

Minutes of the Fairfax County Consumer Protection Commission

October 17, 2023

7:30 PM

Government Center
12000 Government Center Parkway
Fairfax, VA 22035
Chairperson Kratovil, presiding

Attendance:

Commissioners: Belkowitz, Gasimov,
Gulakowski, Hargraves, Kirk, Kratovil, Kharat,
Rosier, Springer, Svab

Absent:

Commissioner: Freedenthal, Roark

Staff:

Rebecca L. Makely, Director
Cable and Consumer Services
Susan C. Jones, Consumer Specialist III
Consumer Affairs Branch

The meeting was called to order at 7:31 PM by Chairperson Kratovil.

Minutes

Commissioner Hargraves moved to accept the September 19, 2023, minutes. Commissioner Gulakowski seconded the motion. The minutes for the September 19, 2023, meeting were adopted unanimously, 9-0-0, with Commissioner Belkowitz absent from the vote.

Report of the Chairperson

Chairperson Kratovil had no matters to bring before the Commission.

Report of the Director

Director Makely had no matters to bring before the Commission.

Old Business

Review and consideration of CPC Subcommittee proposal. Chairperson Kratovil stated he received feedback from the Office of the County Attorney. A copy was provided to the Commission with comments to review.

Chairperson Kratovil directed the Commission to page 2, And Further Resolved That: number 1. He stated that the Freedom of Information Act (FOIA) and the Sunshine Rule suggest a minimum of four members of the Commission to serve on a subcommittee.

A discussion ensued on FOIA, the number of members present, virtual meetings, posting of public meetings, recording of the minutes, authority of the Chairperson, may vs. shall, volunteering for committees, suspending committees if no one is interested, Article VIII of the CPC Bylaws, the number of committees, additional work for staff, requirements for posting minutes, and remote participation policy requirements for committees.

Chairperson Kratovil opened the floor for amendments.

Chairperson Kratovil proposed the first changes:

Page 1 third Whereas add *a majority of* after with the consent of.

WHEREAS, the Chairperson of the Commission may appoint standing committees and a Chairperson for each with the consent of *a majority of* the Commission members present and voting pursuant to Article VIII of the Commission's bylaws; now therefore be it.

Page 2 item 1 And Further Resolved That: change the number from two to *four*. Strike *and one to serve as the Committee Vice Chair* and add after Committee Chairperson *with the consent of a majority of the Commission*.

At the first Commission meeting of each calendar year, the Chairperson of the Commission shall appoint at least ~~two~~*four* members of the Commission to each committee, of which the Chairperson of the Commission shall designate one to serve as the Committee Chairperson ~~and one to serve as the Committee Vice Chair~~ *with the consent of a majority of the Commission*. Committee members shall serve at the pleasure of the Chairperson of the Commission

Page 3 item 7 striking *Vice-*

The Committee ~~Vice~~-Chairperson shall work with the Staff Coordinator, who shall be responsible for taking minutes of a Committee meeting, to ensure the minutes of a Committee meeting are gathered, reviewed, approved by the Committee and posted in the same manner described in the Commission's bylaws, and in accordance with the requirements of Virginia Code § 2.2-3707.2.

Chairperson Kratovil made the motion to accept the amended changes. The motion passed unanimously, 10-0-0.

Commissioner Belkowitz made the motion to strike item two Policy Review Committee and make the Financial Scams and Fraud Committee item two. Commissioners Hargraves and Svab seconded the motion. The motion passed unanimously, 10-0-0.

Commissioner Kirk asked anywhere in the document that stated Chairperson of the Commission to change to Commission. Page 2 item 1 change shall to *may*.

1. At the first Commission meeting of each calendar year, the ~~Chairperson of the~~ Commission shall ~~may~~ appoint at least four members of the Commission to each committee, of which the ~~Chairperson of the~~ Commission shall designate one to serve as the Committee Chairperson with the consent of a majority of the Commission. ~~and one to serve as the Committee Vice Chair~~. Committee members shall serve at the pleasure of the ~~Chairperson of the~~ Commission. The ~~Chairperson of the~~ Commission may make additional appointments during the calendar year as necessary. A committee appointment shall immediately terminate if the individual ceases to serve as a member of the Commission.

