

# CALIFORNIA COMMISSION ON DISABILITY ACCESS FULL COMMISSION

Teleconference Meeting Minutes  
July 15, 2020

## 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 9:03 a.m. Due to the ongoing health emergency, and consistent with Executive Order N-25-20 and Executive Order N-29-20, this meeting was conducted entirely by Zoom Webinar or teleconference.

### Roll Call

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

#### Commissioners Present:

Guy Leemhuis, Chair  
Tiffany Allen  
Xavier Becerra, Attorney General,  
represented by Anthony Seferian  
Ida Clair, Acting State Architect,  
represented by Kurt Cooknick  
Chris Downey  
Souraya Sue ElHessen

#### Commissioners Absent:

Douglas Wiele, Vice Chair  
Melissa Hurtado, Senator  
Karla Prieto

#### Staff Present:

Angela Jemmott, Executive Director  
LaCandice Ochoa, Operations Manager  
Davina Saenz, Marketing and Outreach  
Analyst

Jim Frazier, Assembly Member,  
represented by Trevor Nelson  
Brian Holloway  
Brian Jones, Senator,  
represented by Danielle Parsons  
Tom Lackey, Assembly Member  
Scott Lillibridge  
Michael Paravagna

#### Also Present:

Richard Goldberg, Legal Counsel  
Rhea Aguinaldo, San Francisco Office of Small Business  
Arsenio Alcantar, Public member, Business owner  
Francelia Alcantar, Public member, Business owner  
Steve Blake, Attorney, Blake Law Firm  
Michelle Bronson, Deaf and Hard of Hearing Service Center  
Lina Hu (phonetic), Office of Strategic Planning and Policy Research Department, DGS

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Terry McLean, Architect, Certified Access Specialist (CASP)  
Corrina Roy, Office of Legislative Affairs, Department of General Services (DGS)

**Pledge of Allegiance**

Chair Leemhuis led the Commission in the Pledge of Allegiance.

**Housekeeping Items**

Chair Leemhuis reviewed the meeting protocols.

**2. Introduction / Swearing-In / Pinning Ceremony of Newly Appointed and Reappointed Commissioners**

Executive Director Jemmott stated Souraya Sue ElHessen was newly-appointed to the Commission; Commissioners Holloway, Paravagna, and Wiele have been reappointed to the Commission; and Senator Brian Jones was recently appointed as a legislative member of the Commission. The CCDA pin with the CCDA logo and banner, "creating an accessible and barrier free California," was mailed to new Commissioners.

Commissioner Seferian led the swearing in of office for Souraya Sue ElHessen and the reaffirming of office for Commissioners Holloway, Paravagna, and Wiele.

**3. Approval of Meeting Minutes (January 22, 2020) – Action**

**Motion:** Commissioner Downey moved to approve the January 22, 2020, California Commission on Disability Access Full Commission Meeting Minutes as presented. Commissioner Paravagna seconded. Motion carried unanimously with no abstentions.

**4. Comments from the Public on Issues Not on this Agenda**

No members of the public addressed the Commission.

**5. Legislative Bill Tracking – Update and Discussion**

Corrina Roy, Legislative Consultant, Office of Administrative Affairs, DGS, summarized the CCDA Legislative Status Report on the bills staff is tracking, which was included in the meeting packet.

**a. AB 2028 (Aguiar-Curry) – State agencies: meetings**

This bill was set for hearing in the Assembly Governmental Organization Committee on July 14<sup>th</sup> at 1:30 p.m. but will be postponed due to COVID-19 issues.

**b. AB 2123 (Chau) – Accessibility: internet website**

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This bill was withdrawn by the author as of May and will not move forward.

**c. AB 2504 (Nazarian) – The Capital Access Loan Program**

This bill failed to be heard in the Assembly Banking and Finance Committee and is not moving forward.

**d. AB 2664 (Diep) – Disability access: statutory damages: small businesses: certified access specialist’s report: violations**

This bill failed to be heard in the Assembly Judiciary Committee and is not moving forward.

**e. AB 3364 (Committee on Judiciary) – Judiciary omnibus**

This bill is awaiting hearing in the Senate Judiciary Committee. This bill contains technical cleanup regarding the location of CCDA’s mandates in statute consistent with the 2017 move to DGS. This bill requires CCDA to notify the public on its website 30 days in advance before CCDA requires a new standard format for submitting demand letters and other items under CCDA’s mandate.

**f. SB 50 (Wiener) – Planning and zoning: housing development: streamlined approval: incentives**

This bill is not moving forward. It failed passage out of the Senate.

Questions and Discussion

Commissioner Paravagna asked about the reasons behind the withdrawal of Assembly Bill (AB) 2123.

