

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

December 8, 2016

1. CALL TO ORDER

Chair Guy Leemhuis welcomed everyone and called the meeting of the Executive Committee of the California Commission on Disability Access (CCDA or Commission) to order at 1:37 p.m. at the Law Office of Guy A. Leemhuis, 3685 Main Street, Suite 240, Riverside, 92501.

The off-site meeting locations for teleconference were the Department of Rehabilitation, 721 Capitol Mall, Room 252, 2nd Floor, Sacramento, 95814; the City of Los Angeles Department on Disability, 201 North Figueroa Street, Suite 100, Los Angeles, 90012; and Westfield Corp., 2049 Century Park East, 41st Floor, Los Angeles, 90067.

Chair Leemhuis reviewed the meeting protocols.

ROLL CALL

Staff Member Jackson called the roll and announced a quorum was not present because several Commissioners called in from unpublished sites.

Commissioners Present:

Guy Leemhuis, Chair
Douglas Wiele, Vice Chair
(Teleconference)

Steve Dolim (Teleconference)
Laurie Cohen Yoo (Teleconference)
Betty Wilson (Teleconference)

Commissioner Absent:

Michael Paravagna

Staff Present:

Angela Jemmott, Executive Director
Fajola Jackson, Office Administrator
Rhonda Valdry, Staff Services Manager

Also Present:

Jim Abrams, Legal Counsel, California Hotel and Lodging Association (Teleconference)
Danny Friedman, Director, California Hotel and Lodging Association, Checklist Committee Member (Teleconference)
Carol Leffler (Teleconference)

2. APPROVAL OF MEETING MINUTES (August 10, 2016) – ACTION

Chair Leemhuis tabled this agenda item to the next Executive Committee meeting.

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

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
DECEMBER 8, 2016, MEETING MINUTES**

There were no questions or comments from the public.

4. COMMITTEE UPDATES – UPDATE AND DISCUSSION

a. Research

Commissioner Yoo, Chair of the Research Committee, stated the Research Committee has not met since the last Executive Committee meeting. The Research Committee will meet in the next couple of weeks.

b. Education and Outreach

Commissioner Wilson, Chair of the Education and Outreach (E&O) Committee, stated the Committee meet earlier today and was informed of a recent 60 Minutes program that criticized the Americans with Disabilities Act (ADA), saying it was only there to cause problems for small businesses. The Committee determined to make a positive media response about the action California is taking toward decreasing lawsuits and increasing access compliance. Chair Wilson is spearheading the creation of a draft letter to be brought before the Commission in January.

Commissioner Yoo stated she saw a portion of the 60 Minutes program and did not see the program as an attack on the ADA but an attack on material litigants on those issues. She stated 60 Minutes airs letters or responses to past programs. She agreed with drafting a letter to point out the other side to the issue and the benefits and necessity of the ADA.

Chair Leemhuis stated several Commissioners have expressed the need for a more rapid response than the next full Commission meeting in January. They, too, suggested drafting a letter to provide more balance or point out what was not balanced about the program. Chair Leemhuis stated the need to put together an ad hoc committee to draft the letter to be sent out next week. He stated staff is already working on the letter to be sent to all Commissioners for review and input. He suggested sharing further E&O Committee input with staff.

Chair Leemhuis stated the Commission received a letter from the California Hotel & Lodging Association (CH&LA) and the Asian American Hotel Owners Association (AAHOA) about a lawyer who has filed at least 270 lawsuits and yet the CCDA has never received a copy of a demand letter and complaint. Staff will investigate this. He cautioned what the Commission puts in the letter to 60 Minutes because, if an attorney did not tell the CCDA that they filed a lawsuit, the CCDA would not know of it. The CCDA would also want to know if an attorney is doing things inconsistent with the requirements of the law. This letter will be discussed in Agenda Item 8.

c. Legislative

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
DECEMBER 8, 2016, MEETING MINUTES**

Chair Leemhuis tabled this item to the next Executive Committee meeting.

d. Checklist

Steve Dolim, Chair of the Checklist Committee, stated the Checklist Committee has met several times and has submitted two components of the work effort to establish a consumer checklist: a summary of frequent myths and misconceptions and a pyramidal hierarchy of attention for businesses based on frequency of attention.

5. CLOSED SESSION

a. Personnel Issues and Financial Budgetary Issues

Chair Leemhuis moved the closed session to the end of the meeting so the members of the public could more fully participate in the open session portion.

6. RE-OPEN SESSION

This item was moved to the end of the meeting.

7. REPORT BY EXECUTIVE DIRECTOR – UPDATE AND DISCUSSION

Executive Director Jemmott presented her report:

a. Staffing Updates

A retired annuitant was hired the last week of November.

b. Travel Expense Claim Updates

The memo that was sent out to Commissioners on travel expenses was also included in the meeting packet. Commissioners are to contact staff if they have any questions.

c. Outreach Efforts and Partnering Events

Staff has had several outreach opportunities since the last Committee meeting in Sonora and Humboldt Counties, has met with legislators with Chair Leemhuis and Commissioner Paravagna, will attend Commissioner Roth's ADA Small Business Workshop in Riverside next week to present the Myths and Misconceptions document, and will attend Commissioner Lackey's staff briefing in January to market the CCDA consumer tools.

8. CALIFORNIA HOTEL & LODGING ASSOCIATION LETTER TO CCDA – DISCUSSION

Jim Abrams, Legal Counsel of the CH&LA, briefly summarized his and the CH&LA's efforts to increase accessibility in California over the past forty years, including co-authoring the bill that put the Certified Access Specialist (CASP) project into effect. The CH&LA has put together a list of plaintiffs and their attorneys who have created what they call the "gravy train." They file several ADA lawsuits per day. The Legislature responded and passed laws, one of which requires attorneys to submit their demand

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
EXECUTIVE COMMITTEE
DECEMBER 8, 2016, MEETING MINUTES**

letters and complaints to the CCDA and the State Bar. He provided the example mentioned above by Chair Leemhuis of the attorney who has filed at least 270 lawsuits but has not submitted the mandated documents to the CCDA. He stated the CH&LA has sent a letter to the State Bar requesting that they look into his actions to determine if any disciplinary action is necessary.

Chair Leemhuis stated it is unfortunate that attorneys such as the example cited make it more difficult for ethical individuals who protect civil rights and help clients experience greater accessibility. He thanked the CH&LA for their presentation and stated he hoped they would continue to work with the Commission to improve access. It is important to give the message that the CH&LA is not against access, but is against individuals who abuse the system. He stated staff will continue to look into this.

Commissioner Wilson stated she contacted the deans and principals of Loyola, USC, and UCLA after this morning's E&O Committee meeting. The dean of Loyola was angry about the 60 Minutes program because it may cause legislators to scrap the ADA, especially Title III. She stated the importance of getting law schools on board and partnering with them.

Mr. Abrams asked the Commission to inform him of what was learned from the State Bar on this issue.

Chair Leemhuis stated the Commission will put together information materials to address this troubling issue.

9. SUBCOMMITTEE PUBLIC MEMBERSHIP REVIEW – DISCUSSION

a. Public Members to Subcommittee Recommendation

Chair Leemhuis appointed Pamela Cohen, of Disability Rights California, to the E&O Committee as a public member. He asked Commissioner Wilson to welcome her and stated the Commission will send a letter to her welcoming her onto the Committee.

10. FUTURE AGENDA ITEMS

This agenda item was not addressed.

11. ADJOURN

Chair Leemhuis adjourned the meeting to go into closed session at approximately 2:37 p.m.