

Minutes of the Fairfax County Consumer Protection Commission

January 19, 2021

7:30 PM
Zoom Video Meeting
Chairman Fee presiding

Attendance:

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

Absent:

Commissioners: Javed, Kirk, Lynch

Staff:

Michael S. Liberman, Director
Cable and Consumer Services
(Fairfax)
Rebecca L. Makely, Director
Consumer Services Division
(Aldie)
Susan C. Jones, Branch Chief
Consumer Affairs Branch
(Springfield)

The electronic meeting was called to order at 7:32 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 member was participating. The roll call was as follows:

Chairman Fee, Braddock
Commissioner Belkowitz, City of Fairfax
Commissioner Callender, Great Falls
Commissioner Gulakowski, Burke
Commissioner Hine, Fairfax
Commissioner Kratovil, Mount Vernon
Commissioner Rosier, Great Falls

Chairman Fee passed the virtual gavel to Vice Chair 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 7-0 with Commissioners Hargraves and Roark not present for the vote.

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 access the meeting by calling 1-888-270-9936 and entering access code 584548. The motion was seconded by Commissioner Kratovil. The motion passed 6-0-1 with Commissioner Belkowitz in abstention. Commissioners Hargraves and Roark were not present for the vote.

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

A motion was made by Chairman Fee that all of the 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 Belkowitz. The motion was passed 8-0 with Commissioner Hargraves not present for the vote.

Minutes

A motion was made by Chairman Fee and the minutes from the December 15, 2020, were approved without objection.

Report of the Chairman

The Chairman had no matters to bring before the Commission.

Report of the Director

Director Liberman spoke about the Health Department vaccination clinics which began on January 2, 2021. There are several locations administrating the vaccine to include the Fairfax County Government Center.

A discussion ensued about the 65 and older online vaccine registration. Commissioner Rosier received a text message for verification and her husband received a call at 4:30 a.m. to verify registration. She stated the call did not show it was from Fairfax County or the Health Department. She is concerned residents who registered will not respond for verification. Staff will let the Department of Information Technology know of this concern.

Commissioner Belkowitz mentioned the Governor identified a list of categories in 1B and the Fairfax County Web site only identified one category in 1B. Commissioner Belkowitz asked if Fairfax County was required to follow the Governor's plan or is Fairfax County slowly introducing categories under 1B. Director Liberman responded that the 65+ category was 1C and it was placed in 1B recently. Rebecca Makely, Director, Consumer Services Division stated if you go to fairfaxcounty.gov and click on COVID-19 you can go to the vaccine flow chart that outlines each phase and a legend which identifies who is eligible to register.

Commission Matters

Commissioner Rosier had no matters to bring before the Commission.

Commissioner Gulakowski had no matters to bring before the Commission.

Commissioner Callender thanked Commissioner Rosier for bringing up the lack of phone or text identification when registering for the vaccine. Commissioner Callender tried to register at 12:30 a.m. and the site was down. The site opened at noon the next day due to an issue with the outside contractor. Commissioner Callender received a text eight hours later to verify registration.

Commissioner Hine had no matters to bring before the Commission.

Commissioner Kratovil mentioned the article in the CPC packet titled, “Customers fight surprise charges as online subscriptions surge.” Commissioner Kratovil stated it is an interesting article as the subject matter relates to a type of online site design called dark pattern which is designing a site or user interface with the intent to steer or manipulate how we behave or react to the site. Dark patterns have the concept of a “roach motel” that it is easy to get in, but it is next to impossible to get out. The Federal Trade Commission cracked down on several companies for using this tactic on their Web site.

Commissioner Roark had no matters to bring before the Commission.

Commissioner Hargraves echoed the sentiment of online renewals. He had similar experience of using airline mileage points for magazines for \$2 and end up being charged \$100. He contacted the company and was able to fix the issue. Commissioner Hargraves stated he made an online purchase for \$40. He asked for a refund and found out the printing label was for China and it would cost \$180. Amazon is working with him to resolve the issue.

Chairman Fee had no matters to bring before the Commission.

Commissioner Belkowitz had no matters to bring before the Commission.

Old Business

Rebecca Makely, Director, Consumer Services Division stated that the draft of the new County Bylaws template brought before the Commission had concerns over the election and nomination process. The Chair is elected, and the Chair would select the Vice Chair and Secretary. John Burton, Assistant County Attorney was consulted and verified the language was deliberately vague, but the Commission could insert their nomination and election process into the document. Commissioner Gulakowski made the motion to maintain the process that has been executed over the last three years. Commissioner Hines seconded to motion. The motion passed unanimously. Director Makely will update the draft document and bring it before the Commission at the next CPC meeting.

New Business

Election of Officers. Chairman Fee requested that Vice Chairman Gulakowski conduct the nomination for Chair. Commissioner Belkowitz nominated Commissioner Rosier. Chairman Fee nominated himself. Commissioner Rosier declined the nomination.

Vice Chairman Gulakowski asked for a motion for Chair. Commissioner Hargraves made the motion to appoint John Fee as Chairman. Commissioner Callender seconded the motion. The motion passed with 8-0-1 with Commissioner Belkowitz in abstention.

Chairman Fee asked if there were any nominations from the floor for Vice Chairman and Secretary. Chairman Fee made the motion to accept the slate of candidates: Commissioner Gulakowski for Vice Chairman and Commissioner Rosier for Secretary. The motion passed unanimously.

Consumer Protection Commission Calendar. Chairman Fee asked about possible topics for the upcoming meetings. A discussion ensued about topics such as COVID-19 Scams, contractors/zoning, legislative updates, and Area Agency on Aging. Director Makely mention the latest *Consumer Connection* Facebook Live program on January 14, 2021 was on COVID-19 Scams and will provide the link to the Commission.

Chairman Fee made a motion to adjourn. Commissioner Gulakowski seconded the motion. The motion passed unanimously.

The meeting adjourned at 8:26 PM.