

# CALIFORNIA COMMISSION ON DISABILITY ACCESS FULL COMMISSION

Hybrid Meeting Minutes  
July 27, 2022

## 1. Call to Order

Vice Chair Douglas Wiele welcomed everyone and called the meeting of the California Commission on Disability Access (CCDA or Commission) to order at 10:09 a.m. The meeting was on Zoom, via teleconference, and held at the California Commission on Disability Access Headquarters, located at 400 R Street, Suite 312, Sacramento, California 95811.

### Housekeeping

Staff Member Strother reviewed the meeting protocols.

### Roll Call

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

#### Commissioners Present:

Douglas Wiele, Vice Chair  
Guy Leemhuis, Immediate Past Chair  
Rob Bonta, Attorney General,  
by Deputy AG Anthony Seferian  
Ida Clair, State Architect  
Drake Dillard  
Souraya Sue ElHessen  
Brian Holloway  
Melissa Hurtado, Senator  
by Aakash Vashee  
Jacqueline Jackson  
  
Brian Jones, Senator  
by Emily Miller  
Ashley Leon-Vazquez  
Janet Nguyen, Assembly Member  
by Preston Romero  
Michael Paravagna  
Hector Ramirez

#### Commissioners Absent:

Chris Downey, Chair  
Scott Lillibridge  
Brian Maienschein, Assembly Member

#### Staff Present:

Michael Paravagna, Interim Executive  
Director  
Kamran Qazi, Legal Counsel  
Theresa Brown, Data and Research  
Analyst  
Stephanie Groce, Disability Access  
Technician  
Phil McPhaul, Operations Manager  
Abigail Ridge, Administrative and  
Legislative Analyst  
Presley Strother, Marketing and Outreach  
Analyst

#### Also Present:

Sarah Harris, Resources for Independence Central Valley  
Shannon Mulhall, City of Fresno  
David Peters, California Justice Alliance  
William Rehling, Accessible San Francisco

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Corrina Roy, Legislative Consultant, Office of Administrative Affairs, California  
Department of General Services (DGS)

**[Note: Agenda Item 9 was taken out of order. These minutes reflect these Agenda Items as listed on the agenda and not as taken in chronological order.]**

**Pledge of Allegiance**

Staff Member McPhaul led the Commission in the Pledge of Allegiance.

**2. Approval of Meeting Minutes (April 20, 2022) – Action**

**Motion:** Commissioner Leemhuis moved to approve the April 20, 2022, California Commission on Disability Access Full Commission Meeting Minutes as presented. Commissioner Jackson seconded. Motion carried unanimously with one abstention.

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

William Rehling, Accessible San Francisco, spoke in support of the Certified Access Specialist (CASP) program. He noted that there are currently 830 active CASPs listed on the Division of the State Architect (DSA) CASP list. He asked the Commission to consider ways to grow the CASP program to make a greater impact on accessibility statewide.

Mr. Rehling suggested enforcing the requirements of Senate Bill (SB) 1608, Section D, 1 and 2, the Construction-Related Accessibility Standards Compliance Act (CRASCA) that every local agency in the state have CASPs on staff. There are two parts to that requirement: every local agency in the state must have at least one CASP on staff who is a building inspector and that local jurisdictions must have sufficient CASPs to accomplish plan checks and inspections in accessibility. The first standard is clear cut, while the second standard is nebulous and difficult to enforce. He suggested better enforcing this law.

Mr. Rehling stated more jurisdictions encouraging staff members to attain their CASP certification would materially increase the number of CASPs over time, which would improve the enforcement of accessibility requirements within those local jurisdictions.

**4. New Commissioner Introduction / Swearing-In / Pinning Ceremony**

Commissioner Seferian led the swearing-in of office for Hector Ramirez.

Vice Chair Wiele welcomed Commissioner Ramirez to the CCDA on behalf of the Commission. Commissioner Ramirez was presented with a CCDA pin with the CCDA logo and banner, “creating an accessible and barrier-free California.”

**5. Acknowledgement State Resolution in Honor of the Retirement of Rex Hime, President and CEO of California Business Properties Association – Update and Discussion**

**a. Video from CCDA’s Past Executive Director Angela Jemmott**

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Vice Chair Wiele stated former Executive Director Angela Jemmott initiated a resolution from the state of California to Rex Hime, President and CEO of the California Business Properties Association, in honor of his retirement and in appreciation for his remarkable work for the broader community and his years of service. Vice Chair Wiele played a video that Former Executive Director Jemmott put together thanking Mr. Hime on behalf of the Commission for his work in the creation of the CCDA, establishment of the CASp Program, and the improvement of disability access.