Ms. Roy stated every member of the Legislature has had to pare down and reprioritize their bill portfolio due to the COVID-19 pandemic. The withdrawal of AB 2123 may not be due to policy reasons but to the unique circumstances that California is in this year.

**Action Items**

- No action items.

**6. CCDA Executive Director Report– Update and Discussion**

**a. Administrative, Operational, and Staffing**

Executive Director Jemmott presented her report:

- In response to the COVID-19 pandemic, the CCDA has moved to virtual meetings and staff is doing telework and rotational in-office work.
- Two members of the staff have moved on to other positions; interviews for their replacements are ongoing.
- Richard Goldberg is CCDA’s new legal counsel as Jonette Banzon moved on to another position.

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- The governor signed the CCDA's Budget Change Request into the budget. The CCDA will go into Fiscal Year (FY) 2020-21 with an additional \$700,000 per year and an increase of two staff positions to support data research and outreach efforts.

**b. Customer Service Inquiries**

Executive Director Jemmott reviewed the Public Inquiries Received by CCDA document, which was included in the meeting packet.

Questions and Discussion

Commissioner Paravagna stated a call was referred to him from a second-year graduate student in Louisiana who is preparing a paper at the governor's request regarding accessibility compliance in Louisiana. He stated this call demonstrates the impact of the Commission beyond the state of California.

**c. Strategic Goals for 2020**

Executive Director Jemmott reviewed the 2020 CCDA Strategic Goal Updates document, which was included in the meeting packet. She noted that the Commission is on track to complete the goals for 2020 by the end of the year.

Executive Director Jemmott stated, as part of Goal #1, the Myths and Misconceptions tool has been translated into Mandarin and is posted on the website, along with the Spanish and English versions, and the 2015 Accessibility Construction Inspection Checklist has been updated. These two education tools are being prepared for distribution throughout California.

Questions and Discussion

Commissioner Downey stated the need to consider ways to make the Myths and Misconceptions document easily accessible, including making the CCDA website available in other languages so individuals can access documents directly.

Commissioner Downey stated the importance of making the Accessibility Construction Inspection Checklist a dynamic document that can be used on touchscreens, iPads, etc., to increase its effectiveness for inspectors in the field.

**d. Outreach Efforts and Partnering Opportunities**

Executive Director Jemmott thanked partners that have and continue to support the Commission's work.

**Action Items**

- No action items.

**7. Database Automation Activities – Presentation**

**Presenter:**

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- Bob Summers, CSM ServiceNow Manager, Department of General Services

**a. Current Status of the Project**

**b. Future Reporting Features**

Bob Summers, Customer Service Management (CSM) ServiceNow Manager, DGS, provided an overview, with a slide presentation, of the current status and future reporting features for the CCDA ServiceNow Platform, such as to submit a complaint, an amended complaint, or a case resolution report, along with dashboards to help staff and members of the public sort and analyze the data that has been collected.

Questions and Discussion

Commissioner Downey asked if there is a way to prompt attorneys to submit case resolutions over time. Mr. Summers stated the data can be sorted a number of ways. He stated the dashboards will continue to be built as more information is gathered.

Commissioner Downey asked if the dashboards can be sorted by different types of infractions such as sorting the data by the number one violation. Mr. Summers stated a timer could be set up to send out notifications to registered law firms.

Staff Member Ochoa stated attorneys are required to send the CCDA case resolution reports within five days of a case being resolved.

**8. Committee Subcommittee Reporting – Update, Discussion, and Action**

**a. Education and Outreach**

Commissioner Downey, Chair of the Education and Outreach (E&O) Committee, stated the Committee is working on a marketing campaign focusing on accessible parking issues to increase understanding and compliance within the business community.

Commissioner Downey stated the Curbside/Open-Air Business Operations Educational Tool was drafted by Terry McLean, Architect and Certified Access Specialist (CASP), in response to the COVID-19 pandemic impacts on small business in the state of California. This initiative is meant to provide guidance for small businesses as they move to curbside retail and restaurant operations and to remind businesses about requirements for accessibility that may have been overlooked. The E&O Committee provided feedback and suggestions for the tool. He stated SketchDeck, a marketing firm in the Bay Area, has agreed to design and market this tool in print and digital form for the CCDA.

Commissioner Downey stated the 30<sup>th</sup> Anniversary of the Americans with Disabilities Act (ADA) will be celebrated on July 26<sup>th</sup> of this year. This provides an opportunity to activate the CCDA's Commissioner Corner section of the CCDA website by posting quotes on what the ADA has meant to the disability community and what can be looked forward to in the future from leaders, Commissioners, and former Commissioners with

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the goal of posting 30 quotes in celebration of the 30-year anniversary of the ADA. The deadline for submitting quotes is Friday, July 17<sup>th</sup>.

