships, unclear messages that consumers are signing up for a subscription, residents living below the poverty line, real estate agents having the authority to become a registered agent for out of state property owners, and providing consumers more control over the data collected.

Chairperson Fee mentioned a desire to see a change in the Sunshine restrictions to allow more off campus meetings, discussions, and special projects.

Commissioner Kratovil inquired about any updates on Chapter 28.1. Acting Director Makely reminded Commission that changes made by Commissioner Kratovil were previously emailed to the Commission for their review in February. Acting Director Makely has not received any changes from the Commission. Tom Arnold is the new Deputy County Executive for Safety and Security and will meet to review previous work on Chapter 28.1.

Commissioners requested to add Chapter 28.1 to the agenda for May and July. Acting Director Makely requested the Commission review the Chapter and the redline changes prior to the next meeting.

Commissioner Belkowitz inquired about the process. Acting Director Makely stated once the Commission moves forward with the changes, CPC would make a motion to advertise a public hearing. The CPC would hold the public hearing. The CPC would make a motion to recommend the proposed amendments for BOS approval. Staff would present the recommendations to the BOS and they would make a motion to advertise the public hearing and then hold the hearing.

Chairperson Fee agreed to put Chapter 28.1 on the agenda for the May meeting after Regulation and Licensing 101 presentation and further review at the July meeting.

The meeting adjourned at 8:40 PM.