

Minutes of the Fairfax County Consumer Protection Commission

April 18, 2017

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

Attendance:

Commissioners: Belkowitz, Callender, Fee,
Gulakowski, Javed, Kirk, Roark, Rosier
Woodruff

Absent:

Commissioners: Hargraves, Hine, Kazmi,
Nguyen

Staff:

Michael S. Liberman, Director
Cable and Consumer Services
Rebecca L. Makely, Director
Consumer Services Division
Susan C. Jones, Branch Chief
Consumer Affairs Branch
Henri Stein-McCartney, Branch Chief
Regulation and Licensing Branch
Carl Newcomb, Consumer Specialist II
Regulation and Licensing Branch
John W. Burton, Assistant County Attorney

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

Minutes

The minutes for the March 21, 2017, meeting were approved as amended.

Report of the Chairman

Chairman Fee had no matters to bring before the Commission.

Report of the Director

Director Liberman had no matters to bring before the Commission.

Commission Matters

Commissioner Kirk had no matters to bring before the Commission.

Commissioner Gulakowski mentioned an excellent presentation provided by Alan Hide, Communications, Policy and Regulation Division. Also mentioned meeting with Consumer Services Division staff regarding CAB outreach efforts to include social media engagement.

Commissioner Javed had no matters to bring before the Commission.

Commissioner Woodruff had no matters to bring before the Commission.

Commissioner Callender had no matters to bring before the Commission.

Commissioner Rosier had no matters to bring before the Commission.

Commissioner Belkowitz had no matters to bring before the Commission.

Commissioner Roark had no matters to bring before the Commission.

Old Business

There was no old business before the Commission.

New Business

1. Woodchucks and Unlicensed Handymen-Tom Bash, Commission on Aging, along with Marc Mitchell, Second Lieutenant, Fairfax County Police Department, and Melissa Smarr, Branch Chief, Land Development Services, Code Development and Compliance spoke about the increased problem with woodchuck companies scamming seniors throughout Fairfax County. A regional task force has been established to educate consumers on this issue and to prosecute offenders.

2. Towing Permit Denial Appeal. Chairman Fee reviewed the Statement of Commission Responsibility. Present: Appellants Joseph Douglas, Sr. and Joey Douglas, Jr.

Mr. Joey Douglas spoke to the decision by the Regulation and Licensing Branch (RALB) to deny a Locality Permit at 111 Gordon Road. Mr. Douglas stated Pete's Towing and Storage (Pete's) has access to the office space in Dixie Sheet Metal to use at Pete's discretion. The vehicles found unattended at the lot were only scrap vehicles and vehicles stored long-term for customers, therefore, no vehicles needed to be released, and it was unnecessary for the lot to be staffed. Mr. Douglas stated the violations cited by the City of Falls Church have been found unsubstantiated in court proceedings because Falls Church City Code Section 26-138(a) requires such garage must be open for retrieval of vehicles by the vehicle owner or custodian 24 hours per day if the operator has stored vehicles to release. Mr. Douglas stated that Pete's did not have vehicles in their possession at the time of violation, so the 24 hour per day code does not apply.

Corporal Alan Freed, Falls Church City Police Department, spoke about his inspections at Pete's storage lot. Corporal Freed confirmed with Dixie Sheet Metal where Pete's lot is located is only opened from 6:30 a.m. to 4:30 p.m. so Pete's would not have access to the office for staffing since the code requires the lot to be staffed 24 hours per day, 7 days per week.

Henri Stein-McCartney, Chief, RALB, presented staff's position as required under Chapter 82-5-32 of Fairfax County Code which requires all tow operators who store vehicles outside of Fairfax County to have a valid Locality Permit issued by Fairfax County. On January 20, 2017, Pete's filed an application with RALB for a Locality Permit to store vehicles towed from Fairfax County at a new tow location located at 111 Gordon Road in the City of Falls Church. Pete's was previously permitted by Fairfax County to store vehicles at a different location in the City of Fall Church. Pete's also maintains a lot in Fairfax County at 8525 Tyco Road in the Tysons

Corner area. RALB conducts lot inspections of new tow storage lots, both inside and outside of the county.

On February 8, 2017, RALB staff inspected Pete's new lot at 111 Gordon Road. RALB found that Pete's storage lot at 111 Gordon Road does not meet the requirements of a storage lot as set forth in Chapter 82-2-32 in relation to 24/7 operations required by Section 82-5-32(F)(4)(a), and immediate vehicle release, required by Section 82-5-32(F)(7)(c). Therefore, the director, as authorized by Section 82-5-32(H)(2) of the Fairfax County Code, denied the Locality Permit for Pete's Towing and Storage lot in the City of Falls Church.

A discussion ensued about immediate release of a vehicle vs. reasonable time, office staffing, code inconsistency, permanent fencing, appropriate lighting, the location of the tow storage at Dixie Sheet Metal, consumer access to the lot, and safety concerns.

Chairman Fee made the motion that the CPC uphold the staff decision to deny a locality permit to Pete's Towing located at 111 Gordon Road in the City of Falls Church. Commissioner Callender seconded the motion.

A discussion ensued on the language in the code, occupancy location, movable fence, lighting, consumer complaints, safety concerns, commitment by Pete's towing to make the required changes, and signage.

The Commission voted on the Chairman's motion to uphold the staff decision to deny a locality permit of Pete's Towing located at 111 Gordon Road in the City of Falls Church. Seven Commissioners voted in favor and two Commissioners voted against. Motion passed.

Chairman Fee made the motion to end the meeting. Commissioner Kirk seconded the motion. The vote was unanimous.

The meeting adjourned at 9:53 PM.