Commissioners stated their appreciation for Mr. Hime for all he has done for the Commission and wished him well in his retirement.

## **6. CCDA Strategic Goal – Update and Discussion**

### **a. Data Migration**

Staff Member Brown provided an overview of the background, purpose, and progress to date on the Historical Submission Data Entry Project, which is part of the CCDA's 2022 Strategic Goal of Full Data Migration of Historical Complaints and Case Resolution Reports to the online Legal Portal.

### **b. Accessible Parking Campaign**

Staff member McPhaul provided an overview of the progress to date of the tool kits being design by the business owners and operators and construction specialists work groups. Draft tool kits are expected by the end of September.

#### Discussion

Commissioner Clair asked if the parking campaign also address charging stations in parking lots.

Staff Member McPhaul stated the work groups are in discussion about whether and how to include that information in the tool kits.

Commissioner Clair stated, beginning January 1, 2023, electrical vehicle charging stations will be required for new nonresidential construction. The DSA has a video on its website on how to provide accessibility to electric vehicle charging stations.

## **7. Legislative Bill Tracking – Update and Discussion**

Corrina Roy, Legislative Consultant, Office of Administrative Affairs, Department of General Services (DGS), summarized the CCDA Legislative Status Report on the bills staff is tracking, which was included in the meeting materials.

### **a. Assembly Bill 30: Equitable Outdoor Access Act**

This bill is in the Senate Appropriations Committee and has been referred to the suspense file.

### **b. Assembly Bill 1604: The Upward Mobility Act of 2022: Boards and Commissions: Civil Service: Examinations: Classifications**

This bill is set for hearing in the Senate Appropriations Committee on August 1<sup>st</sup>.

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**c. Assembly Bill 1733: State Bodies: Open Meetings**

This bill will effectively not move forward this year.

**d. AB 2164: Disability Access: Certified Access Specialist Program: Funding**

This bill is awaiting hearing in the Senate Appropriations Committee.

**e. Assembly Bill 2829: Certified Access Specialist Inspection Grant Program**

Staff is no longer tracking this bill; it failed to move out of Senate Appropriations and will not move forward for the remainder of the year.

**f. AB 2917: State Law: Disability Access**

This bill is awaiting a vote on the Senate floor.

**g. AB 2962: (Committee on Judiciary) Court Records: Fees**

Staff is no longer tracking this bill; it no longer impacts the CCDA.

Discussion

Commissioner ElHessen stated her understanding that Assembly Bill (AB) 2917 would expand the CCDA's role in education and outreach.

Ms. Roy stated the CCDA's role would now include education on internet accessibility.

Commissioner ElHessen stated the need for the Commission to gain technical expertise in internet accessibility to appropriately identify key compliance issues that can then be posted and passed on to businesses.

Interim Executive Director Paravagna stated he has had discussions with the Director of the Department of Rehabilitation (DOR). The DOR has developed a comprehensive set of training resources for information technology access. He suggested partnering with the DOR to use their tools and make a substantial contribution by enhancing the outreach to get the tools that are developed and current in the hands of individuals who can benefit from them. This would bring state government together to work efficiently and would meet the intent of this bill.

Commissioner Ramirez agreed and suggested partnering with Disability Rights California, the entity that partnered with the DOR in creating the resources. Disability Rights California will be holding a summit on this issue next week with the FCC.

**8. Receiving California Title III Construction-Related Disability Access Legal Complaints – Update and Discussion**

**a. How to Address Non-Compliance of Mandated Attorney Case Filings and Case Resolution Report Submissions to the CCDA**

**Guest Speaker:**

- Counsel Angie Esquivel, Senior Trial Counsel, Office of Chief Trial Counsel

Counsel Angie Esquivel, Senior Trial Counsel, Office of Chief Trial Counsel, provided an overview, with a slide presentation, of California attorneys' reporting requirements,

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demand letter language, attorney's service requirements, State Bar's duty to investigate violations, State Bar complaints, and State Bar reporting requirements. She noted that, although it is uncommon, the State Bar has prosecuted two attorneys for violating their duty to inform the CCDA within five days of filing their accessibility-related complaints and complaint resolutions.

Discussion

Commissioner Jackson asked for a copy of the presentation slides.

Ms. Esquivel stated she will send the presentation slides to staff.

