



County of Fairfax, Virginia

MEMORANDUM

DATE: June 8, 2021

TO: Consumer Protection Commission

FROM: Michael S. Liberman, Director 
Department of Cable and Consumer Services

SUBJECT: Consumer Protection Commission Meeting for June 15, 2021

Please find attached the Consumer Protection Commission meeting package. The next scheduled meeting is **Tuesday, June 15, 2021, 7:30 p.m.** This meeting will be held via a video connection due to the COVID-19 pandemic.

To join the meeting:

Click: <https://us02web.zoom.us/j/87377010378?pwd=R2F2aThTZlFja3grVFZNcm9MSCtLQT09>

Enter Password: 782822

Audio-only participation:

Dial: 888-270-9936

Enter Code: 584548

Please RSVP with your attendance to Susan Jones on Monday, June 14, 2021, at Susan.Jones@fairfaxcounty.gov or 703-324-5877.

Enclosures

cc: Joseph M. Mondoro, Chief Financial Officer
Office of the County Executive

Rebecca L. Makely, Director
Consumer Services Division, DCCS



**FAIRFAX COUNTY
CONSUMER PROTECTION COMMISSION
June 15, 2021 AGENDA**

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

Minutes

- Draft of the May 18, 2021, meeting minutes attached.

Report of the Chairman

Report of the Director

Commission Matters

Old Business

- Appeal Process Discussion

New Business

- One Fairfax Policy Video (30:36)

General Interest

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

Minutes of the Fairfax County Consumer Protection Commission

June 15, 2021

7:30 PM
Zoom Video Meeting
Chairman Fee presiding

Attendance:

Commissioners: Belkowitz, Callender, Fee,
Gulakowski, Hargraves, Hine, Kratovil, Roark

Absent:

Commissioners: Kirk, Rosier

Staff:

Michael S. Liberman, Director
Cable and Consumer Services
(Fairfax)
Rebecca L. Makely, Director
Consumer Services Division
(Aldie)
John W. Burton, Assistant County Attorney
Office of the County Attorney
(Suite 549)
Susan C. Jones, Branch Chief
Consumer Affairs Branch
(Springfield)

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

Quorum, Location, and Audibility of Members' Voices

Chairman Fee conducted a Roll Call to verify that a quorum of members were participating; and that each member's voice was clear, audible, and at appropriate volume for all of the other members; and the location from which each member was participating. The roll call was as follows:

Chairman Fee, Burke
Commissioner Belkowitz, Fairfax Station
Commissioner Callender, Great Falls
Commissioner Gulakowski, Burke
Commissioner Hargraves, Kingstown
Commissioner Hine, Fairfax
Commissioner Kratovil, Mount Vernon
Commissioner Roark, Lorton

Chairman Fee passed the virtual gavel to Vice Chairman Gulakowski. A motion was made by Chairman Fee that each member's voice was adequately heard by each member of the Consumer Protection Commission (Commission.) This motion was seconded by Commissioner Callender. This motion passed 8-0.

Need for an Electronic Meeting

A motion was made by Chairman Fee that the State of Emergency caused by the COVID-19 pandemic made it unsafe for the Commission to physically assemble and unsafe for the public to physically attend any such meeting, and that as such, FOIA's usual procedures, which require the physical assembly of the Commission and the physical presence of the public, could not be implemented safely or practically. Chairman Fee further moved that the Commission conduct the meeting electronically through a dedicated audio-conferencing line, and that the public can access the meeting by calling 1-888-270-9936 and entering access code 584548. The motion was seconded by Commissioner Hargraves. The motion passed 8-0.

Need to Dispense with FOIA's Usual Procedures to Assure Continuity in Government/Continue Operations

A motion was made by Chairman Fee that all matters addressed on the agenda addressed the Emergency itself, were necessary for continuity in Fairfax County government, and/or were statutorily required or necessary to continue operations and the discharge of the Commission's lawful purposes, duties, and responsibilities. This motion was seconded by Commissioner Kratovil. This motion passed 8-0.

Minutes

The minutes for the April 20, 2021, meeting were approved without objection.

