

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
FULL COMMISSION  
MEETING MINUTES**

**January 14, 2015**

**1. CALL TO ORDER**

Vice Chair Scott Hauge welcomed everyone and called the meeting of the California Commission on Disability Access (CCDA or Commission) to order at 10:05 a.m. at the Department of Consumer Affairs, First Floor Hearing Room, 1747 North Market Blvd., Sacramento, California 95834.

**ROLL CALL**

*Commissioners Present:*

Guy Leemhuis, Chair (Teleconference)  
Scott Hauge, Vice Chair  
Steve Dolim  
Chris Downey  
Michael Paravagna  
Anthony Seferian  
Chester "Chet" Widom  
Betty Wilson  
Laurie Cohen Yoo

*Commissioners Absent:*

Lilibeth Navarro  
Greg Thompson  
Douglas Wiele

*Staff Present:*

Stephan Castellanos, Executive Director  
Angela Jemmott, Program Analyst

*Also Present:*

Ruthee Goldkorn, Californians for Disability Rights (Teleconference)  
Anthony Goldsmith (Teleconference)  
Gary Layman, Director of Professional Standards, Certified Access Specialist Institute (CASI), California Building Officials (CALBO)  
Jim McGowan, Executive Director, California Building Standards Commission (CBSC)  
Staff Member Jemmott called the roll and confirmed the presence of a quorum.

**PLEDGE OF ALLEGIANCE**

Vice Chair Hauge led the Commission in the Pledge of Allegiance.

**HOUSEKEEPING ITEMS**

Vice Chair Hauge reviewed the meeting protocols.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
FULL COMMISSION  
JANUARY 14, 2015, MEETING MINUTES**

**2. APPROVAL OF MEETING MINUTES (OCTOBER 22, 2014) - ACTION**

**MOTION:** Commissioner Paravagna moved to approve the October 22, 2014, California Commission on Disability Access Full Commission Meeting Minutes as presented. Commissioner Dolim seconded. Motion carried unanimously.

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

There were no questions or comments from the public.

**4. COMMISSION AND PUBLIC RECOGNITION OF RETIRING EXECUTIVE DIRECTOR - PRESENTATION**

**a. Chair Presentation**

Vice Chair Hauge thanked Executive Director Castellanos for his two years of service with the Commission, presented him with a plaque, and wished him well.

**b. CALBO Presentation**

Gary Layman, the Director of Professional Standards of CASI and CALBO, thanked Executive Director Castellanos on behalf of CASI and presented him with a plaque.

**5. INTRODUCTION OF NEW COMMISSIONER - PRESENTATION**

Vice Chair Hauge welcomed Commissioner Laurie Cohen Yoo to the Commission. Commissioner Yoo introduced herself and stated she looked forward to working with everyone on the Commission.

**6. ELECTION OF OFFICERS - APPOINTED MEMBERS ONLY**

**a. Chair of Commission Position**

**b. Vice Chair of the Commission Position**

**MOTION:** Commissioner Widom moved to re-elect Guy Leemhuis as chair and to elect Steve Dolim as vice chair of the California Commission on Disability Access for 2015. Commissioner Paravagna seconded. Motion carried unanimously.

**7. EXECUTIVE DIRECTOR REPORT: STEPHAN CASTELLANOS, EX. DR. - UPDATES**

**a. Bill Tracking**

- **AB 52 (Gray D) Public accommodations: construction-related accessibility claims**
- **AB 54 (Olsen R) Public accommodations: construction-related accessibility claims**

Executive Director Castellanos stated staff will meet with the authors of Assembly Bills (AB) 52 and 54 and Senate Bill (SB) 67 (Galgiani D) and invite them to present at a future Commission meeting.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
FULL COMMISSION  
JANUARY 14, 2015, MEETING MINUTES**

**Public Comment**

Ruthee Goldkorn, of Californians for Disability Rights, stated her opposition to the bills.

**b. Staffing Update**

Executive Director Castellanos stated interviews have been completed for the associate governmental program analyst position, interviews for the executive director position will begin soon, and advertising will begin next week for the office technician position.

