

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

January 11, 2017

1. CALL TO ORDER

Chair Guy Leemhuis welcomed everyone and called the meeting of the California Commission on Disability Access (CCDA or Commission) to order at 10:10 a.m. at the Department of Rehabilitation, 721 Capitol Mall, Room 242, 2nd Floor, Sacramento, 95814.

ROLL CALL

Staff Member Jackson called the roll and announced a quorum was not present.

Commissioners Present:

Guy Leemhuis, Chair
Douglas Wiele, Vice Chair
Steve Dolim (via teleconference)
Chris Downey
Walter Hughes (via teleconference)
Michael Paravagna
Chester "Chet" Widom, State Architect,
represented by Ida Clair
Betty Wilson
Laurie Cohen Yoo (via teleconference)

Commissioners Absent:

Kamala Harris, Attorney General
Tom Lackey
Celia McGuinness
Lillibeth Navarro
Richard Roth
Tony Thurmond

Staff Present:

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

Also Present:

Emily Smith Beitiks, PhD, Associate Director, Paul K. Longmore Institute on Disability
Kurt Cooknick, Director of Regulatory Affairs, American Institute of Architects, California Council (AIACC)
Ruthee Goldkorn, No Barriers Disabled Access Consulting and Advocacy Services (teleconference)
Rick Halloran, Certified Access Specialist (CASp), Senior Building Inspector, Americans with Disabilities Act (ADA) Coordinator, City and County of San Francisco (via teleconference)
Paul Klein, Co-owner and Principal, California Certified Accessibility Specialists (CalCASp)
Bob Raymer, Technical Director, California Building Industry Association (CBIA)
Mark Wood, Co-owner and Principal, CalCASp

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
FULL COMMISSION
JANUARY 11, 2017, MEETING MINUTES**

William Zellmer, President at the Certified Access Specialists Institute (CASI), CASp,
Accessibility Architect at Sutter Health

2. APPROVAL OF MEETING MINUTES (October 13, 2016) – ACTION

This item was tabled until the next Commission meeting.

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

There were no questions or comments from the public.

4. SWEARING IN OF RE-APPOINTED COMMISSIONERS – ACTION

Executive Director Jemmott led the swearing in of office for re-appointment of
Vice Chair Wiele and Commissioner Paravagna.

5. SUBCOMMITTEE – UPDATE

a. Education and Outreach

Commissioner Wilson, Chair of the Education and Outreach (E&O) Committee,
presented her report:

- The E&O Committee is working with staff on strategies for the production of the Business Toolkit currently being developed by the Checklist Committee.
- Commissioner Wilson and Executive Director Jemmott, in collaboration with the Division of the State Architect (DSA) and the California Capital Access Program (CalCAP), were part of a panel at the ADA Small Business Workshop in Riverside, sponsored by Commissioner Roth and facilitated by Jesse Torres, the Deputy Director of the California Governor’s Office of Business and Economic Development (GO-Biz). The CCDA launched its Myths and Misconceptions document, which was created by the Checklist Committee.
- The Myths and Misconceptions document will be offered to every legislative chief of staff through a legislative briefing this month.

b. Research and Analysis Data Collection Project

This item was tabled until the next Commission meeting.

c. Legislative

Commissioner Paravagna, Chair of the Legislative Committee, stated the Legislative Committee is working in collaboration with Commissioner Thurmond’s office on language options for pending legislation to reintroduce legislation that was unsuccessful last year and taking the opportunity to meet and partner with new legislators. A follow-up meeting has been scheduled to regroup for the new year.

d. Checklist

Commissioner Dolim, Chair of the Checklist Committee, stated the 2017 mission of the Checklist Committee is to produce an industry-specific checklist based on trade

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
FULL COMMISSION
JANUARY 11, 2017, MEETING MINUTES**

association input and feedback that will ultimately go out to their peers and association members. Checklist 2 for the general public will have two facets:

- Dispel myths and misconceptions to ensure that the general public understands that they have to pay attention to accessibility. The Myths and Misconceptions document was produced in the latter part of 2016 and was referenced by Commissioner Wilson in her report.
- Integrate the input and feedback from various professional industry-specific associations to develop a checklist specific to the nature of those businesses, which will identify three levels or tiers of attention: frequent, medium, and occasional things to pay attention to.

Producing a checklist based on frequency will help business owners pay attention to and maintain the accessibility of their establishments.