Report of the Chairman

Chairman Fee sent well wishes to Secretary Commissioner Rosier. Chairman Fee thanked former Commissioner Javed for his service on the Commission.

Rebecca Makely, Director, Consumer Services Division stated she reached out to Commissioner Javed via email. Commissioner Javed indicated he had sent his resignation letter to his Board member several months ago. Staff filed Commissioner Javed's resignation letter with the Clerk's office.

Report of the Director

Director Liberman stated the Board of Supervisors (BOS) approved the FY 2022 budget. Fairfax County full-time employees will receive a \$1,000 bonus in the third quarter of FY 2021 and a one percent increase in FY 2022.

Commission Matters

Commissioner Belkowitz asked how the County was paying for the COVID-19 vaccines. He stated he went through the County Web site to register and went to a Giant store to receive his shot and was asked to provide his insurance card. The claim was processed with the insurance. Commissioner Belkowitz's wife went through the same registration process but got the shot at the Government Center and was not asked to provide her insurance card. Staff will check into this issue and report back to the Commission.

Commissioner Callender had no matters to bring before the Commission.

Commissioner Gulakowski had no matters to bring before the Commission.

Commissioner Hargraves stated he was also asked to provide his insurance card when he received his vaccination. Commissioner Hargraves indicated an ongoing issue with Republic Trash Services (Republic.) In December 2020, Republic removed his car cover that was drying on his driveway. He contacted Republic about the removal and filed a claim. He contacted Republic several times to inquire on the status of his claim and was told by Republic the matter was being reviewed. Commissioner Hargraves filed a complaint with Consumer Affairs and received a call from Republic that his claim was now submitted to Republic's insurance company. Republic will follow up with Commissioner Hargraves.

Commissioner Hine had no matters to bring before the Commission.

Commissioner Kratovil did research and analysis on the appeal process and will share his findings later in the meeting.

Commissioner Roark had no matters to bring before the Commission.

Chairman Fee commended Verizon on their monthly bill. It is now clear and easy to comprehend.

Old Business

There was no old business.

New Business

1. Aging Services 101 Presentation by Karen Hannigan, Licensed Clinical Social Worker and Supervisor. Ms. Hannigan provided an overview of the services and resources provided by Fairfax County Department of Family Services, specifically, the Aging, Disability, and Caregiver Resource Intake Unit.

A discussion ensued about services for parents with kids, police de-escalation, mobile crisis, Adult Protective Services, guardianship, and aging at home.

2. One Fairfax Policy Announcement. Rebecca Makely, Director, Consumer Services stated the Board of Supervisors instituted a policy requiring all Boards, Authorities, and Commission (BAC) members to do the following items: Read the County's One Fairfax Policy, watch the One Fairfax 30-minute video, and submit an online One Fairfax Acknowledgment form. The online form must be submitted by June 30, 2021. The Commission will watch the One Fairfax video at the June meeting.

A discussion ensued on in-person meetings. Governor Northam provided updated guidance on May 14, 2021 and based on the announcement the county anticipates he will lift capacity and distancing restrictions as of May 28, 2021. Guidance received from the County Attorney's office on changes in the legislation about Virginia Freedom of Information Act (VFOIA), remote participation, and electronic meetings that will go into effect July 1, 2021. If Virginia is no longer in a declared State of Emergency and there is no further local declaration of State of Emergency, meetings after July 1, 2021, would meet fully in-person. Legislation has expanded remote participation options under VFOIA that requires a quorum at a physical location but

could allow for BAC members to attend the meeting remotely for a personal or medical reason. Currently, BAC members are only allowed to participate remotely twice a year. BACs must adopt a remote participation policy and County Attorneys Office will draft templates for BACs to use.

3. Addressing Authority Gaps and Improving Processes and Procedures. Commissioner Kratovil provided a PowerPoint presentation on the Power and Duties under Fairfax County Code, case study of the April 2021 Appeal Hearing, Fairfax County Code comparisons, Chapter 31, Section 31-2-14 Appeals, and summary and proposed steps.

A discussion ensued on researching County Code during the appeal, explanation of a De Novo appeal, lack of guidance and clear understating of the law to prepare for the appeal, use of appropriate standards, handbook, individual decisions or legal research, input from the County Attorney's office, automatic approval of the Director's decision, and filing in court after an appeal decision is made.

