

Minutes of the Fairfax County Consumer Protection Commission

January 17, 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, Hine, Kirk, Roark, Rosier,
Woodruff

Absent:

Commissioners: Hargraves, Kazmi, Nguyen

Staff:

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

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

Minutes

The minutes for November 15, 2016, and December 20, 2016, meeting were approved.

Report of the Chairman

Chairman Fee reviewed the Board of Supervisors meeting he attended on December 6, 2016, where he spoke on the Commission's recommendation of the changes to the taxicab ordinance. BOS approved the changes with the exception of a certificate cap and an annual certificate review.

Report of the Director

Director Liberman plans to provide a link to the Commission on the sections of the public hearing related to the taxicab ordinance changes.

Director Liberman informed the Commission the Virginia Legislative session has begun.

Commission Matters

Commissioner Roark had no matter to bring before the Commission.

Commissioner Hine had no matter to bring before the Commission.

Commissioner Callender had no matters to bring before the Commission.

Commissioner Rosier spoke about the increased toll prices on the expressway and inquired about filing a complaint. Staff suggested the Virginia Department of Transportation.

Commissioner Belkowitz had no matters to bring before the Commission.

Commissioner Woodruff spoke about an advertisement.

Commissioner Gulakowski thanked CPRD staff for keeping him informed on the Cox and Channel 9 issue.

Commissioner Kirk had no matters to bring before the Commission.

Old Business

There was no old business before the commission.

New Business

1. Election of Officers

Commissioner Woodruff announced the slate of candidates:

John Fee - Chairman

Hung Nguyen – Vice Chairman

Denis Gulakowski - Secretary

Chairman Fee made the motion to accept the nomination of Denis Gulakowski as Secretary by acclamation. Commissioner Kirk seconded the motion.

Secretary Gulakowski made the motion to accept the nomination of John Fee as Chairman by acclamation. Commissioner Kirk seconded the motion.

Chairman Fee made the motion to accept the nomination of Hung Nguyen as Vice Chairman by acclamation. Commissioner Callender seconded the motion.

2. Taxicab Transfer of Control public hearing

Susan Hafeli, Senior Utilities Analyst, Public Utilities Branch, presented the staff report on a Transfer of Control Application filed by Paul Wallace Management, Inc. d/b/a Springfield Yellow Cab. Ms. Hafeli discussed the application overview, anticipated timeline for CPC and Board action, the applicable code provision, and the evaluation factors such as areas of the county to be served, conformance of proposed operational facilities with zoning and legal requirements, financial status, vehicles to be used, and the applicant's character, responsibility, and related business experience.

A discussion ensued on the oversight by the county if operations were moved outside of Fairfax County, and the concern that new computer tablets for driver use could compromise safety if taxicab drivers text while driving.

Spencer Kendall, owner and operator of Alexandria Yellow Cab and Northern Virginia Checker Cab spoke about the history behind his plan to acquire Paul Wallace, Inc. He discussed the company's financial situation under prior ownership, explained how the company's business model had to be re-established and noted additional drivers have been hired. He spoke about releasing a new app to provide seamless service to customers and enhancements made to the level and quality of drivers through continuous training. Mr. Kendall explained the new tablets do not allow drivers to text while the vehicle in motion.

Public Hearing closed at 8:01 p.m.

Chairman Fee made the motion that the Consumer Protection Commission recommend to the Board of Supervisors that the Board approve the transfer of control of Paul Wallace Management, Inc. d/b/a Springfield Yellow Cab. Commissioner Kirk seconded the motion. The motion passed unanimously.

3. Hacker License Appeal- George Obeng. Chairman Fee reviewed the Appeal Hearing Procedures. Present George Obeng.

Mr. Obeng stated he had learned from his mistakes, and had taken a defensive driving course and passed.

Henri Stein-McCartney, Chief, Regulation and Licensing Branch, presented staff's position as required under Chapter 84.1 of the Fairfax County Code. When determining the issuance and denial of a hacker's license, staff follows Section 84.1-3-4(c). Mr. Obeng's driving record shows within the 12-month period immediately preceding the filing of his renewal application, he was convicted in Fairfax County General District Court of Reckless Driving-misdemeanor in January 2016, speeding 15-19 MPH above the speed limit in January 2016, and failed to stop/yield when entering roadway in October 2015. In addition, Mr. Obeng was convicted in Fairfax County General District Court of fail to stop/yield when entering roadway in February 2015, and in Prince William General District Court of following too closely in November 2014. On the application for renewal, applicants for a taxicab driver's license are asked to list all traffic offense convictions within the last 36 months. Mr. Obeng listed only one traffic offense conviction for speeding.

A discussion ensued on the details of the reckless driving, failure to list all the infractions, any special circumstances that led to the speeding offences, current support status, did he have a lawyer present during his reckless driving hearing, and were passengers present during the any of the convictions.

Mr. Obeng asked the commission to consider reinstating his license in order to support his family.

Henri Stein-McCartney reviewed the convictions that led to Mr. Obeng's denial of his hacker's license.

Chairman Fee made the motion to uphold staff's recommendation to deny Mr. Obeng's hacker's license. Commissioner Woodruff seconded the motion. The motion passed unanimously.

Chairman Fee made the motion to adjourn the meeting. Commissioners Hine and Gulakowski seconded the motion.

The meeting adjourned at 8:41 PM.