

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
EXECUTIVE COMMITTEE  
MEETING MINUTES**

**September 12, 2013**

**1. CALL TO ORDER**

Vice Chairman Scott Hauge welcomed everyone and called the meeting to order at 10:00 a.m. at the Department of Rehabilitation, 721 Capitol Mall, Room 242, 2<sup>nd</sup> Floor, Sacramento, California 95814.

The off-site meeting locations for teleconference were Communities Actively Living Independent and Free, 634 South Spring Street, 2<sup>nd</sup> Floor, Los Angeles, California 90014; State Capitol, Room 313, Sacramento, California 95814; and Department on Disability, 201 North Figueroa Street, Suite 100, Los Angeles, California 90012.

Vice Chairman Scott Hauge reviewed the meeting protocols.

**ROLL CALL**

*Committee Member Present:* Sean Connelly, Office of Senator Corbett

*Commissioners Present:* Scott Hauge, Vice Chairman  
Lillibeth Navarro (Teleconference)  
Betty Wilson (Teleconference)

*Commissioners Absent:* Rocky Burks, Chairman  
Guy Leemhuis

*Staff Present:* Stephan Castellanos, Executive Director  
Angela Jemmott, Program Analyst  
Steven Funderburk, Office Technician

*Also Present:* Donald Parks, Accessible Technology Services  
(Teleconference)  
David Peters, Lawyers Against Lawsuit Abuse  
(Teleconference)

Staff Member Jemmott called the roll and announced a quorum was not yet present. A quorum was achieved after Commissioner Navarro arrived.

**2. APPROVAL OF MEETING MINUTES (July 18, 2013, and August 15, 2013) – ACTION**

**MOTION:** Commissioner Navarro moved to approve the July 18, 2013, and August 15, 2013, California Commission on Disability Access Executive

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Committee Meeting Minutes as presented. Committee Member Connelly seconded. Motion carried unanimously.

**3. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA**

Donald Parks, of Accessible Technology Services, stated the Executive Committee asked the executive director and him, at the March 14th meeting, to look into policy related to Internet accessibility. He has requested that current policy documents published on the Internet be made available to him for review in an accessible format. In the interim, he submitted a newsletter that he produced this week to staff for distribution to Committee members, along with another he produced in December 2012. These newsletters summarize the current situation in the state concerning Internet accessibility.

Accessible facilities must be both physical and virtual, and Mr. Parks is preparing legislation that will address the accessibility of all facilities. He asked Commissioners to review his newsletters and provide input on his proposed legislation.

Vice Chair Hauge asked for clarification on Mr. Parks's proposed legislation. Mr. Parks stated he has discussed nonphysical facilities since the inception of this Commission. He, and then Vice Chair James Abrams, began working on this issue, and Vice Chair Abrams has agreed that this needed to be addressed after the Commission was "up and running." Mr. Parks has since been producing informational newsletters as he continued to work on this issue.

Mr. Parks has found that a majority of state agencies have never completed the administrative requirements for the Americans with Disabilities Act (ADA), but are operating under pre-ADA concepts, conditions, and ideas. The ADA Amendments Act of 2008, which expanded the definition of persons with disabilities, is not on the radar of many public entities. There are certified access specialists (CASp) for construction, but there are no certified program access specialists. Mr. Parks's proposed legislation is for mandated certified program access specialists. The Internet is where the activity is happening, and he stated the need to keep ahead, rather than trying to catch up.

Commissioner Navarro agreed that a majority of the disability community requires programmatic access, but the focus is on the physical environment and not much, if at all, on the nonphysical aspect of access.

Mr. Parks stated that the entire population of people in wheelchairs, legally blind, or deaf, is only ten percent of the total disability community as it was redefined by the ADA Amendments Act of 2008.

Committee Member Connelly offered his assistance from a legislative perspective. He stated it is the study period for new legislative research before the second half of the legislative calendar begins. He added that Senator Corbett will be in the

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Legislature for the remainder of the year, and it would be a good opportunity for legislation to be planned out and thought through during this time period.