Options discussed: statement of explanation of a De Novo appeal, a meeting with the County Attorney's office to discuss the different options of appeals, explanation on what the Commission can or cannot do through review of the Code provisions and have the County Attorney's office and/or a committee of members of the Commission to draft various procedural rights dealing with appeals.

A request was made to have more guidance from the County Attorney's office. Director Liberman suggested the Commission review the information provided by Commissioner Kratovil and have a discussion at the June meeting.

Chairman Fee made a motion to adjourn. Commissioner Hargraves and Callender seconded the motion. The motion passed unanimously. The meeting adjourned at 9:15 PM.

CPC Calendar

Fairfax County
Consumer Protection Commission
2021 Yearly Planning Calendar
June 15, 2021

- January 19 | Election of Officers
- February 16 | Bylaws
| COVID-19 Scams Presentation
- March 16 | Bylaws Approval
| Legislative Update
- April 20 | Appeal Hearing-Massage Therapist Permit Denial
- May 18 | Fairfax Area Agency on Aging
- June 15 | One Fairfax Policy Video (30:36)
| Appeal Process Discussion
- July 20
- August 17
- September 21
- October 19
- November 16
- December 21

CPC Membership

Name

Staff

Harold G. Belkowitz
Appt. Expires 7/31/2021

Wes Callender
Appt. Expires 7/31/2021

John Fee (Chairperson)
Appt. Expires 7/31/2021

Denis Gulakowski (Vice-Chairperson)
Appt. Expires 7/31/2021

Dirck A. Hargraves
Appt. Expires 7/31/2023

Scott Hine
Appt. Expires 7/31/2021

Dennis D. Kirk
Appt. Expires 7/31/2022

Jason J. Kratovil
Appt. Expires: 7/31/2021

Michael J. Roark
Appt. Expires 7/31/2023

Jacqueline Rosier (Secretary)
Appt. Expires 7/31/2022

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Susan Jones, Chief
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Main number: 703-222-8435
Fax number: 703-653-1310
consumer@fairfaxcounty.gov

CAB Statistics



Consumer Affairs Branch

Monthly Summary - All Activities

May 2021

	Current Month		Fiscal Year-to-Date		Prior Fiscal YTD	
Cases Received	65		816		883	
Cases Closed	43		695		754	
Favorable	23	54%	384	55%	446	59%
Unfavorable	0	0%	52	7%	56	7%
Invalid	1	2%	24	3%	45	6%
Other	19	44%	235	34%	207	27%
					754	100%
Advice Inquires (closed)	315		4368		7536	
Case Inquires over 90+days (open)	20		212		322	
Amount Received	\$10,317.00		\$340,428.00		\$532,590.00	

CLOSED COMPLAINT CATEGORIES

FISCAL YEAR-TO-DATE	% FYTD	PRIOR FISCAL YTD	% PRIOR FYTD
Tenant Landlord	42%	Tenant Landlord	26%
Housing - Service	12%	Cable Television (Regulated)	17%
Automotive	9%	Housing Services	10%
Cable Television (Regulated)	9%	Retail Stores	6%
Retail	9%	Automotive-Towing	6%
Other	19%	Other	35%

Community Outreach

OUTREACH EVENT CALENDAR

May 2021

DATE	EVENT	LOCATION	# of Guests	Event Time	Staff	Events
5/3/2021	YCYC: Association Communication	Fairfax County Government Center 12000 Fairfax County Parkway Fairfax, VA	0	8:00 a.m. - 8:30 a.m.	MLT	1
5/12/2021	Setting Financial Goals	Financial Empowerment Center (virtual) 8350 Richmond Highway Alexandria, VA	9	1:00 p.m. - 2:00 p.m.	VFJ	1
5/17/2021	Consumer Connection: Funeral Planning	Fairfax County Government (virtual) 12000 Government Center Parkway Fairfax, VA	2	10:00 a.m. - 10:20 a.m.	SCJ/ WWS	1
5/19/2021	How to Block Unwanted Calls	George Mason Regional Library (virtual) 7001 Little River Turnpike Annandale, VA	26	10:00 a.m. - 11:00 a.m.	MLT	1
5/20/2021	Tenants Right and Responsibilities	Shelter House 3080 Partrick Hentry Drive Falls Church, VA	9	10:00 a.m. - 12:00 p.m.	VFJ	1

