

# **CALIFORNIA COMMISSION ON DISABILITY ACCESS CHECKLIST COMMITTEE MEETING MINUTES**

**July 12, 2016**

## **1. CALL TO ORDER**

Chair Steve Dolim welcomed everyone and called the meeting of the Checklist Committee of the California Commission on Disability Access (CCDA or Commission) to order at approximately 1:30 p.m. at the Department of Rehabilitation, 721 Capitol Mall, Room 169, First Floor, Sacramento, California 95814.

Chair Dolim reviewed the meeting protocols.

### **ROLL CALL**

#### *Committee Members Present:*

Mehdi Shadyab, representative for  
Afsaneh Ahmadi (via teleconference)  
Stoyan Bumbalov (via teleconference)  
Ida Clair  
Erika Frank  
Danny Friedman  
Richard Halloran (via teleconference)  
Gary Layman  
Laurie O'Brien  
Irene Walela (via teleconference)  
William Zellmer

#### *Commissioners Present:*

Steve Dolim, Chair

#### *Committee Members Absent:*

Julian Canete  
Kurt Cooknick  
Tony Goldsmith  
Matthew Sutton

#### *Staff Present:*

Angela Jemmott, Executive Director  
Addison Embrey, Program Analyst  
Brandon Estes, Program Analyst  
Fajola Jackson, Office Administrator

#### *Also Present:*

No members of the public addressed the Commission

Staff Member Jackson called the roll and confirmed the presence of a quorum.

## **2. APPROVAL OF MEETING MINUTES (April 6, 2016) – ACTION**

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Chair Dolim stated Committee Members Canete, Goldsmith, and Halloran participated in the April meeting via teleconference. He stated Mia Marvelli was replaced by Laurie O'Brien.

**MOTION:** Committee Member Layman moved approval of the April 6, 2016, California Commission on Disability Access Checklist Committee Meeting Minutes as amended. Chair Dolim seconded. Motion carried 6 yes, 0 no, and 3 abstain, per roll call vote as follows:

The following Committee Members voted "Yes": Chair Dolim and Committee Members Frank, Friedman, Halloran, Layman, and O'Brien.

The following Committee Members abstained: Committee Members Clair, Walela, and Zellmer.

**3. INTRODUCTIONS OF COMMISSIONERS AND PUBLIC COMMITTEE MEMBERS – UPDATE**

**a. New Additional Members' Introduction to Team.**

Chair Dolim welcomed new Committee Members O'Brien and Zellmer and asked everyone to introduce themselves.

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

There were no questions or comments from the public.

**5. REVIEW OF SUMMARY CONCERNS/QUESTIONS BY STAKEHOLDERS – DISCUSSION**

**a. A Summary List of Questions in Preparation**

Chair Dolim referenced 25 questions, included in the meeting packet, from stakeholder groups provided by Committee Members as an action item from the April Checklist Committee meeting. Staff provided a summary of the questions in some of the meeting packets, and Chair Dolim asked staff to distribute the 25 questions from his packet to everyone. He read the questions aloud for everyone's benefit.

Chair Dolim asked staff to review the goals that came out of the five-year plan relating to the creation of a new checklist.

Executive Director Jemmott stated Goal 3 pertains to the consumer guide. She read Goal 3 for Committee Members and stated the main concern is to keep the target audience in mind while creating the checklist.

Chair Dolim stated the construction professionals have the building code checklist that was completed last year. He zeroed in on the necessary components that pertain to Goal 3 to keep at the forefront in the creation of a consumer checklist:

- Target Audience

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- Business
- Operations
- Construction
- Objectives and Strategies
  - Coordinate with professional associations
    - With programs that promote disability access
    - With programs that promote cultural competency
  - Expand methods of barrier removal identification
  - Identify target communities
    - Individuals
    - Organizations
    - Transactional parties for lease or purchase

**Action Items:**

- No action items

**6. REVIEW OF SAMPLING OF TOOLS PRESENTED BY COMMITTEE MEMBERS  
– DISCUSSION**

- a. City of San Diego Publication on Accessibility Guide for Small Businesses**
- b. Cal Chamber Category of Checklist**
- c. ADA Update: A PRIMER FOR SMALL BUSINESS**
- d. U.S. Department of Justice Civil Rights Division Disability Rights Section**

Chair Dolim stated an additional publication from San Francisco was distributed to Committee Members, titled “The Guide to Disabled Accessibility Components.” He summarized its contents.