**4. GENERAL BUSINESS ITEMS**

**a. Demand Letter Project/Educational Modules**

Executive Director Castellanos stated collecting, analyzing, and posting data to the website will continue until 2016. Staff recently added the data for the month of June, which modestly affected the top ten demand letters and claims. The website will be updated to reflect the new information.

Staff is collaborating with the State Bar of California to learn how to better share information. The State Bar is responsible for collecting only demand letters. Staff is attempting to determine when a demand letter extends to a lawsuit. The Legislature has asked if there is any duplication. Technically, there is not, because they are distinct acts in a process, but it is valuable to learn how many demand letters result in some action beyond the act of the letter.

There are comparatively fewer demand letters submitted than lawsuits, although there have been resolutions that result from the demand letters. Executive Director Castellanos stated he would like to see the lawsuits decrease and the resolutions increase. Staff will learn within the next year what is contributing to the high frequency of lawsuits, and hopes that trend will begin to diminish as the Commission rolls out more education and training and provides more resources.

Committee Member Connelly asked if staff's analysis includes the lawsuit and the resolution. Executive Director Castellanos stated Senate Bill (SB) 1186 did not ask for resolution. Staff has been discussing internally whether or not it is possible. The Commission has been requested by the Legislature to ensure the database is organized in a way to obtain information about the frequency of cases being filed, in order to learn how many people are involved. Staff will analyze the data and produce reports that will give people an appropriate view of who is involved and, hopefully, derive information about why they are involved.

The legislation mandates the Commission to produce educational modules for the top ten demand letters and claims. Staff has started that process and has brought in a subject matter expert to assist in developing an educational module for each of the top ten. Staff has identified over forty different issues. Executive Director Castellanos stated it would be optimal to eventually produce an educational module for each of those forty issues. Currently, staff is focusing on the top ten and will roll out each module as it is generated, so that people can use them and learn from them as they are made ready.

Staff is preparing to post the recent Department of Rehabilitation (DOR) video on the CCDA website as an educational tool available to business owners to help

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them better understand some of their duties and responsibilities. It is currently being published on DVD and will be posted to YouTube soon.

Commissioner Navarro asked if staff has a list of the chambers of commerce in the State of California. Executive Director Castellanos stated they do, and added that he recently met with both the Hispanic Chamber of Commerce and the California Chamber of Commerce, and they have submitted names for possible appointments to the Commission. He also recently met with Senator Corbett; he thanked Committee Member Connelly for his help in setting that up.

Executive Director Castellanos stated Senator Corbett offered her assistance and is a great support. Through Senator Corbett's work, Executive Director Castellanos stated he hoped to help the Senate and Assembly leadership find opportunities to connect with CASp professionals to help them host learning sessions with the chamber members and get the word out through the Legislature and the local chambers.

Commissioner Wilson stated many of the chambers of commerce members are also members of various business associations. Business associations should be included in the list of contacts, because not all business association members attend the chamber of commerce and do not always receive all available information. She recommended that staff put together a list of the business associations around the state.

Committee Member Connelly suggested the Commission put together a brochure for senate offices. He asked that this be put on the next agenda for discussion. A senate brochure is something that Senator Corbett brought up during the meeting and Committee Member Connelly has begun research on it. He stated senators often host town hall meetings or visit farmers' markets or small businesses. A senate brochure can go to each senator's office and is a good way to connect with the community.

As part of his research, Committee Member Connelly talked to the Senate Rules Committee and was advised what information could and could not be in the senate brochure. The Senate Rules Committee urged against including current legal requirements or accessibility standards, because the small business owner can bring that in a lawsuit of why they were not in compliance. Information that is acceptable includes who to contact and where to find current law.

Committee Member Connelly suggested he meet with staff to gather the information that Commissioners think would be most helpful to a small business owner who has questions like this. He suggested sending Commissioner recommendations to the graphics team to put into the brochure, as simply as possible. Something that a senator could explain to a small business owner would be ideal and a good tool to refer a small business owner to where they can find information. A brochure will not take a lot of time or money, will provide

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good information, will go to all district offices, and can be dispensed to a wide population quickly.