OUTREACH EVENT CALENDAR

June 2021

DATE	EVENT	LOCATION	# of Guests	Event Time	Staff
6/9/2021	Building a Better Credit Report	Financial Empowerment Center (virtual) 8350 Richmond Highway Alexandria, VA		1:00 p.m. - 2:00 p.m.	VFJ
6/17/2021	Building a Better Credit Report	Financial Empowerment Center (virtual) 8350 Richmond Highway Alexandria, VA		11:00 a.m. - 12:00 p.m.	VFJ
6/23/2021	Employee Financial Fitness	Fairfax County Government (virtual) 12000 Government Center Parkway Fairfax, VA		10:00 a.m. - 12:00 p.m.	VFJ
6/24/2021	Consumer Connection: Tenant-Landlord 101	Fairfax County Government (virtual) 12000 Government Center Parkway Fairfax, VA		10:00 a.m. - 10:30 a.m.	SCJ/ VFJ

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/>

Fairfax County Coronavirus (COVID-19) Updates

[Fairfaxcounty.gov/covid19/](https://www.fairfaxcounty.gov/covid19/)

Ways to Stay Informed About Coronavirus (COVID-19)

<https://fairfaxcountyemergency.wpcomstaging.com/>

Ways to Donate and Help During COVID-19

<https://fairfaxcountyemergency.wpcomstaging.com/2020/03/25/ways-to-donate-and-help-during-covid-19/>

What to Know About Tenant-Landlord Rights During COVID-19

<https://fairfaxcountyemergency.wpcomstaging.com/2020/11/17/what-to-know-about-tenant-landlord-rights-during-covid-19/>

DCCS Operating Status

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

Consumer Connection: Funeral Planning (May 17, 2021)

<https://fb.watch/5HC2qtiZiA/>

Your Community, You're Connected: Consumer Disclosure During Resale (May 3, 2021)

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/your-community-youre-connected>

Information Items

How Identity Thieves Took My Wife for a Ride

Auto insurers try to make it easy to sign up for a policy. Those efforts have given an opening to scammers. [[More](#)]

Peloton delays launch of cheaper treadmill after Tread+ recall, plans software update with safety feature

Peloton plans to send a software update in the next few days to Tread+ treadmills with a digital PIN code that can be used to lock the device. [[More](#)]

How Identity Thieves Took My Wife for a Ride

Auto insurers try to make it easy to sign up for a policy. Those efforts have given an opening to scammers.



Robert Neubecker

By **Ron Lieber**

April 27, 2021

The first sign of trouble was the arrival of envelopes from the New York State Department of Labor, all about my wife's previous earnings and recent unemployment filing. The second was the cheery "Welcome to Progressive" package, telling her how great it was to have her with the company now that she had bought her new auto insurance policy.

Except she hadn't applied for insurance or unemployment.

And so we were off and running, learning about the ingenious ways that thieves outwit financial services companies and how a credit freeze doesn't mean you're frozen solid.

We even made a new friend, Shiran Pasternak, a software engineer who lives 30 miles away. His name was on the Progressive policy document, which listed him as the person who was supposedly going to pay the bill.

The blame rests with what now seems to have been an enormous security hole. For the better part of a year, scammers have been exploiting the auto-fill features on car insurers' websites that are intended to make it easier to apply for a policy. The sites can allow people who possess

only basic information — a name, an address and a few other bits of data that they may have stolen elsewhere, depending on the insurance company — to extract more detailed information, such as driver’s license numbers.

From there, it’s a short jump to submitting a fake unemployment claim, which was what happened to us.

Unemployment fraud — of this and other sorts — has become so pervasive that the cost to taxpayers could run into tens of billions of dollars before the pandemic ends. In both California and Washington it was sufficiently rampant that the states temporarily suspended claims just to try to catch up with it all.