**c. Data Collection and Annual Reports**

Executive Director Castellanos stated staff is through October in the data collection effort due to short staffing. There was a spike of over 300 claims and demand letters submitted in October. The Top 10 lawsuit violations remain the same. Staff plans to ask the judiciary to create a form for attorneys to be completed along with the filing that will streamline the process.

The first draft of the annual report has been sent to Commissioners for review and feedback.

**Action Items:**

- Commissioners are to provide feedback on the annual report.

**8. SUBCOMMITTEE - UPDATES**

**a. Education and Outreach (Standing Committee)**

Commissioner Wilson, the chair of the Education and Outreach (E&O) Committee, stated the Ad Hoc Committee has been working on hosting an event in San Francisco to be held at the end of June 2015. She asked for input and ideas from Commissioners for this event.

Commissioner Downey, the chair of the Ad Hoc Committee, stated the event will target the small business community to coincide with the intended release of the consumer checklist for small businesses. The short timeline of this event and short staffing are challenges and will require help and support from Commissioners, the community, partners, and sponsors.

Commissioner Downey stated the Ad Hoc Committee has also begun identifying other target groups for education about disability awareness, code compliance, social justice, and civil rights. It is developing a work plan and master plan for targeting groups and an implementation plan for the education content for those groups.

Commissioner Wilson stated the importance of keeping aware of the changes in the laws as well as the accurate interpretation and application of them.

**b. Checklist Committee (Ad Hoc Committee)**

Commissioner Dolim, the chair of the Checklist Committee, stated the Commission was mandated to create a checklist for building officials. He provided an overview of the

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
FULL COMMISSION  
JANUARY 14, 2015, MEETING MINUTES**

background and process of creating the checklist. Based on samples of previous checklists, surveys of building officials, and the diverse experience and organizations represented by the members of the Checklist Committee, it was determined a shorter, four-page foldout, tickler-style checklist, based on the stages when the building official is on-site, would serve as a portable reference and reminder to field inspectors and extend the reach of accessibility in the mindset of the official.

**Public Comment**

Mr. Layman stated CALBO is anxious for the checklist to be published. He stated this checklist has been field-tested successfully and catches things when they would be least expensive to correct. He stated CASI has used the checklist as a foundation and created an additional form for contractors, plan examiners, and architects.

Anthony Goldsmith asked about the status of the checklist for businesses in language for the lay person so business owners can understand obligations. Executive Director Castellanos stated the goal is to publish the consumer guide by mid-2015.

**Commissioner Discussion:**

Commissioner Widom emphasized the checklist is not for the public. The consumer guide for lay people will have a different tone.

Commissioner Widom thanked the Checklist Committee for doing an amazing job of putting together the checklist in a short period of time. He stated the need to expand the use of the checklist beyond field inspectors. It is a good checklist for builders, project managers, and individuals involved in the construction process. He suggested sending it to the American Institute of Architects (AIA), the Associated General Contractors (AGC), and other organizations as an opportunity for them to build their buildings better, faster, and error-free. He stated the need for the checklist to go out immediately, both in electronic and paper forms. The checklist will be posted to the Division of the State Architect (DSA) website as soon as possible.

**MOTION:** Commissioner Widom moved to approve the California Commission on Disability Access Accessibility Checklist for Building Inspectors as presented, subject to legal review. Commissioner Dolim seconded. Motion carried unanimously.

**C. Legislative Committee (Proposed Standing Committee)**

Commissioner Paravagna, the chair of the Legislative Committee, stated the Legislative Committee is in the formation stage. He stated staff will set a date for the first meeting soon and he has prepared a draft agenda. He stated the need to consider how to involve interested legislators in what the Commission is doing.

**Public Comment**

Ms. Goldkorn asked when the Committee will meet and how legislators that will best serve on the Committee will be identified. Commissioner Paravagna stated a Committee

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
FULL COMMISSION  
JANUARY 14, 2015, MEETING MINUTES**

schedule will be set in the next few days. The question of how to incorporate legislators into the Committee will be a topic discussed at the first meeting.