Vice Chair Hauge stated Small Business California has been working on this and would like their efforts and outreach into the small business community to be recognized. He is the head of District 9 for the Small Business Association (SBA) Small Business Development Center Program, who is interested in learning more. He recommended working with the small business development centers around the state as an outreach to small businesses.

Vice Chair Hauge asked about the number of demand letters submitted so far. Staff Member Jemmott stated staff receives from 200 to 250 per month.

Vice Chair Hauge asked if staff tracks the attorneys bringing the lawsuits, and if they see any trends. Executive Director Castellanos stated there are what is referred to as "frequent flyers," who continue to bring lawsuits. They tend to break down into two groups: those that work with a plaintiff and do hundreds of lawsuits for profit, and those that are advocates for the disabled and for people who cannot speak for themselves.

Staff Member Jemmott added there are a number of demand letters that have come in from advocates with clear, helpful information to the defendant. They give them directions of how to proceed and who to contact. They produce the demand letters in several languages. They demand that the issues be resolved, but offer help in the resolution process.

Commissioner Wilson stated many lawsuits are filed due to lack of understanding of the interpretation of laws and how they are applied. That is why it is important for the Commission to hold seminars, produce educational outreach material, and have workshops and seminars.

Commissioner Navarro recommended that the CCDA sponsor a joint conference between the business and the disability communities soon, to be a model to offer to both communities as an example of constructive dialogue. Commissioner Wilson agreed and suggested setting them up as a module to be replicated throughout the state.

**Public Comment**

David Peters, of Lawyers Against Lawsuit Abuse, stated he has been consulted in about 1,200 ADA lawsuits, and the majority are not involved in chambers of commerce or associations. They may be missing out on relevant information that comes through those resources. It is important to keep in mind that a large number of people, who would gladly make the changes if they had accurate information about what needs to be done, seem to be falling through the cracks.

**Action Items**

- No action items.

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**b. Strategic Planning Project Update**

**1. Design Team Appointments**

**2. Schedule Update**

Executive Director Castellanos stated the Strategic Planning Design Team is a group of individuals, made up of Commissioners and stakeholders, that will assist in the development of the process that will be used for this effort and will provide guidance and oversight throughout.

- The representative from the Division of the State Architect (DSA) is Dennis Corellis, Principal Architect at the DSA.
- The representative from the DOR is Megan Juring, the Deputy Director of Independent Living and Community Access.
- The representative for the disability community is Erick Mikiten, American Institute of Architects (AIA), an architect who is on the California Building Standards Commission.
- The representative from the business community is Regina Dick-Endrizzi, the Executive Director of the Office of Small Business in San Francisco.
- The representative from legislation is Wendy Hill from Assembly Member Tom Ammiano's office.
- The representatives from the Commission are Vice Chair Hauge and Commissioner Wilson.
- The representatives from staff are Executive Director Castellanos and Staff Member Jemmott.

The strategic planning process will begin when the Strategic Planning Design Team meets for the first time and begins to outline, with the consultants, the overall plan and objectives. Then, they can identify stakeholders, set up focus sessions, and provide a framework to help the Education and Outreach Committee better understand how to use available resources, identify new resources, and determine what the education and resource materials should be.

**Action Items**

- No action items.

**c. Outreach Committee Appointments**

Staff Member Jemmott stated staff has received a number of nominations for the Education and Outreach Committee from Senator Corbett's office, Senator Fuller's office, Vice Chair Hauge, and Commissioner Wilson. She reviewed the CCDA Policy Memorandum 2012-01, Selection of Public Committee Members Protocols, with Commissioners.