The scope of the auto-insurance-linked problem isn’t clear. New York State has [issued three alerts](#) about these “systemic and aggressive” campaigns of thievery — and urged companies to fix the “cybersecurity flaws” responsible. Progressive said the fraud affected less than 1 percent of its book of business in New York, the only state where it has encountered a problem. But just last week, California [posted](#) the sheepish note that GEICO has sent. A company representative said letters had gone out to 140,000 or so potential victims it knew about.

But it took my family many days to wrap our heads around this. Part of the reason: It seemed that it never should have happened to us in the first place.

My wife and I maintain [security freezes](#) on our credit reports. In theory at least, a freeze shuts down access to your credit file so that any company looking to check it before doing business with you has to wait until you temporarily thaw your file. Identity thieves shouldn’t be able to open accounts in your name with companies that require a peek at your credit history first.

Insurance companies routinely check your credit when signing you up, so it was baffling that Progressive would have issued my wife a policy without her thawing her file. But it listed TransUnion as “the financial responsibility vendor” — an amusing euphemism if you know how long consumer advocates have been complaining because insurance companies use credit data to set rates — and sure enough, my wife’s frozen credit file indicated that Progressive had pinged it this month.

How? Incredibly, an exception often allows insurance companies to check your credit even if you want nothing to do with them. As we learned, that exception meant that Progressive could help itself to my wife’s file — which in turn helped someone pick the pocket of the State of New York and its taxpayers, like us.

In its wisdom, Progressive considered my wife responsible enough to warrant coverage. Fortunately for us, Mr. Pasternak was paying! The second page of our welcome packet said that “the authorization you gave for your first installment payment” was to come from a bank account with his name on it.

So meet our new best friend. With a name like Shiran Pasternak, he was a quick internet search away. Was he the thief? We wondered. But if he was, he was doing a pretty good job of hiding it. Like my wife, he had a “Welcome to Progressive” package and notes from the state about a mysterious unemployment claim that he had never filed. (The bank account and routing numbers in his Progressive packet were identical to ours, but neither had any connection to institutions where any of us do our financial business. Because the numbers were truncated, it was impossible to figure out if they came from a third person or were made up.)

Once we put all of that together, Mr. Pasternak — coincidentally a former New York Times employee — breathed a sigh of partial relief up in Irvington, N.Y., and let me push forward finding out what had happened to all of us.

Here’s how it works.

Automobile insurers — even the ones you don’t use — already know a lot about you. They share claims information among themselves to help weed out unprofitable or reckless customers who try to jump to another provider. They can also get access to your driver’s license number, your current auto policy data, and the make and model of your vehicle. Often, they buy this information from states (which end up sending money right back out when the buyers are careless and unemployment fraud proliferates).

The insurers want to make applying for a policy as easy as possible. So once you start entering information, they like to help you along and fill in some of those blanks for you. For some unfortunate victims, it was as simple for the scammers as copying down the driver’s license number that popped up, although it usually required more technical know-how.

Regulators at the New York State Department of Financial Services believe that these scams have been going on since at least July, according to its series of public warnings. Insurance companies were noticing lots of abandoned quotes on their websites, where fraudsters could sometimes enter just enough information to get access to the data they wanted.

A variety of techniques have been employed, including extracting data from the websites’ code, using web developer tools meant for debugging and calling live agents with enough other information to persuade them that it is fine to simply offer up the driver’s license digits.

Eventually, how-to guides that aspiring criminals could buy began appearing on cybercrime forums. And in an ominous sign, thieves are also touting the tactical wherewithal to extract similar data from mortgage lenders and credit reporting bureaus.

In my wife’s case, the swindlers opened a policy outright. According to Progressive, the problem was not prepopulating data in an application. Instead, thieves extracted the driver’s license information from bar codes on the customer identification cards the company had issued for the policies.

Progressive said that companies in New York had to provide those by law and that it was required to embed the driver's license numbers in the bar codes. "The fraud ring is very capable and sophisticated," a spokesman, Jeff Sibel, said in an email. In another one, he added that its members were "quick to adapt."

