

Association for DisAbled Americans Inc.

PMB #196

6538 Collins Avenue

Miami Beach, FL 33141

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<http://www.ada2000.com/>



EXERCISING YOUR CIVIL DISABILITY RIGHTS FOR AN INCLUSIVE SOCIETY

Enforcing the ADA Americans with Disabilities Act

Most individuals with a disability have encountered situations in the public sector that at best, made getting around a little more difficult, and at worst, dangerous or impossible. It is at such times, advocates as well as the everyday individuals with a disability have chosen compel compliance, not only for themselves, but also for others with disabilities. Who of us hasn't encountered a bathroom with an inaccessible stall? Either the stall door swung into the stall preventing it from being closed, grab bars were missing or there was no space at the side of the commode to enable a transfer. Even worse are locations where there's a 2" change in level at the store doorway or a step, precluding access for someone who uses a wheelchair.

Individuals are fed up with noncompliance. After nearly 20 years since the passage of the Americans with Disabilities Act, it is hard to understand why barriers remain. There is a tax incentive under IRS 190 for the barrier removal up to \$15,000 per year. In addition, there is a tax credit for 50% spent not exceeding \$10,250 under IRS section 44. Litigation makes accessibility happen.

While success through litigation is almost a guaranty, it has become trickier. Defendant attorneys are using these cases as a money-making mechanism for themselves by fighting battles they will ultimately lose. This just drags out a settlement and can unnecessarily involve the plaintiff to respond to interrogatories or a deposition. Our attorneys skillfully, and usually successfully, stop these legal tactics by the defendants, but the ultimate settlement sometimes takes longer.

Especially in these economically difficult times, defendants' attempts to plead hardship are more common. The Association for Disabled Americans has years of experience in drafting agreements to incorporate stages of compliance. Typically, a portion of the

barrier removal is allowed to be completed into the subsequent fiscal year allowing the tax deduction to be worth twice as much.

Ultimately, it takes exercising your civil rights to make the scofflaws finally realize the law is meant for EVERYONE, just like ACCESS. Exercise your rights and discuss compelling removing a barrier that you've encountered. Write the Association about your barrier at ForADA@gmail.com or to their clearinghouse at ADAexpert@gmail.com.



UNSUNG HEROES



--Paving the way for others. Fighting for their civil-rights and the civil-rights of others with disabilities. Avenging angels. Hell on wheels. Extortionists. Vexatious Plaintiff. "Vexatious litigant who exploits the ADA and its state law counterpart for pecuniary gain". These are just some of the terms used for those who step up to the plate and give up their time and effort to bring about changes in the community. Were it not for these dedicated few, entire communities would be significantly less accessible. The past president of the Association Danny Ruiz, and current president Michelle Wisniewski have made this a reality. Were it not for Danny, much of South Beach would still be inaccessible. Through his efforts, he has made more than 15 hotels and restaurants on Ocean Drive accessible. Danny also made some of the largest hotels on International Drive in Orlando accessible. Michelle has made most of the restaurants on Duval Street in Key West accessible. She has also expanded efforts into retail and professional centers throughout the greater Key West area. Both Danny and Michelle were involved in suing the municipality of Key West. Both Michelle and Danny have made restaurants and hotels along the entire keys accessible not only for themselves but also the many tourists. Danny has been involved in suing municipalities throughout the South Florida area and with the two combined, have litigated against no less than seven different municipalities. And what did they get for it, aside from the obvious access? They got a lot of aggravation, grief, harassing phone calls, slanderous remarks, and even death threats. They've been required to attend hearings, trials, settlement negotiations and depositions. They've had to be available for conference calls and to fill out interrogatories. And why do they do it? The original impetus was just to get into places they wanted to visit. But they've gone further than that. After realizing what they been able to accomplish, they've come to understand that others will not take on the accusations and impositions required by the litigation. They knew that they would be creating access not for just themselves but for thousands of tourists and other residents of the South Florida area. That access is from the day they settle and in perpetuity. They've done it because it's their civil right. They are just a part of a movement not dissimilar to than that of women and African-Americans. It's a struggle they have both been fighting for over 20 years just as African-Americans and women's continue to fight after over 35 years. Civil rights created from the Fair Housing Amendments Act of 1988 and the Americans With Disabilities Act of 1990. Both of those grew out of the Civil Rights Act of 1968. They have stepped up to the plate to carry torch to create a new mindset for the disabled as well as able-bodied in understanding an inclusive setting for all individuals. These are just two of the unsung heroes. They certainly are the heroes for the South Florida area. Were it not for a cadre of other activists like Danny and Michelle across the nation, individuals with disabilities would still be relegated to parking lots and trees to use as their