4. Matters addressed and initiatives undertaken by each Committee can be self-generated, assigned by the ~~Chairperson or Vice-Chairperson of the~~ Commission, or at the request of County staff supporting the Commission. Any such matters must fall within the scope of the Commission's powers and duties as set forth in the County Code Section 10-3-2.

Commissioner Kirk made the motion to accept the changes. Commissioner Hargraves seconded the motion. The motion passed unanimously, 10-0-0.

A discussion ensued on the correct verbiage on page 2, item 1.

Chairperson Kratovil provided clarification and read the statement below.

1. At the first Commission meeting of each calendar year, the Chairperson of the Commission may appoint at least four members of the Commission to each committee, of which the Chairperson of the Commission shall designate one to serve as the Committee Chairperson, with the consent of a majority of the Commission.

Commissioner Kirk accepted the statement as a friendly amendment and requested the Chairperson provide a motion.

Chairperson Kratovil made the motion to accept the statement as presented without objection. The motion passed unanimously, 10-0-0.

Chairperson Kratovil made the motion that the Commission adopt the revised committee proposal. Commissioners Hargraves and Springer seconded the motion. The motion passed unanimously, 10-0-0.

New Business

There was no new business before the Commission.

Commissioner Matters

Commissioner Svab had no matters to bring before the Commission.

Commissioner Hargraves mentioned receiving a suspicious email and to be aware of phishing scams.

Commissioner Belkowitz spoke on possibly revisiting the provisions on door-to-door solicitation. He emailed staff about a company soliciting in his neighborhood and staff promptly responded to the email. Commissioner Belkowitz stated he has contacted the non-emergency police number in the past with good response from the police. He feels the issue is pervasive in Fairfax County. Director Makely stated the ordinance does prescribe to call the non-emergency police number and the police are to respond, and indicated it is a Class 2 misdemeanor. Commissioner Belkowitz stated to make it more effective the police are going to spend half their day addressing the issue and feels the system is not working. Director Makely indicated Carl Newcomb, Branch Manager, Fairfax County Regulation and Licensing Branch is currently dealing with two court cases on companies who solicited without licenses. Director Makely stated one court case was due to the police observing the solicitor and that person was charged. The other court case was about a signed contract in the home and the solicitor was unlicensed. The police charged the unlicensed solicitor after the fact based on the signed contract. Commissioner Belkowitz stated it would be helpful to get information on the subject.

Commissioner Gasimov had no matters to bring before the Commission.

Commissioner Gulakowski mentioned an article on the City of Alexandria repealing their Panhandling law citing a violation of the First Amendment.

Commissioner Kharat had no matters to bring before the Commission.

Commissioner Rosier stated it was Breast Cancer Awareness Month and to share with others preventative options that are available. Commissioner Rosier mentioned the news articles in the CPC packet and plans to send them to her contacts, especially the one article on credit repair. Chairperson Kratovil said he hoped once the Community Engagement and Outreach Committee is up and running, that committee can take the package of information and distribute to others. Chairperson Kratovil stated credit repair is what he does for his day job and would be happy to do an overview on what that entails.

Commissioner Kirk mentioned the area where he lives has a high crime rate and criminals are not being prosecuted. Two Wells Fargo banks left and closed their ATMs along with several drug stores in the area.

Commissioner Springer had no matter to bring before the Commission.

Chairperson Kratovil mentioned an issue near his home involving a homeless gentlemen camping on a public bike path. He said at times the person gets belligerent and yells. The story was posted in Nextdoor where a person out of concern approached the gentlemen's makeshift tent and told him a bad storm was coming and asked if assistance was needed. The man attacked the person with an umbrella. The person who was attacked spoke with the police at the Mount Vernon Police District and police told him there was nothing that could be done because he was allowed to be there. Supervisor Storck got involved and replied to the story that you cannot camp in public places, the officer was incorrect, and such behavior should not be tolerated.

Chairperson Kratovil made the motion to adjourn the meeting. Commissioners Gulakowski and Hargraves seconded the motion. The meeting adjourned at 9:10 PM.