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- Senator Fuller's office nominated Jim Baldwin, the President of BARC Industries, representing the business community.
- Senator Fuller's office nominated Jimmie Soto, the Executive Director of the Independent Living Center of Kern County, representing the disability community.
- Vice Chair Hauge nominated Arnie Lerner, AIA, CASp, the Principal Architect of Lerner and Associates Architects, representing the business community.
- Vice Chair Hauge nominated Robert Roddick, an attorney of Noe Valley Law, and the Director of the Noe Valley Merchants and Professionals Association, representing the business community.
- Commissioner Wilson nominated Stephen Simon, JD, of The Raben Group.
- Commissioner Wilson nominated Richard Ray, the ADA Compliance Coordinator of the City of Los Angeles Department on Disability.
- Commissioner Wilson nominated Winona Adkins, a retired executive from the AT&T conglomerate.
- Senator Corbett's office and Commissioner Wilson nominated Yomi Wrong, the Executive Director of the Berkeley Center for Independent Living.

Vice Chair Hauge stated only four individuals can be chosen from this very impressive list of nominees: two from the disabled community and two from the business community.

Commissioner Wilson stated the need for help and expertise in the beginning stages to develop the Education and Outreach Committee as a model for the state. She suggested increasing the number of Committee members to seven.

Executive Director Castellanos stated he will discuss the possibility of a special meeting with Chair Burks to expedite the appointments to the Education and Outreach Committee, since the Commission is not scheduled to meet until mid-October.

**MOTION:** Committee Member Connelly moved to waive the California Commission on Disability Access Policy Memorandum No. 2012-01, Selection of Public Committee Members Protocols, and to increase the number of public members of the California Commission on Disability Access Education and Outreach Committee to seven. Commissioner Wilson seconded. Motion carried unanimously.

**Action Items**

- Staff is to discuss the possibility of a special meeting with Chair Burks.

**d. Website Update**

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**1. Online Forum**

Executive Director Castellanos stated the website continues to improve. As is the nature of websites, information needs to be continually added or updated, and problems need to be corrected. Staff brought on a subject matter expert through the consultant who is improving, enhancing, and providing more explanation, while also researching additional resources to post to the website.

Staff is working with the consultant to migrate the current website that is hosted on the state system to a different kind of hosting through the consultant, which will allow the use of a number of tools and social media that are not available on the state-hosted site, such as a forum feature where people can ask questions and share experiences. Many other state agencies host their websites elsewhere.

Executive Director Castellanos requested that any additions, errors, or changes be brought to staff's attention.

**2. DOR Video**

Executive Director Castellanos stated the DOR is publishing 1,000 DVDs, and they will give the Commission some to distribute or to make more copies. The DOR video will also be posted to the CCDA website.

Commissioner Navarro asked about the total number of CCDA website hits. Executive Director Castellanos stated the Legislature has also asked this question. Senator Steinberg's office started the CCDA data collection project with their bill and is interested in the total number of website hits. Staff is in the process of obtaining a counter.

**Action Items**

- No action items.

**e. Committee of the Whole Decision**

Executive Director Castellanos requested clarification on a motion, which was made during the last full Commission meeting, to make the Executive Committee a committee of the whole. There are certain roles of the Executive Committee that are distinct and more operational than the full Commission roles. He wanted to ensure that Commissioners are aware that a committee of the whole would necessitate a minimum sixteen meeting commitment annually.

Executive Director Castellanos stated staff is unsure if this move was intended to be temporary or permanent, and staff asked for additional input and possible reconsideration in light of future agenda preparation and meeting scheduling. A larger number of meetings are anticipated over the next year, with the new Education and Outreach Committee and the strategic planning effort meetings.

Vice Chair Hauge agreed and stated his concern that a Committee of the whole would create a potential problem with quorum issues and should be revisited.

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Commissioner Navarro stated her understanding that the Executive Committee was made up of the chairs of the Committees. Executive Director Castellanos stated it was, but, since the Commission does not have those Committees anymore, it was determined that the makeup of the Executive Committee would be that all Commissioners are now on the Executive Committee.