**b. Checklist Committee**

Commissioner Holloway, Chair of the Checklist Committee, stated the Committee reviewed the updates to the resources for businesses on the CCDA website, established a working group to update the Accessibility Construction Inspection Checklist that has met and completed that task, and started a new toolkit for ADA parking regulations and best-management concepts, which will be one of the Committee's biggest tasks over the next few months.

**c. Legislative Committee**

Commissioner Paravagna, Chair of the Legislative Committee, stated the Committee will look at working through the legislative members of the CCDA, to reintroduce the CCDA to members of the Legislature and look at ways in which the CCDA can be a resource to the Legislature. The Committee will be working with the DGS regarding the reporting problems discussed earlier in today's meeting to find remedies to that so that the CCDA will be receiving 100 percent of the cases that are filed within the state of California, which will enhance data.

Commissioner Paravagna stated the Committee is looking at exploring the option of having events at the capital for members of the Legislature and their staff so they know the CCDA is here and is a resource for them to begin to look at ways in which the CCDA can be of assistance.

Commissioner Paravagna stated the Committee, in partnership with the E&O Committee, will explore ways in which the Committees can work better together. The DGS has offered to work with the Committees, which will be a tremendous asset moving forward to meet fall deadlines for getting some cleanup language in place so the Committees can move forward.

**Action Items**

- Commissioners are to submit quotes for the Commissioner Corner section of the website by July 17<sup>th</sup>.

**Lunch Break**

**9. CCDA Strategic Plan Stakeholder Involvement – Update and Discussion**

**a. Strategic Plan Stakeholder Survey Highlights**

Executive Director Jemmott stated the Office of Strategic Planning and Policy Research Department offered their services to conduct a survey. Within a two-week time period, there were over 240 responses to this survey.

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Executive Director Jemmott stated the CCDA will continue the stakeholder engagement process today by discussing the survey and going over the data and then having a group discussion by representations of different segments of stakeholders through a facilitated process.

Executive Director Jemmott reviewed the CCDA goals and objectives for the next five years and the questions and responses to the CCDA Strategic Goal Survey.

Questions and Discussion

Commissioner Lillibrige referred to Slide 1, which contained the data gathered from Question 1: which category best describes the stakeholder community/group you represent? He stated the responses from the business community seem low. He asked how respondents were classified into the various stakeholder groups, specifically that the chambers of commerce were listed in the Professional/Technical category when they should be in the Business category. He stated the assumption that other respondents were from business associations other than chambers of commerce. He asked about a breakdown that would show a broader cross-section.

Executive Director Jemmott stated the question was meant to determine who considered themselves business owners and business operators and to make a distinction between those two categories. She stated the Other category may also be related to the business category.

Lina Hu (phonetic), Office of Strategic Planning and Policy Research Department, DGS, stated the stakeholder data came from CCDA staff.

Executive Director Jemmott stated the categories were self-identified by the respondents. It was important to distinguish that individuals who were not a business owner leaned more towards the professional/technical side.

Commissioner Paravagna referred to Slide 10, which contained data gathered from Question 13: please tell us how you would like to interact with the CCDA. He asked about the 32 respondents who checked the Other box and if they specified other modes of communication.

Ms. Hu shared her screen of the Survey Monkey analysis tool to better answer Commissioner Paravagna's question. She scrolled down the other communication modes of choice to interact with the CCDA input by those 32 respondents, such as Zoom meetings, public meetings, sponsored support groups, outreach programs, access to a library of toolkits and data, the CCDA website, a CCDA newsletter, and educational seminars.

**b. Focus Group Discussion Clusters with Commissioners**

- i. (Technical/Business Groups)**
- ii. (Disability and Government Groups)**
- iii. (Legal/Other Groups)**

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**Facilitator:**

- Lawrence "Larry" Silva, Faculty, College of Alameda

Executive Director Jemmott introduced Mr. Silva, the facilitator for this agenda item.

Lawrence "Larry" Silva, Faculty, College of Alameda, stated, in his field of employment for individuals with disabilities, he encounters many accessibility issues. He stated one current issue is access in the remote world. Individuals with disabilities have needed to transition to work at home during the COVID-19 pandemic. He stated he helps set up home workstations, which sometimes requires consultants to make areas in homes fully functional work spaces. Creating accommodations to make jobs successful is important. Mr. Silva stated he encounters individuals every day who require access to their employment to make their jobs easier and more successful.

Mr. Silva asked the members of the focus groups to introduce themselves. He read the first goal for discussion:

Goal #1: Increase disability access awareness. This goal seeks to raise awareness of access issues and the availability of tools to support accessibility in the built environment. Focus group members responded as follows:

Michelle Bronson, Executive Director, Deaf and Hard of Hearing Service Center, stated, when discussing access, often only physical access is considered, while the deaf and hard of hearing community thinks more about language access. It is important to have communication access available for meetings, events, workshops, and webinars. Providing communication access is required by the ADA and is a good habit to get into.

