

Fairfax County
Consumer Protection Commission
Special Procedures

The Fairfax County Consumer Protection Commission (Commission), in order to assure a policy of fairness, equity, and uniformity in its ethical duties to the public, orders that no individual member of the Commission shall engage (outside of authorized Commission activities) in ex parte communications, meetings, discussion, or correspondence which regards any substantive issues or aspects of the regulatory areas under its jurisdiction, with any regulated entities, applicants, individuals, companies, or their representatives, or agents. All such contacts shall be reported and referred to the Director of the Cable and Consumer Services, and shall be made a matter of record in the next recorded meeting minutes of the Commission. (This policy is adopted this 17th day of September, 2013 and supersedes any prior statements to that affect.)

I. TAXICAB CERTIFICATE APPLICATION PROCEDURES

Chapter 84.1 of the Fairfax County Code regulates the operation of taxicabs and requires that applications for certificates to operate be evaluated by the Department of Cable and Consumer Services (DCCS) staff and that the Commission, after a public hearing, recommend the allocation of taxicab certificates to the Board of Supervisors for action. (The process is subject to certain legal and procedural requirements set forth in the County Code; these requirements are incorporated in staff reports to the Commission relative to such public hearings). The Public hearing may be held as part of or in lieu of a regular Commission meeting. The agenda for the public hearing shall consist of the following:

- Call to Order – Chairman
- Statement of Commission Responsibility under Chapter 84.1 et.al. Va. Code Ann:

All hearings or other public proceedings conducted by the Commission in accordance with this Chapter 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.

- Hearing Introduction – Chairman
- Taxicab Certificate Applicant's Presentation
- County Presentation
- Public Input

- Commissioner Questions – Each Commissioner is allowed one question and relevant follow up per round. Rounds continue until no questions remain.
- Closing Statement – Applicant(s)
- Closing Statement – Staff
- Recommendation Motion – Commission
- Deliberation and Vote on Recommendation to the Board of Supervisors – Commission

II. TAXICAB RATE PROCEDURES

Chapter 84.1 of the County Code provides for regulation of the rates charged by taxicab companies certificated by Fairfax County. Under new ordinance, requested or proposed rate changes are analyzed by DCCS staff and the Commission, after a public hearing, recommends approval or denial of the proposed rate change to the Board of Supervisors, who set the actual rates. (Legal requirements concerning the public hearing and Commission responsibilities under the ordinance are incorporated in the staff reports relative to such public hearings.) The agenda for a taxicab rate hearing is as follows:

- Call to Order – Chairman
- Statement of Commission Responsibility under Chapter 84.1 et al. Va. Code Ann:

All hearings or other public proceedings conducted by the Commission in accordance with this Chapter 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.

- Hearing Introduction – Chairman
- Rate Change Proponent Presentation
- County Presentation
- Public Input
- Commissioner Questions – Each Commissioner is allowed one question and relevant follow up per round. Rounds continue until no questions remain.

- Closing Statement – Applicant(s)
- Closing Statement – Staff
- Recommendation Motion – Commission
- Deliberation and Vote on Recommendation to the Board of Supervisors – Commission

III. GENERAL APPEAL HEARING PROCEDURES

Massage Therapist Permit (§ 28.1-2-3(d); Massage Establishment Permit (§28.1-3-3(d); Peddlers, Solicitors, and Canvassers License (§31-2-13); Hacker License, Operator Certificates, or Certificate holder’s approval for self-insure (§84.1-4); Towing Locality Permit (§82-5-32).

The Commission is responsible for considering appeals of denial, suspension, or revocation of hacker’s licenses; suspension of taxicab operator certificates; appeals of suspension of a taxicab certificate holder’s right to self-insure; and appeals of denial, suspension, and revocation of peddlers and solicitors permits, massage therapist permits, and massage establishment permits. The specific legal provisions are contained in the ordinances cited above. The Commission procedures for any appeal hearing generally consist of the following:

- Call to Order – Chairman
- 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.

- Hearing Introduction – Chairman
- Appellant’s Presentation
- Statements by Other Parties
- County Presentation
- Commissioner Questions – Each Commissioner is allowed one question and relevant follow up per round. Rounds continue until no questions remain.
- Closing Statement – Appellant

- Closing Statement – Staff
- Recommendation Motion – Commission
- Deliberation and Vote – Commission

IV. MISCELLANEOUS MATTERS

Voting. A Commissioner may not vote on a case unless the Commissioner is present for the entire hearing. This does not affect a Commissioner’s right to ask questions and to participate in the discussion of the case.

Challenges by Appellant. If the accuracy of a document presented by staff is challenged by the appellant, and the Commission considers the alleged inaccuracy to be materially prejudicial to the case, the appellant may request that the Commission’s decision be deferred to allow the appellant the opportunity to establish the inaccuracy. Proof is limited to public records and must be submitted to the Commission within 20 days after the initial hearing. The case will be decided at the next regular meeting.

Nominating Committee. A Commission Nominating Committee, consisting of no more than two Commissioners shall be appointed by the Chairman at least 30 days prior to the meeting at which officers are elected, to nominate a slate of candidates. The Chairman shall not be a member of the Nominating Committee. The Nominating Committee shall solicit nominations in writing, telephonically, or electronic mail from all Commissioners. At the next meeting, the nominating committee will take nominations from the floor prior to presenting a slate of candidates.

Agenda Items. Board of Supervisors directives and staff requests for Commission review or input will be placed on the Commission meeting agenda following the approval by the Chairman. Matters requiring staff response should be proposed during Commission Matters at the preceding meeting in the form of a motion for approval by the Commission. Outside parties requesting that the Commission consider a matter should submit such requests in writing.

Meeting Agenda. The Chairman is responsible for setting the agenda. Staff will prepare a written agenda and meeting packet to be sent to each Commissioner to be received no later than 3 days before a meeting. The agenda for a meeting may include the following items.

- Call to Order
- Approval of Minutes
- Chairman’s Report
- Director’s Report
- Commission Matters
- Committee Reports
- Old Business
- New Business
- Information Items