Commissioner Questions and Discussion

Commissioner Downey asked that the latest version of the Myths and Misconceptions document be sent to Commissioners.

6. EXECUTIVE REPORT

a. Operational and Administrative Updates

Executive Director Jemmott presented her report:

- The updated travel expenses memo is included in the meeting packet.
- The CCDA website has just been updated. Commissioners are to send a photo of themselves along with updated professional information, as necessary. The website now includes LISTSERV and social media components.

b. Review of Outreach Efforts

- The Field Director for Senator Richard Pan is interested in working with the CCDA on ADA workshops.
- A legislative briefing is scheduled in January with all chiefs of staff, as mentioned by Commissioner Wilson, to present the Myths and Misconceptions document.
- GO-Biz invited the CCDA to participate in their Business Portal and to work with them to update their ADA information and add CCDA information to the portal.
- The San Francisco and Los Angeles Business Portals are working with staff to add CCDA information to their portals.

c. Summary Status of Strategic Plan of 2014

- A full report on the status of the Strategic Plan will be included in the January 31st report to the Legislature. Executive Director Jemmott highlighted goals that have been accomplished in 2016.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
FULL COMMISSION
JANUARY 11, 2017, MEETING MINUTES**

Commissioner Wilson asked Commissioners for suggestions on where CCDA materials can be distributed throughout the state and for opportunities to outreach to increase visibility.

7. PART 1 – STRATEGIC PLANNING GOAL 1

Presenter:

**Emily Smith Beitiks, PhD, Associate Director, Paul K. Longmore
Institute on Disability**

Dr. Beitiks thanked Commissioner Downey for inviting her to address the Commission. She provided an overview, accompanied by a slide presentation, of the background, mission, opportunities for improvement, Fair Education Act, educating the educators, approaches to incorporate disability studies in the curriculum, concerns and pitfalls and goals to avoid them, the Patient No More: People with Disabilities Security Civil Rights Project and traveling exhibit, the Section 504 sit-in of 1977, and lessons learned from Section 504 of the Rehabilitation Act of 1973.

Dr. Beitiks stated the Patient No More traveling exhibit will be at the California Museum in Sacramento from July 2 through November 5, 2017.

Commissioner Questions and Discussion

Commissioner Wilson asked to contact Dr. Beitiks offline to discuss opportunities to collaborate. She asked if Dr. Beitiks's information is available in other languages. Dr. Beitiks stated it is available in braille and American Sign Language but stated she would love to see it translated into other languages.

Chair Leemhuis asked how the traveling program is funded. Dr. Beitiks stated it is funded through the San Francisco State University, individual donations, a grant from the California Humanities, and a partnership with a nonprofit company that supports traveling exhibits. Also, each site pays a \$1,000 flat fee plus the shipping, which is typically \$750, to host the exhibit for an eight-week period.

Chair Leemhuis stated the next E&O Committee will discuss partnering with the Longmore Institute and invited Dr. Beitiks to attend the next E&O Committee meeting.

Executive Director Jemmott stated the San Mateo Community College has a building accessibility curriculum, a sample of which was provided in the meeting packet. She asked Rick Halloran to speak about it.

Public Comment

Rick Halloran, CASp, Senior Building Inspector, ADA Coordinator, City and County of San Francisco, stated he was asked by the San Mateo Community College to teach a class on accessibility nine years ago as part of their building curriculum. He stated, along with the federal regulations and California Building Code, he incorporates input from the disability community. He stated this kind of program can be done on a statewide level, both in-person and online. He suggested that the sixteen-week

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
FULL COMMISSION
JANUARY 11, 2017, MEETING MINUTES**

curriculum be broken up into segments by building departments, building inspectors, and others. One of the goals of the class is to give the opportunity for students to put a face on persons with disabilities. He stated the class gives students an introductory-level understanding of the basic tenets of accessibility, where to find them, and a rudimentary knowledge to go out in the field and begin inspections.

8. PART 2 – STRATEGIC PLANNING GOAL 1

Presenters:

Paul Klein, Co-owner and Principal, CalCasp

Mark Wood, Co-owner and Principal, CalCasp

Paul Klein stated he and Mark Wood began CalCasp seven or eight years ago to do two to three four-day private training classes per year; they have trained hundreds if not thousands of architects, building inspectors, and engineers. They partner with chambers of commerce to do trainings free of charge for business owners and also provide CASp services and consulting services to businesses. Mr. Klein agreed with Mr. Halloran that sixteen weeks is not enough and neither is four days, but CalCasp provides classes for professionals already in the business as a complementary component of their continuing education.