Chair Dolim asked Committee Members to define the Committee’s goal for creating the new checklist. He asked staff to write down general categories of checklists and publications available today. Committee Members offered additional suggestions:

- Answer common questions
  - How to hire a Certified Access Specialist (CASP)
- Dispel myths and misconceptions
  - The grandfather myth
- Resources

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- Where to get more information
- Ongoing exercises to maintain compliance
- Fundamental accessibility features
- Products
  - Physical checklist
  - Which restroom accessories are accessible and which ones may not be
- Programs
  - Management and CASp identification assistance

**Questions and Discussion**

A Committee Member asked if this checklist will list products that are sanctioned.

Committee Member Layman suggested, rather than listing sanctioned products, directing consumers to someone who provides accessibility.

A Committee Member cautioned against getting into site-specific information and designer requirements because every situation is different. It is important for consumers to understand their responsibility with the Americans with Disabilities Act (ADA), that any improvements have to meet the California Building Code (CBC), and where they need to get help. That message needs to be consistent; lack of consistency in the message creates confusion.

Committee Member Layman agreed and stated the consumer checklist is more about providing consumers with resources and how to find a CASp.

A Committee Member agreed that education is important because not every business owner knows that disability access includes access for the visually, auditory, and mobility impaired. He suggested the checklist include broad education on the definitions of disability and accessibility, that the law requires accessibility, and what their obligations are.

Committee Member Frank agreed that including resources is important, such as where to go for more information, what can be done, and how it can be done. Many business owners have a general understanding that they have to do to make things accessible but do not understand the detail or to what extent. Adding detailed guidance to the checklist would be helpful so businesses can comply.

Chair Dolim asked Committee Member Frank if she was making a difference between what is nailed down, screwed in, or built and tables that are moveable. Committee Member Frank stated it is two-fold – building construction and operational standards.

A Committee Member asked about the purpose of the consumer checklist – knowledge or action. She asked if it is a tool to motivate people to seek consultation and provide a solution or a tool that educates consumers about their responsibility. There is not a

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general solution for every client. Every method for self-diagnosis and liability reduction cannot be covered in one tool.

Chair Dolim stated the Committee has leeway for this product. It will not be a one-time, end-all guide but will be what this Committee feels best helps their constituencies.

A Committee Member stated knowing when the checklist has gone deep enough is tricky.

A Committee Member agreed. Every restaurant is different. It is site-specific, but there must be an accessible table, private dining room, self-service area, and a restroom. It is not necessary to make all tables accessible.

A Committee Member stated the way to help the business and disability communities in general is for the consumer checklist to have more detail. She stated all possibilities cannot be itemized, but they can be categorized or grouped or include enough detail in the checklist to help consumers understand where there may be issues and where to go for help.

Committee Member Layman stated the city of San Diego Accessibility Guide for Small Businesses is a great tool. He questioned what this Committee can provide that is not already provided in the San Diego guide other than to say a professional needs to be hired, because every situation is different and site-specific.

A Committee Member asked what can be done to get the word out to everyone, even those that do not choose to hire a CASp.

A Committee Member asked if hiring a CASp inspector is the end result of this checklist. She stated the San Diego guide is good but is from a building code department perspective. Codes can be difficult to read; consumers cannot only be directed to the appropriate code section. She asked if the goal of the checklist is to list reasons to hire a CASp to find out specific information or to use this document to determine compliance.

Executive Director Jemmott stated the CCDA is a state organization that will provide a tool that any region can use. Hiring a CASp is one of the bullet points, but there are other achievable things that can be done, such as keeping aisle ways clear. It is important that the guide educate consumers that there are distinctions between federal, state, and local requirements and what businesses should be concerned about with each entity.

Chair Dolim summarized Committee Member input as the need for guidance on two levels: small improvements that can be made by a lay person and larger improvements that require a professional.

A Committee Member stated graphics will be an important part of the checklist.

Committee Member Halloran agreed that the San Diego guide is very good. The first thing that must happen is to help businesses understand what the federal law is and

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how it differs from the California law through all forms: written, graphic, video, and Internet materials. The first job is to instill in them that this is part of business and is a requirement. It is not about not following the building code; it is about denying civil rights. A business owner can get a good start with the San Diego Guide. This Committee should focus on a written checklist because that is the easiest one to do.

A Committee Member stated ADA requirements and the importance of providing independent access are missing in the sample documents. She directed Committee Members to the valuable information on the United States Access Board website and the videos which explain, by the use of graphics, why certain clearances are required. It is important to understand the why. Technical guide graphics are static while the ADA is fluid. She agreed that a key component is to educate consumers that the ADA is a civil rights law.