restrooms. They would still be parking in two spaces and praying they don't have a ticket when they come out. It would be traveling down streets until they found a driveway before they get onto a sidewalk. Even if they could get inside a store or restaurant, the restroom was always an impossibility. They deserve much thanks and appreciation. These are just two of our unsung heroes. Thankfully, there are others who also exert their rights and no less than 71 other individuals together with the Association for Disabled American had made hundreds of locations for all individuals with disabilities including the visually, hearing and those with mobility impairments. Thank you for your service. Thank you for putting up with all the grief. Thank you for creating a better place for individuals with disabilities.

The Association's ADA Veterans (partial listing)

1. **Association for Disabled Americans**
2. **CORAL SPRINGS ADVOCACY COMMITTEE FOR THE HANDICAPPED, INC.**
3. **MANASOTA POST POLIO SUPPORT GROUP**
4. **FLORIDA PARAPLEGIC ASSOCIATION**
5. **Action Disability Advocates, Inc.**
6. **ALLIANCE FOR ADA COMPLIANCE**
7. **Dave Rivers**
8. **Mrs. Bettyann Hall**
9. **Mr. Damien Gregory**
10. **Mr. Don Feldstein**
11. **Mr. Gregory Ersek**
12. **Ms. Pamela Dorwarth**
13. **Ms. Katia Anne Dich**
14. **Mr. Donald Dawkins**
15. **Ms. Debra Davis**
16. **Mr. Bob Cohen**
17. **Ms. Marjorie Burnett**
18. **Ms. Pearl Burnett**
19. **Mr. John Garon**
20. **Mrs. Adah Jaffer**
21. **Ms. Pat Kennedy**
22. **Mr. Don Kenny**
23. **Mrs. Mildred Levenson**
24. **Ms. Vatrice Rivera**
25. **Ms. Ghyslaine Rodriguez**
26. **Mr. Ernst Rosenkrantz**
27. **Mr. Tom Schmokel**
28. **Mr. Robert Stuchins**
29. **Mr. Christopher Whiteley**
30. **Mr. Michael Whiteley**
31. **Ms. Michelle Wisniewski**
32. **Mr. Denny Wood**
33. **Mr. Daniel Ruiz**
34. **Mrs. Gail Krause-Edwards**
35. **Mr. Lee Leon**
36. **Mr. Ian Pearl**
37. **Mr. Jorge Rodriguez**
38. **Mr. Wayne Carter**
39. **Ms. Frances Ralston**
40. **Mr. Edward Resnick**
41. **Mr. Billy Santiesteban**
42. **Mr. John Paul Jebian**
43. **Ms. Florence Ireton**
44. **Mr. Saul Infeld**
45. **Ms. Irene Moses**
46. **Ms. Michelle Calderon**
47. **Mr. Steve J. Brother**
48. **Ms. Cheryl Price**
49. **Mr. Richard Rosenbaum**
50. **Mr. Samuel Lubin**
51. **Mr. ED HOOPER**
52. **Mr. JIM BARFIELD**
53. **Mr. CHARLES BENNETT**
54. **Mrs. JANET BENNETT**
55. **Mr. RICHARD BOONE**
56. **Mrs. MARY ELLEN BUCKLEY**
57. **Mrs. VIRGINIA FREEMAN**
58. **Mrs. MARGUERITE WISHRAD**
59. **Mrs. SALLY MURPHY**
60. **Mr. RICHARD FOLSOM**
61. **Mrs. NANCY HORWITZ**
62. **Mrs. GERTRUDE WEISS**
63. **Mrs. NANCY HORWITZ**
64. **Ms. JAN ENGLISH**
65. **Ms. Gertrude Weiss**
66. **Mrs. Anna Costello**
67. **Ms. Donna Devlin**
68. **Mrs. Linda Murphy**
69. **Mr. Eugene Murphy**
70. **Ms. Bela Zeky**
71. **Mr. John Schneider**
72. **Mr. Jim Rucht**



GOOD THINGS TO KNOW

There is no thing such as “grand fathered”, every commercial facility is required to provide access through some means.

The 2000 U.S. Census found that there are more than 50 million Americans with disabilities. Almost one in five people in this country are potential customers for businesses that are accessible to people with disabilities. The percentage of people with disabilities is larger than any single ethnic, racial, or cultural group in the U.S. At 19.3%, the number of people with disabilities exceeds the next largest group -- Hispanic people (14.9%) -- by a fairly wide margin.