Commissioner Leemhuis stated appreciation for the State Bar's cooperation in helping to clarify this legislation and for the State Bar's assistance in improving the compliance to this legislation. He stated the CCDA looks forward to working with the State Bar in the future.

Ms. Esquivel stated the State Bar also looks forward to working with the CCDA moving forward. She noted that the CCDA was instrumental in assisting the State Bar in addressing a compliance issue, due to the fact that it was difficult for the State Bar to track the over 300 cases submitted by the one law firm. The information gathered as part of the CCDA Data Collection Project added credibility by providing a resource to cross-check the accuracy of the State Bar information in its efforts to improve compliance to this legislation.

Public Comment

David Peters, California Justice Alliance, stated his assumption that the State Bar has concluded that demand letters relating to website inaccessibility are currently permissible under existing law.

Ms. Esquivel stated it is currently permissible because there is no law regulating that.

Mr. Peters stated research done by his group offline suggests that demand letters relating to website inaccessibility should be prohibited under existing law without a need for change. He offered to send the cases his groups has reviewed to Ms. Esquivel.

Ms. Esquivel agreed.

Mr. Peters asked if it is a continuing issue to get attorneys to send copies of complaints to the CCDA.

Ms. Esquivel stated the State Bar only receives complaints from members of the public or lobbying establishments that are personally affected by an attorney's alleged misconduct. She directed Mr. Peters to the link at the bottom of her next-to-last presentation slide, which shows the complaints received annually by the State Bar.

Mr. Peters suggested an arrangement whereby a case could not proceed until the filing attorney included a declaration or a comment in the complaint that on a certain date the complaint had been sent to the CCDA through the online CCDA Legal portal as a way to eliminate the issue of noncompliance.

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Ms. Esquivel suggested that the CCDA file a complaint with the State Bar for violations that they have learned about.

Vice Chair Wiele echoed former Executive Director Jemmott's comments on the video shown earlier in today's meeting about reporting compliance. He stated noncompliance has been an ongoing issue for as long as he has been on the Commission.

Vice Chair Wiele spoke as an individual and stated he has held a State of California Department of Real Estate Brokers' License since 1976. If there was an instance of 300 failures to disclose, he would not have his license. If there was an instance where he falsely represented that he was representing a client when, in fact, he was representing his own interest, he would not have his license. He stated he was encouraged by Ms. Esquivel's presentation today and the State Bar's willingness to address this blatant failure to comply with the law. He stated his belief that the law should be strictly complied with in matters relating to human rights.

### **Lunch Break**

**[Note: Agenda Item 9 was taken out of order and was heard prior to the lunch break.]**

### **9. Operations Manager Report – Update and Discussion**

#### **a. Administrative and Operational**

Staff Member McPhaul presented his report:

#### Disability Access and Education Revolving Fund

- Staff is in the process of developing a Quick Reference Guide to provide a high-level explanation of the fund that will be sent out to all cities in the state of California.
- Staff plans to host online informational sessions and future in-person meetings statewide to help cities get a deeper understanding of the fund.

#### Wednesday, October 26, 2022 – Full Commission Meeting

- Staff is reevaluating the format of the next Full Commission meeting.

#### Discussion

Commissioner Clair stated the DSA is often notified that jurisdictional entities, instead of offering CASp services, are requiring permit submittal to have a CASp review and sign off instead of having a CASp within the building department. DSA sees this as problematic because the enforcement entity has qualified immunity, they are collecting funds to provide that access review, and they are the only ones that have that enforcement action. An individual who hires a CASp for their own review and the city does not provide that review does not have qualified immunity.

Commissioner Clair asked what cities are spending the funds on if not to employ and retain CASps. She stated concern that many cities are interpreting the law as instead requiring permit submittals to get a separate CASp inspection, which increases cost.

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Public Comment

William Rehling stated, while there is a provision within CRASCA providing that a CASp report be submitted to the jurisdiction, that the jurisdiction must provide a “expedited” review on that project. That expedited review in no way lessens the local jurisdiction’s statutory requirement to enforce state accessibility law. The speaker stated, if the jurisdictions are saying that a private CASp must be required to certify a project, Accessible San Francisco is concerned that the jurisdiction is not properly fulfilling the requirement.

Commissioner Clair clarified that the jurisdiction should not be asking for the CASp report. The law requires a signed statement from a CASp that the plans have been reviewed and a Disability Access Inspection Certificate, which is provided as a result of a review. The CASp report has statutorily mandated confidentiality.