Commissioner ElHessen stated it is important to consider access from a program perspective.

Steve Blake, Attorney, Blake Law Firm, stated much of his practice involves representing commercial property owners. Goal #1 is important because many business and property owners are unaware of disability access laws and do not know where to look to find answers.

Ms. McLean agreed and stated many business owners do not know what they are supposed to do. It is frustrating for them because, if it is something that could easily have been fixed, they would have done it.

Arsenio Alcantar, business owner, stated he was served with a federal lawsuit without the plaintiff having ever entered his business. The plaintiff lives in another town but has sued several businesses in Mr. Alcantar's town. The attorney will charge \$12,000 to bring the lawsuit from federal to state and, when it is a state lawsuit, then will drop the lawsuit because there is no money in it. He sent the attorney \$4,000 saying that is all he can pay due to COVID-19. In response, the attorney increased their charge to \$15,000.



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Mr. Alcantar suggested creating a department to help new businesses know what they have to do to be accessible. The department can charge a \$500 fine if corrections are not made within a certain timeframe such as 90 days.

Mr. Blake stated many of Mr. Alcantar's questions are complicated and exceed the scope of this agenda item.

Chair Leemhuis stated CASps, the experts to help businesses, are already in existence in the state of California. He stated there is a gap in the information pipeline. He asked staff to follow up with Mr. Alcantar to learn why Mr. Alcantar does not know what a CASp is and why he did not learn about available resources when he started his business. There are systems and resources in place to protect business owners like Mr. Alcantar from learning that they have an access issue only after a lawsuit has been served.

Francelia Alcantar, business owner, stated she works for the county and still did not know that her business was not ADA accessible. She stated the need for more education, more pamphlets, and more outreach for new business owners so that what happened to her and her husband will not happen to the next new business owner.

Mr. Silva read the second goal for discussion:

Goal #2: Continue to provide training programs and toolkits for targeted stakeholders. This goal seeks to address the need for providers of places of public accommodation to learn about access issues, including available resources and supports to make disability access modifications. Focus group members responded as follows:

Rhea Aguinaldo, San Francisco Office of Small Business, stated much more can be done to provide training programs and resources. She stated it takes businesses three to five times to hear about components of the regulations or compliance to understand and prioritize it. It is important to bring up disability access compliance in all avenues possible, such as in chamber of commerce meetings, coalitions of landlords and property owners, or interdepartmental agencies asking about challenges or priorities for small business.

Mr. Silva read the third goal for discussion:

Goal #3: Identify and promote revenue streams to fund physical access compliance. This goal speaks to the need to identify available programs that support efforts to mitigate accommodation costs and incentivize access compliance. Focus group members responded as follows:

Ms. Bronson stated accommodation costs need to be part of overhead for meetings and events and should be budgeted for. It is the responsibility of the host to provide ADA accommodation.

Ms. Aguinaldo stated the San Francisco Office of Small Business is often asked about ADA tax credits. She suggested that the CCDA create materials on where and when it

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can be applied with real-life examples of how ADA tax credits were used. This is a gap in resources.

Mr. Silva read the fourth goal for discussion:

Goal #4: Maintain data on status of access compliance. The purpose of this goal is to provide relevant information and data on the status of access compliance throughout California. Focus group members responded as follows:

Ms. McLean stated data is important in locating issues that can be immediately targeted, such as targeting parking as the number-one ADA violation. San Francisco is a good example of how to overcome challenging parking and entrance conditions.

Ms. Aguinaldo stated data collection is important from a local standpoint due to an ordinance called the Accessible Business Entrance Program, which requires property owners in San Francisco to make their entryways ADA accessible.

Ms. McLean stated the need to consider that most individuals from the disability community will not sue a business but will take their business somewhere else. Also, most individuals who sue businesses think they are making accessibility more standard for everyone else.

Commissioner ElHessen stated the need to educate youth with disabilities about understanding their rights in an appropriate way. The disability community does not have their own coalition in moving forward policies in education, employment, and public accommodations. She suggested outreaching to universities and community colleges to provide knowledge on the ADA. There is still much work to be done.

**Action Items**

- Staff is to follow up with Mr. Alcantar to learn why Mr. Alcantar does not know what a CASp is and why he did not learn about available resources when he started his business.

**10. Future Agenda Items**

No future agenda items were offered.

**11. Adjourn**

**Motion:** Commissioner Downey moved to adjourn the July 15, 2020, California Commission on Disability Access Full Commission meeting. Commissioner Holloway seconded. Motion carried unanimously.

Chair Leemhuis adjourned the meeting at 3:04 p.m.