A permanently installed TDD (Teletype Display Device) is *required* if an interior public pay telephone is provided in a stadium or arena, in a convention center, in a hotel with a convention center, or in a covered mall.

Every municipality with 50 or more employees is required to have an ADA coordinator and transition plan to remove barriers unless no barriers exist.

Places of 100,000 or More With the Highest Percentage of People Aged 5 and Older With Disabilities in the Civilian Noninstitutionalized Population: 2000

1. Paterson, NJ. 40,068 29.8 0.4
2. Miami, FL 97,782 29.4 0.2

Source: U.S. Census Bureau, Census 2000 Summary File 3.



One of the pro bono educational services provided by the Association is through the assistance of its counsel, members and consulting experts achieving corrective measures without litigation by providing details of barriers provide by one of the associations Counsels, members or experts. •The Square Grouper Grill, Cudjoe Key •Sunset Margarita, Key West• Antonia’s Restaurant, Key West •Hurricane Hole, Stock Island •Duncan Auto, Key West •Tradewinds Plaza, Key Largo• Sheraton Suites, Key West •St. Thomas University, Miami• Southernmost Hotel on the Beach, Key West •Red Garter Saloon, Key West •Moontide Plaza, Cudjoe Key, Mangrove Mamas, Upper Sugarloaf Key• Wreck Riverfront Bar & Grill, Daytona• North Beach Physical Therapist, Miami Beach•The Key West Butterfly & Nature Conservatory Wings of Imagination, Inc. • DoubleTree Grand Key Resort, 3990 South Roosevelt Boulevard, Key West• Human Services Coalition of Dade County • Fresh Market, Coconut Grove• are but a few.

Association Business Matters



The Association has filed the fewest number of new cases over the past year since its inception. President Michel Wisniewski has dealt with an onslaught of respiratory illnesses slowing down her involvement in the community as well as the filing of new cases through the association. Vice President Danny Ruiz curtailed his frequent visits to the South Florida area and Association activities after encountering hospitalization for serious reactions to medication. Expert Michael Brennan battled through renal failure, blood infections, a collapsed lung, tracheotomy, a decubitus requiring a skin flap, five resuscitations, and a brain hemorrhage. The medical conditions have stabilized and activities are beginning to resume.

The Association is attempting to electronically communicate with all its members, please e-mail addresses, phone numbers and disability. Please go online to update this information or forward the postage free membership at the end the newsletter. Nominations are also needed for involved advocates to serve on the Board of Directors. Interested individuals or nominations can be made through the Association e-mail address: FORADA@gmail.com

The Association is a 501(c)(3) approved by the Internal Revenue Service. The Association spent modest funds to overhaul and upgrade the web site. Navigation, content, resources and forms have all been updated and revised. Plaintiffs that attend depositions, court and/or mediations receive a per diem reimbursement. Funds are replenished from enforcements where defendants have not done required barrier removal. Funds from reimbursement of administrative expenses in the stipulation agreements, enforcements, and charitable donations are the only other sources of revenue for the Association.

The ADA is the **first and largest** Association in the southeast, to litigate ADA cases beginning in 1995. The organization represents the **largest geographic area** covering two states. Membership exceeds 264 individuals. No other Association has filed with as many different plaintiffs and organizations. To date, the **ADA**, and more than **71, yes 71** different named individuals and organizations have been involved in over **441 civil suits**. These suits can only seek compliance and not punitive damages. When stipulation agreements are violated liquidated damages are sought.

OUR VICE-PRESIDENTS STORY

Daniel Ruiz: Vice President

I was injured in a motorcycle accident on August 12, 1983, 7 days before my 16th birthday. Instead of dancing and holding my girlfriends hand, I was on a rotating bed with needles in my arms, and lets not forget to mention all the tubes/hoses and wires going into places I didn't think possible. With all that was going on, I didn't realize that my life had just taken a turn that I would not wish on anyone.

After 2 surgeries and 3 months of rehab, I was basically released from the hospital with a 45 lb wheelchair and a good luck. No manual, No instructions, No direction, just enough "Tricks of the trade" to get by until I found out and accepted that I was now "Disabled/Crippled/Bounded/Paralyzed", all words at that time, were to some extent "Taboo" to me.