Executive Director Castellanos stated staff is unsure of the meaning, would like to reopen this issue, and asked permission to place it on the October full Commission agenda. He stated he will outline the scheduled meetings for 2013-14 so Commissioners will have an idea of the workload, and will identify the specific roles or charges for the two standing Committees. Commissioners can then have a more complete discussion with the information attached to it to bring more clarity on how to handle this governance issue.

**Action Items**

- Staff is to prepare documentation for the October full Commission meeting.

**f. Meeting Schedules 2013-2014**

- 1. Executive Committee/Education and Outreach Committee**
- 2. Commission Meetings**

Executive Director Castellanos proposed a revised meeting schedule to reduce the number of meetings to one per month. He proposed maintaining the quarterly full Commission meetings as they are now, adding the Education and Outreach Committee meetings quarterly, the month following the full Commission meeting, and changing the Executive Committee meetings from monthly to quarterly, the month following the Education and Outreach Committee. He explained these are a minimum number of calendared meetings; more can be added.

This proposal would create distinct agendas: the policy work of the full Commission, the education and outreach work related to the Education and Outreach Committee, and the governance and administrative work that the Executive Committee focuses on.

What this proposed schedule does not show is what is coming up between now and the middle of next year and beyond on strategic planning. He asked Commissioners to keep in mind that there will be a number of meetings that some Commissioners will be involved with, while others would simply like to attend and participate. There will also be a number of subgroups of that effort that are going to be active next year.

Vice Chair Hauge stated he liked the simplicity of holding the various meetings on a consistent day each month for ease of scheduling.

**Action Items**

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- No action items.

**g. Attendant Reimbursement Policy Adoption**

Staff Member Jemmott reminded Commissioners that attendant reimbursement is not automatic; the form must be completed and submitted for approval.

Executive Director Castellanos stated the form will be added to the Commissioner Handbook to be distributed to new Commissioners. He asked Commissioners to add the attendant reimbursement documents to their current handbook under the travel reimbursement policies.

**Action Items**

- Commissioners are to add the attendant reimbursement documents to their handbooks under the travel reimbursement policies.

**5. BUDGET UPDATE**

**a. Monthly Expenditure Report**

Executive Director Castellanos stated the yearend figures seem to be accurate, based on last year's figures. The biggest concern is the carryover based on money that was encumbered in the last budget. Staff feels the figures were done correctly, but will not know for sure until they see the opening 2013/14 budget. He explained it is not typical to go back to the Department of General Services (DGS) to ask the budget officer to make amendments. The CCDA is spending at the rate that was predicted. The additional consultant and labor expenses were encumbered with money that was left over from the last year's budget. The Commission is operating as planned and within budget. Staff has not received the statement because the DGS has not yet closed out 2013.

In answer to Commissioner Navarro's question, Executive Director Castellanos stated the Commission has reserved funds in the budget for some of the activities for the Education and Outreach Committee. There is not a lot, but, in all the Commission does, Executive Director Castellanos tries to double or triple the benefits out of the funds spent, such as bringing speakers to the Commission meetings and using them or their material as a foundation for other seminars or for making proposals to other parts of the state.

He suggested working with the Education and Outreach Committee to help identify partners and sponsors and to research how to double or triple the benefits of all funds spent. There are tremendous resources out there that can assist this Commission; they just need to be asked for in many cases. The Education and Outreach Committee can learn how to ask them, and to develop programs, modules, and seminars and work with as many partners as possible.

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**6. FUTURE AGENDA ITEMS**

Committee Member Connelly suggested that a brochure for senate offices be put on the next agenda.

Commissioner Navarro requested that the sponsoring of a joint conference between the business and the disability communities be put on the next agenda.

Staff requested that further discussion and clarification of the committee of the whole be put on the next agenda.

**7. ADJOURN**

**MOTION:** Vice Chairman Hauge moved to adjourn the September 12, 2013, California Commission on Disability Access Executive Committee meeting. Commissioner Navarro seconded. Motion carried unanimously.

Vice Chairman Hauge adjourned the meeting at 11:32 a.m.