Mr. Klein stated CalCasp provides free online ADA Shop-Talk podcasts, which are Q&A sessions for businesses with technical questions, which is another way CalCasp tries to get helpful information out there.

Mr. Klein stated CalCasp also has an online checklist tool where CASps and surveyors can use an iPhone app that walks them through an inspection to enhance accessibility.

Mark Wood stated there has not been much training available until recently. He recognized the work of the DSA over the past two years for providing additional training statewide. He stated the free CalCasp trainings alleviate business owners' fear as they realize there is a process and steps they can take to protect themselves and their businesses from lawsuits.

Commissioner Questions

Commissioner Wilson asked if CalCasp has applied to provide Continuing Education Units (CEUs). Mr. Klein stated they provide CEUs to the California Architects Board (CAB) but have not looked at providing CEUs to local colleges. Mr. Wood stated CalCasp provides the required CEUs for inspectors. He suggested that the Commission work toward requiring contractors to get CEUs.

Commissioner Dolim stated the CASp Committee on CASp and Education did extensive hearings, during 2009 and 2010, on the topic of who is involved in the built environment. This includes general contractors, civil engineers, interior designers, landscape architects – all of them contribute to the built environment. There was vehement opposition from every trade association against continuing education related

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
FULL COMMISSION
JANUARY 11, 2017, MEETING MINUTES**

to accessibility. It is a great opportunity but it is not mandated for any trade but architects and building inspectors.

Commissioner Wilson agreed and stated that is why she asked the question. She stated it is because of the myths and misconceptions and lack of understanding of the need. She suggested offering the classes as a way to limit litigation and to encourage participation and willingness to increase knowledge about accessibility to be more effective.

Commissioner Paravagna asked about incentives to make CEUs more palatable to individuals who are resistant. Commissioner Clair suggested that insurance companies can offer a discount for taking CSU classes for mutual benefit for business owners who hold liability insurance.

Public Comment

Ruthee Goldkorn, No Barriers Disabled Access Consulting and Advocacy Services, stated CEUs are important and should not need incentivizing. CEUs should be part of the professional license or certification renewal process for industries related to the built environment. Commissioner Wilson asked Ms. Goldkorn for suggestions on how to make CEUs a requirement as part of license renewal. Ms. Goldkorn suggested that three or four Commissioners get together or that the Commission convene a meeting of representatives from the various industries to discuss how to accomplish this goal in order to resolve the serious problems that occur.

Chair Leemhuis suggested partnering with the DSA and morphing the Checklist Committee into another type of ad hoc committee after the consumer checklist is completed, because that Committee is made up of built-environment professionals. He stated he will contact Commissioner Dolim offline to discuss the possibility and will add this as an agenda item for the next Executive Committee meeting. Mr. Halloran stated the need to make classes more affordable and more available. There are excellent training programs out there but they are not affordable. Approximately half his class is made up of individuals who take his class at the community college because of the affordability. He applauded the work of the DSA and Commissioner Clair in providing classes.

William Zellmer, President at the CASI, CASp, Accessibility Architect at Sutter Health, stated Sutter Health is updating their facilities for better access. Part of his role in CASI is to put together seminars to teach CASPs and architects about accessibility requirements. He shared two things he has learned through this process:

- Architects break down into two groups – the entry-level understanding of accessibility and the expert level. The vast majority of architects have an entry-level understanding of accessibility. The five hours of CEUs required every two years do not elevate them to an expert level and never will.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
FULL COMMISSION
JANUARY 11, 2017, MEETING MINUTES**

- The CASp program has bridged that gap and provided to the building construction and design industry that recognized expert level; it helps in the whole education process and helps bring the whole industry up.

Vice Chair Wiele agreed and stated it is not possible for architects to assimilate the breadth of knowledge required to be an expert civil, mechanical, and structural engineer. Design teams now consist of an architect, structural engineer, mechanical engineer, electrical engineer, civil engineer, etc., depending on the building. A CASp should also be a part of every design team. The answer ultimately is at the design plan and building inspections level.