**Action Items:**

- No action items.

**9. ACCESS BEYOND BRICK AND MORTARS EDUCATIONAL SERIES - PRESENTATION**

Commissioner Paravagna stated Title II of the Americans with Disabilities Act (ADA) covers state and local governments. He stated his presentation will relate to governmental entities that employ fifty or more persons. He read 28 Code of Federal Regulations (CFR) Section 35.130(a), which contains general prohibitions against discrimination. He provided an overview of the legislative mandates and general requirements of 28 CFR. He noted California Government Code Sections 11135 and 12926 were key provisions that bring Title II of the ADA into the California Code.

Commissioner Paravagna highlighted the general requirement of self-evaluation. He reviewed the thirteen categories of the U.S. DOJ Title II Technical Assistance Manual (TAM) Section 8200.

Commissioner Paravagna compared four state departments with vastly different goals and missions that have been sued under Title II. He referenced the CCDA Strategic Plan Goal 6. He stated there is no mandated structure for developing self-evaluation, no consistent grievance procedure, and no boilerplate language for the position of ADA coordinator. He stated the Commission may have to deal with these issues to accomplish Goal 6.

**Commissioner Discussion:**

Commissioner Wilson stated the points brought out in the presentation are prevalent across city, county, and state governments. She asked if the Commission can also look at coordinating efforts to providing training to get that kind of perspective out there.

Commissioner Paravagna stated training is important, but the Commission should consider standardizing some approaches and working with the Legislature on mandates. He asked why eighty-nine entities in state government have written grievance procedures when it can be done once and disseminated. He suggested creating a like format for self-evaluations and transition plans to better track results and online trainings on access issues. He suggested using the Checklist Committee model of bringing experts from across the board together to hammer out the details.

Commissioner Downey asked what steps to take in light of this presentation. Commissioner Paravagna suggested continuing the discussion on this topic; forming an ad hoc committee to look at the best methods of moving forward and seeing if those methods could be referred to other committees; bringing a group of stakeholders together to forge documents the Commission can recommend as grievance procedures, ADA notices, and formats for self-evaluations; or referring some of this to the

**CALIFORNIA COMMISSION ON DISABILITY ACCESS  
FULL COMMISSION  
JANUARY 14, 2015, MEETING MINUTES**

Legislative Committee to find solutions since the Commission does not have the authority to demand other departments use these products.

**Public Comment:**

Ms. Goldkorn thanked the Commission for the work they are doing. She stated helping the government become accessible is within the Commission's purview. She stated it would be a benefit to the state of California to see Commissioner Paravagna's presentation become a working document. This information is necessary to expose why there are many issues under Title II.

Ms. Goldkorn stated the need for a department on disabilities. Commissioner Wilson agreed that a department on disabilities would reduce the risk of litigation.

**Action Items:**

- No action items.

**10. BUDGET REPORTING**

Executive Director Castellanos stated there are six years of salary savings in the budget for the governmental program analyst position and three months of salary savings for the office technician position.

Staff Member Jemmott noted the Special Fund Account is at \$16.06. She reminded Commissioners and the public that this fund enables the Commission to accept donations. She reviewed the current month's expenditures.

**Action Items:**

- No action items.

**11. COMMENTS FROM COMMISSION MEMBERS**

Executive Director Castellanos thanked everyone for the recognition this morning and thanked Commissioners for their commitment, energy, and desire to make California more accessible.

Commissioners thanked Executive Director Castellanos for his time, energy, and leadership for the past two years.

Chair Leemhuis thanked the Commission for re-electing him as the chair of the CCDA for 2015. He thanked Vice Chair Hauge for his service.

**12. FUTURE AGENDA ITEMS**

Vice Chair Hauge asked Commissioners to email future agenda items to staff.

**13. ADJOURN**

There being no further business, the meeting was adjourned at 1:54 p.m.