Interim Executive Director Report

Interim Executive Director Paravagna presented his report:

An Executive Director will be hired soon. Interim Executive Director Paravagna has been considering what information the new Executive Director will need in order to integrate seamlessly with the Commission.

Interim Executive Director Paravagna stated there are issues with accurate budgetary accounting in the state and the DGS that present difficulties for the Commission. It is important for Commissioners to be able to know that the information in Agenda Items 10 and 11 regarding the Commission’s financial situation is the best information available.

**10. Revenue Reporting – Update and Discussion**

**a. Potential Uses of Funds**

Staff Member McPhaul reviewed the Financial Review Revenue Reporting document, which was included in the meeting materials.

Discussion

Commissioner ElHessen suggested using the funds to make PSAs. She suggested that the Education and Outreach Committee discuss topics for the PSAs and how to move forward.

Interim Executive Director Paravagna suggested using the funds to host listening sessions on topics pertinent to both the business and disability communities to find common areas of agreement, and tied to legislator offices for possible legislative proposals that come out of the listening session discussions.

Interim Executive Director Paravagna urged the Commission to determine how to use these funds prior to the next full Commission meeting.

Commissioner Clair suggested using the funds to help disseminate toolkits and other resources.

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Commissioner Clair asked for further details on the PSAs and suggested researching the cost for each type of PSA.

Staff Member McPhaul stated the DGS has a media team that can help put together a PSA. He stated staff will develop a spreadsheet of costs to present for review at the next full Commission meeting.

Vice Chair Wiele suggested that the Commission join social media such as Instagram and Twitter to make the CCDA more visible.

Commissioner ElHessen suggested using the funds to do a combination of these suggestions.

## **11. Financial Review – Update and Discussion**

### **a. Review Summary – Quarter Review**

### **b. High Frequency Litigant (HFL) Fund**

Staff Member McPhaul reviewed the Fiscal Year 2021-22 Year-End Budget Highlights document, which was included in the meeting materials.

## **12. Disability Awareness and Etiquette**

### **a. Efforts to Increase Disability Etiquette**

#### **Guest Speakers:**

- Sarah Harris, Program Manager, Resources for Independence Central Valley (RICV), President of the California Council of the Blind Fresno Chapter, Vice President of the California Council of the Blind
- Shannon Mulhall, Senior HR Analyst, City of Fresno, Special Programs Chair, Certified Access Specialist Institute (CASI), Certified Access Specialist (CASp)

Shannon Mulhall, Senior HR Analyst, City of Fresno, Special Programs Chair, CASI, CASp, provided an overview, with a slide presentation, of disability discrimination, attitudinal barriers, and how to interact with individuals with disabilities, talk and write about disability, and recover from error.

Sarah Harris, Program Manager, RICV, President of the California Council of the Blind Fresno Chapter, Vice President of the California Council of the Blind, continued the slide presentation and discussed making room at the table, acknowledging disability without judgment, avoiding assumptions, and recognizing that disability is just one aspect of a person's identity.

#### Discussion

Commissioner ElHessen asked if this will take a new dimension in reframing disability to disability pride, especially among youth.

Ms. Harris stated treating everyone with dignity and respect is important. Teaching young people to expect and ask for that will make a huge difference.



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Commissioner ElHessen stated, in the education process, part of the limitation that is sometimes imposed on a person with a disability is based on family and culture. This is another depth of disability awareness that needs to be looked at in trainings.

Commissioner Ramirez stated the new standard training both at the federal and state levels is Inclusion, Diversity, Equity, and Accessibility (IDEA). He noted that non-apparent disability is the predominant disability in the workplace. He stated the prevalence of disabilities pre-COVID was estimated at 1-in-5, but post-COVID estimates are 1-in-3, if not 1-in-2. Because of the significant impact that COVID and long COVID has had on most of the population, there are new disabilities and individuals who do not even realize that they are now living with disabilities and what that means. The new pride movement within the disability community is important in helping individuals realize that anyone at anytime can develop a disability.

### **13. Future Agenda Items**

Interim Executive Director Paravagna asked to look at the ability and authority of the CCDA to do fundraising.

Commissioner ElHessen asked to discuss post-COVID and emergency preparedness in access.

Commissioner Ramirez asked to discuss workplace accommodations or accessibility for businesses to be able to function during emergency situations.

### **14. Adjourn**

**Motion:** Commissioner Holloway moved to adjourn the July 27, 2022, California Commission on Disability Access Full Commission meeting. Commissioner Jackson seconded. Motion carried unanimously.

There being no further business, the meeting was adjourned at 2:54 p.m.