Kurt Cooknick, Director of Regulatory Affairs, AIACC, stated, to continue Mr. Zellmer's and Vice Chair Wiele's comments, not all architects are the same. Many no longer design but do a broad variety of things. He stated in connection with expanding the CEUs to other parts of the industry is a political reality that the governor does not believe in CEUs but believes it is a marketplace issue and that professionals should care enough to invest in themselves. He suggested looking at doing CEUs from the standpoint of individuals wishing to better themselves.

Ms. Goldkorn suggested contacting the chairs of the Education Committees in the Senate and Assembly to begin to change public policy in this area. She stated some unlicensed contractors do unpermitted flat work, such as parking lots and contiguous paths of travel. She suggested that individuals email their city when completing flat work items so the city is made aware that this work is being done on private property with or without a licensed contractor, because that is the largest problem with parking lots and access ramps.

Commissioner Discussion

Commissioner Downey stated the Leadership in Energy and Environmental Design (LEED) certification began as a voluntary program. He asked if there is a way to do that with CASps. The top-ten lawsuit violations tend to be in the parking lot. One reason is this does not require permits or inspections. He suggested requiring CEUs to ensure the parking lots are accessible.

Vice Chair Wiele stated LEED certification is run by the U.S. Green Building Council, who answers to no one.

Commissioner Paravagna suggested cost savings as an incentive for CEUs. Mr. Wood agreed and stated tearing out and redoing parts of construction occurs because contractors have some idea but do not necessarily know what needs to be done. He spoke in support of accessibility training for contractors.

Commissioner Clair stated the CASp program was established as a voluntary certification. The students in her CASp 101 classes throughout the state are varied – architects, engineers, building officials, attorneys, and representatives from national organizations such as Target and CVS. She stated that CASp-certified professionals are beginning to become a demand by the business community. As a result of that, a large

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
FULL COMMISSION
JANUARY 11, 2017, MEETING MINUTES**

percentage of her students are architects learning about the CASp certification process because, if the architect is not certified, they will be forced to give up some of their fee to hire a CASp. She stated the importance of CASp certification remaining voluntary, because it attracts individuals who are trying hard to elevate themselves.

Executive Director Jemmott showed a 90-second video of the AIA training done by Commissioner Dolim, titled "How to Improve Accessibility Outcomes."

9. STRATEGIC PLANNING GOAL 2

Executive Director Jemmott read Strategic Goal 2 and its objectives and strategies and highlighted ways the CCDA is accomplishing that goal. She asked for input on ways to increase media/social awareness. Staff will send Commissioner Wilson's draft notes, titled "The Other Story," in rebuttal to the recent 60 Minutes program on the ADA to Commissioners for feedback.

Executive Director Jemmott stated the website has been updated to include social media. Commissioners will be asked to participate in the blogging component where a Commissioner will present a topic discussion quarterly with information from their areas of expertise.

Vice Chair Wiele suggested removal of the sentence "Many small business owners view access compliance as either an unfunded mandate or a nuisance – not a civil right" as it is unnecessary inflammatory rhetoric.

10. FISCAL BUDGET REPORT – UPDATE

a. FI\$CAL.

Staff Member Valdry summarized the background and challenges of FI\$CAL.

b. Financial Narrative Report.

Staff Member Valdry summarized the Fiscal Year 2016-2017 Budget Highlights, which were included in the meeting packet. She stated salary savings will offset underfunded budget items.

Commissioner Dolim asked if the budget reflects the request for budget augmentation. Chair Leemhuis stated that issue will be discussed in the next Executive Committee meeting.

Executive Director Jemmott stated she received notification within the last 24 hours that the CCDA will be consolidated into the Department of General Services (DGS) effective July 1, 2017. The \$650,000 CCDA budget and five program positions will transfer to the DGS.

Commissioner Paravagna suggested working out a series of questions before meeting with the DGS in terms of operational controls, press contacts, and legislation.

11. COMMUNITY UPDATES | COMMENTS FROM COMMISSION MEMBERS

Commissioners did not share any community updates or comments.

**CALIFORNIA COMMISSION ON DISABILITY ACCESS
FULL COMMISSION
JANUARY 11, 2017, MEETING MINUTES**

12. FUTURE AGENDA ITEMS

Chair Leemhuis asked Commissioners to email future agenda items to staff.

13. ADJOURN

Chair Leemhuis adjourned the meeting at 2:46 p.m.