

Minutes of the Fairfax County Consumer Protection Commission

June 18, 2019

7:30 PM
Government Center, Conference 9/10
12000 Government Center Parkway
Fairfax, Virginia 22035
Chairman Fee, presiding

Attendance:

Commissioners: Belkowitz, Fee, Gulakowski,
Hargraves, Hine, Kirk, Kratovil, Lynch, Rosier

Absent:

Commissioners: Callender, Javed, Omeish,
Roark

Staff:

Michael S. Liberman, Director
Cable and Consumer Services
Rebecca L. Makely, Director
Consumer Services Division
Rick Ellrod, Director
Communications, Policy and
Regulation Division
Susan C. Jones, Branch Chief
Consumer Affairs Branch
Joanna Faust, County Attorney
Office of the County Attorney

The meeting was called to order at 7:34 PM by Chairman Fee.

Minutes

The minutes for the May 21, 2019, meeting were approved without objection.

Report of the Chairman

Chairman Fee had no matters to bring before the Commission.

Report of the Director

Director Liberman asked the Commission to be aware of the upcoming meeting topics on the 2019 Yearly Planning Calendar. Director Liberman mentioned the consumer complaints with American Disposal Services and the upcoming June 25, 2019, Board of Supervisor's closed session to discuss the County Attorney's findings.

Commission Matters

Commissioner Gulakowski complimented the Celebrate Fairfax Festival.

Commissioner Hargraves thanked staff for assisting his neighbor with a contractor issue.

Commissioner Belkowitz thanked staff for assistance with his powerline concern. Commissioner Belkowitz did mention the inspector who contacted him about his powerline issue could have been more positive on what they can do to assist.

Commissioner Kirk thanked staff for assisting his neighbor with a contractor issue.

Commissioner Lynch mentioned having a home warranty issue with his air conditioning and finding discrepancies in the amount of freon used by the contractor. He indicated he would contact Consumer Affairs for assistance.

Commissioner Rosier stated the utility pole near her home was replaced and moved further back from the road.

Commissioner Kratovil mentioned American Disposal Services reducing the twice a week trash pick-up to once a week. He also complimented staff on their assistance with navigating the process for his deck inspection.

Commissioner Hine stated that Cox cut his DirecTV satellite cable and it took Cox weeks to resolve the issue, and there was currently still a cable running across his front yard.

Chairman Fee mentioned there was an article in the Washington Post about utility company influence in the Virginia legislature written by a UVA professor.

Old Business

There was no old business before the Commission.

New Business

1. CPC motion to recommend to advertise to hold a public hearing on revisions to Fairfax County Code Chapter 33, Precious Metals and Gem Dealers on Tuesday, July 16, 2019.

Chairman Fee made the motion that the Consumer Protection Commission vote to advertise to hold a public hearing on revisions to Fairfax County Code Chapter 33, Precious Metals and Gem Dealers on Tuesday, July 16, 2019. Commissioner Kirk seconded the motion. The motion passed unanimously.

2. Public Hearing on amendment of Chapter 9.1 of the County Code, relating to Cable Television

Public Hearing began at 7:50 PM.

Commissioner Rosier disclosed she would abstain from voting.

Chairman Fee read the following statement of Commission Responsibility. *All hearings or other public proceedings conducted by the Commission shall be conducted in an informal manner. The Commission shall have the discretion to admit all evidence which may be of probative value even if that evidence is not in accord with formal rules of legal practice and procedure. Applicants and appellants may appear, either by personal appearance, legal counsel, or other representation, to present argument and evidence on their behalf. In addition, the Commission may establish rules of procedure for the conduct of hearings which are consistent with law. Any interested party may record all public proceedings of any hearing in any manner which will not impede the orderly conduct of the hearing.*

Chairman Fee made the motion that the Consumer Protection Commission vote to recommend that the Board of Supervisors amend the Fairfax County Code by adding a new chapter numbered 9.2 and by repealing Chapter 9.1 related generally to cable regulation and franchising. Commissioner Gulakowski seconded the motion.

Rick Ellrod, Director, Communications Policy and Regulation Division provided an overview of the cable ordinance to include the existing cable ordinance, purpose of the amendments, major changes and input to proposed changes.

A discussion ensued on technical developments and research journals, removing regulation section on terms of negotiations, imbalance of consumer protections, public access agreements in the public right-of-way, changes to customer service standards, conversations with other consumer organizations for input, and telephone language changes.

Commissioner Belkowitz made a motion to amend County Code Section 9.2-9-1 Consumer service standards generally on page 75, line 4, "Section to "Article"; page 84 line 14, delete "for reason(s) of nonpayment of subscriber fees", and page 84 line 15, after effective, add ", except for reasons of public safety." Commissioner Kirk seconded the motion. The motion passed with eight Commissioners in favor and one Commissioner abstained.

Chairman Fee restated the motion that the Consumer Protection Commission vote to recommend that the Board of Supervisors amend the Fairfax County Code by adding a new chapter numbered 9.2 and by repealing Chapter 9.1 related to generally to cable regulations and franchising, as amended by discussion. Commissioner Hargraves seconded the motion. The motion passed with seven Commissioners in favor, one Commissioner against, and one Commissioner abstained.

The end of the hearing closed at 8:53 PM.

Chairman recessed meeting from 9:00 to 9:04 PM.

The meeting resumed at 9:05 PM.

- 3. Annual Report:** Rebecca Makely, Director, Consumer Services Division, presented the FY 2019 Annual Report to the Commission, reviewing relevant updates and metrics. Director Makely noted that the final FY 2019 metrics would be updated at the close of the fiscal year on June 30, 2019. Once the updated and approved, DCCS will distribute CPC FY 2019 Annual Report to the Board of Supervisors.

A discussion ensued on highlighting outreach in the high schools.

Chairman Fee made the motion to approve the FY 2019 CPC Annual Report as discussed. Commissioner Gulakowski seconded the motion. The motion passed unanimously.

Chairman Fee made the motion to adjourn the meeting. Commissioner Gulakowski seconded the motion. The meeting adjourned at 9:26 PM.