Chair Dolim asked Committee Members for examples of what would help constituents.

Committee Member Friedman stated graphics and videos showing restrooms or parking and other areas would be helpful. For the hotel industry, it would be helpful for maintenance employees to have a guide or checklist available while doing repairs.

Committee Member Frank stated direction to resources to find out what needs to be done and who they need to reach out to would also be helpful. She suggested including something that triggers questions and points people to resources to help them learn the next steps.

Committee Member Layman stated it would be beneficial for businesses to provide links of where people can get information. He suggested the Department of Justice website for small businesses. He asked if a survey has been sent to businesses, hotels, and motels asking what would be most beneficial for them.

Chair Dolim stated, now that Committee Members have provided direction for the checklist, questions can now be tailored for a meaningful survey.

Committee Member Frank stated the questions on the survey should be aimed at learning the needs of the audience. The sample questions provided assume what business owners do or see. She stated the answers to the survey questions will help the Commission understand what to focus on as part of the next steps in the education process and should not make assumptions.

Committee Member Layman stated there is no reason to reinvent the wheel because there are already good products available.

Committee Member Frank agreed there are many helpful products available, but they may not apply to all business owner situations.

Committee Member Clair agreed and stated a purely technical document may not be beneficial. The technical part should be left for the professionals. Technical tools to help business owners self-evaluate have already been done and have not increased accessibility. The government gave the power to businesses to be accessible – to be

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responsible for providing and maintaining access. The government gave the power to the disability community to sue businesses and facilities that do not provide access. That is how the ADA is enforced. The consumer checklist cannot just tell business owners to provide access; the goal is to educate business owners that access is their responsibility, show them how to locate resources to help them become accessible, and help them understand that compliance is ongoing.

Committee Member Frank suggested including the analogy of a patient choosing not to continue doing their prescribed exercises because they felt fine after leaving the therapist's office, only to have the problem return. Business owners are not done after the final inspection and CASp report. The inspections and reports are only a component in the ongoing access compliance process. The checklist should include ongoing exercises for business owners.

Committee Member Clair suggested including an action plan catered to the business owner, such as:

- Step 1
  - Do a self-analysis
  - Do you know your building's history?
- Step 2
  - What goods and services do you need access to?
- Step 3
  - For physical access that requires a professional, go to a CASp, building department, or architect
  - For physical access that can be done by the business owner, such as clearing aisles or rearranging shelves, the business owners should complete those tasks
- Step 4
  - What is the maintenance plan?
  - What is the education plan for employees, such as including a section in the employee handbook on the ADA and the policies and procedures required?

Committee Member Frank stated the action plan is great but cautioned against losing sight of the business owners who think their inaccessible restroom is accessible. Maybe that issue is too deep for this checklist. She suggested that the consumer checklist should focus on maintenance and things that business owners can do that are in their control.

Committee Member Halloran stated San Francisco put together a list of questions for a survey. Chair Dolim asked him to forward that list. He also asked Committee Member Halloran to provide input on the list of 25 questions in today's meeting packet.

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Committee Member Halloran suggested creating a living document on the website with links to other websites that can provide answers to questions.

A Committee Member agreed and stated the action steps could be a part of that, where email reminders could be sent to business owners encouraging them to move to the next step.

Committee Member Halloran suggested that a website address could be provided to all business owners when they get their business license or annual renewal, where they can access the requirements and updates.

**Action Items:**

- Committee Member Halloran is to forward the list of survey questions from San Francisco and provide his input of the 25 questions in the meeting packet.

**7. ASSIGNED SUB-GROUPS – DISCUSSION**

**a. Decided on Teams and Topics**

**b. Define Sub Team Goals and Timeline**

Chair Dolim stated the need for three subcommittees with a target date of within three weeks for the first meeting. He asked for volunteers for the subcommittees:

- Questionnaire Subcommittee – Layman, Frank, and Friedman
- Resources and Common Questions and Myths Subcommittee – Shadyab and Walela
- Process Subcommittee – Dolim, Halloran, and O'Brien

Chair Dolim stated the next Checklist Committee meeting is on September 22<sup>nd</sup>. He asked for a report from the subcommittees by August 11<sup>th</sup>. He asked staff to contact absent Committee Members to assign them to subcommittees.

**Action Items:**

- Staff is to contact absent members to assign them to subcommittees.
- Subcommittees are to provide a report on their first meeting by August 11<sup>th</sup>.

**8. FUTURE AGENDA ITEMS**

There were no future agenda items.

**9. ADJOURN**

There being no further business, Chair Dolim adjourned at approximately 3:30 p.m.