But we might never have come to this point if my wife's security freeze had kept the company from peeking at her credit report. According to Gilbert Schwartz, a regulatory lawyer in Washington, D.C., some state laws do prevent that. With all the others, the argument was that the possibility for identity theft or fraud via insurance policies was remote enough that such restrictions were unnecessary. So much for that idea.

What a world. We all have to live in it, alas. So there are a few morals to this story.

First, open your mail. I'm glad we didn't let ours sit around for weeks (this month, at least).

Second, keep an eye on your credit reports. TransUnion, which eventually wiped Progressive's inquiry off my wife's account, reminds everyone that you're currently able to look at them weekly, for free, via annualcreditreport.com. (Usually, free reports from the major bureaus are available much less frequently.)

Then, get yourself a credit freeze with Equifax, Experian and TransUnion — even though it didn't keep strange things from happening in this instance. Why? Well, it's obvious yet again that the thieves win enough rounds in the ongoing identity crimes boxing match that keeping any defenses up is worthwhile.

When I filled Mr. Pasternak in on all of this, he took umbrage at the technical sloppiness that seems rampant, since he plies that trade himself.

"We get lectured constantly about security and data privacy," he said. "Doing something like this is more than egregious. It's really poor design."

He also got a bit meta. "This is just a societal observation, but the fact that we've made Social Security numbers and driver's licenses these things that are supposed to be kept secret, maybe there is a flaw in depending on that?"

More than maybe. By turning this data into identity totems, we've created a persistent danger that we may never fully eliminate.

So freeze your credit file. Mr. Pasternak hadn't done so. Now he has.

Peloton delays launch of cheaper treadmill after Tread+ recall, plans software update with safety feature

Mike Snider, USA TODAY Published 7:20 p.m. ET May 6, 2021

Peloton plans to send a software update in the next few days to Tread+ treadmills with a digital PIN code that can be used to lock the device.

The exercise services company, which makes exercise bikes and treadmills, on Wednesday agreed to voluntarily recall the Tread+ treadmill, as well as the Tread treadmill, covering about 125,000 and 1,050 units, respectively, in the U.S.

Last month, the U.S. Consumer Product Safety Commission (CPSC) warned consumers with small children or pets to stop using the Tread+ after the fitness company reported a child's death linked to the product.

Peloton refused to issue a recall at the time, but did so on Wednesday, and quit selling the products.

"Peloton made a mistake in our initial response to the (CPSC) requests that we recall our Tread+ product," company co-founder and CEO John Foley said Thursday during a conference call with investment analysts. "We should have been more open to a productive dialogue with them from the outset."

The voluntary recall and cessation of sales was "something we should've considered sooner," he said.

Owners of the Tread+ treadmill, which starts at about \$4,300, can return the product or they can contact Peloton to have the company pay to move the device to another room.

The Tread treadmill, priced at about \$2,500 and sold more widely in the U.K. and Canada, had been set for a full U.S. rollout on May 27, but that has been delayed.

The company notified the CPSC last week about a defect involving a loose touchscreen that can become detached from the device. There have been six reports of the touchscreen falling off, but no injuries in the U.S. The company hopes to have a fix within six to eight weeks and bring the Tread to market in July.

As for the Tread+, the CPSC said it had received 72 reports of people, pets or objects "being pulled under the rear of the treadmill, including 29 reports of injuries to children such as second- and third-degree abrasions, broken bones, and lacerations."

Peloton adjusted its revenue forecast for the current quarter (April-June) to account for about \$165 million in costs due to the treadmill sales stoppage, refunds for returned products and three-month credits to digital subscriptions for treadmill content.

The exercise bike and treadmill company reported a loss of \$8.6 million, which was lower than the \$38 million forecast by analysts polled by S&P Global Market Intelligence. Peloton posted revenue of \$1.26 billion in the period, also beating analysts' expectations of \$1.1 billion. The company reported a loss of \$38 million and revenue of \$524.6 million in the same quarter a year ago.

Peloton shares have dropped 45% since the beginning of the year. In the final minutes of trading on Thursday, shares hit \$83.78, more than doubling in the last 12 months.

The company's market cap, at \$24.7 billion on Thursday, is down about \$4 billion from Wednesday before Peloton announced the voluntary recall.