It was very difficult to accept this at first and even when I felt that it wasn't so bad, something or someone would remind me that I needed to stay on track and follow the rules, that society has dictated for me all other persons with a disability. It took me a long time to realize that I wasn't so disabled and that the quality of my life can be productive, with adventure, full of love and all that life has to offer, if I was just willing/able to open the doors of life, that takes us where we want to go. I would hate to think that we live in a world where our technology has surpassed our humanity. However, more times than not that's what I see, hear and feel.

This is why I do what I can to make a difference, to level the playing field. Making the world more accessible for Everyone. The ignorance is my fuel, and access is my "Reward" and its through the ADA and litigation.

I admire those who take life by the [#@%@](#) and don't let go until they are good and ready. That's how things come to be; that's how paths are carved into history and makes their way into courts where anyone who is willing, has a Voice and uses it! As I've said for years, we, the disabled are not the minority anymore, how can we be? We are over 60 million Strong! That's 1/5th of the USA population and counting. In 1983 there was no ADA, however, on July 26th 1992 it became law! It's not a moral law or a grandfathered law, its Federal Law and for good reason. You just have to use it.

For anyone that thinks they can't make a difference, open a door, and see what's on the other side. When I opened my first door, I didn't realize my life was about to take a turn, a turn that I would wish for anyone who was willing to listen. It is empowerment and your civil rights.

The true unsung heroes are the individuals that take the time to teach individuals/Friends that life is not over. You can make changes for yourself and others.

MISSION STATEMENT

The Association for Disabled Americans' (ADA) The Association seeks to improve the economic and societal opportunities of its members by providing counseling and other services to its members as well as, when required, enforcing the legal rights to access for its members



COMPLAINT FORM

NAME OF LOCATION _____

ADDRESS _____

CITY _____ Zip _____

PROBLEM _____

DATE of ENCOUNTERING BARRIER _____

_____ **FOLD HERE AND DROP IN MAIL** ___ **No Postage required** _____

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**Free Matter for the Blind
or Physically Handicapped
Post Manual 138**

Mail this form to: **Association for DisAbled Americans Inc.**
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Membership Form

[Online Member Application](#)(click at left)

NAME: _____

ADDRESS: _____

CITY _____ STATE _____ ZIPCODE _____

PHONE:1-(____)-_____ FAX:1-(____)-_____

E-MAIL or Internet address _____

DISABILITY: _____

A physical or mental impairment that substantially limits one or more of the major life activities of such individual. Required for standing in civil actions.

DATE: _____

Direct authorization will be obtained prior to any individual being used as a named plaintiff.

How did you hear about us? _____

Like to volunteer? Email or write us. W3C conversion of our newsletter and Website and occasional courier service volunteers needed.

_____ **FOLD HERE AND DROP IN MAIL** ___ **No Postage required** _____

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NOTABLE QUOTABLE'S

"Freedom doesn't come with a piece of paper. A piece of paper doesn't end a long history of intentional and purposeful discrimination. Ignorance is our greatest enemy ...excluding someone from society simply because of disability is WRONG." **President Bill Clinton, National Teleconference Address sponsored by Justice For All**

Nancy Starnes, senior VP of the Washington, DC-based National Organization on Disability, "it took the Americans with Disabilities Act of 1990 to acknowledge the civil rights of persons with disabilities and bring focus to the fact that they are customers deserving consideration by hotels, restaurants, and other places of public accommodation."

Those who profess to favor **freedom**, and yet deprecate agitation, are men who want rain without **thunder** and **lightning**. They want the ocean without the **roar** of its many waters. -- Frederick Douglass

Dr. [Martin Luther] King was right: A right delayed is a right denied.

The plight of people with disabilities reflected nothing less than a "regime of state mandated segregation... that in its virulence and bigotry RIVALED, AND INDEED PARALLELED, THE WORST EXCESSES OF JIM CROW." Supreme Court Justice Thurgood Marshall 1985

"The fight must go on. The cause of civil liberties must never be surrendered at the end of one or even one hundred defeats." - Abraham Lincoln

"A disability does not define the individual -- rather it is but one of the many unique characteristics the person embodies." - Paul G. Hearne, Advocate and visionary leader.

ADA-It's the law

Those who moan about their 'persecution' and lack of warning for violating the Americans with Disabilities Act have never had to painfully hold their water because they could not get into a bathroom or been unable to cross a street for lack of a curb cut.

They have never been unable to get out of their vehicles for lack of an access aisle or been blocked from entering a business because of stairs. They have never been stuck up to the hubs of their wheels in soft sand, P-rock, or mulch.

While undoubtedly paradise, the Florida Keys present many access challenges to the 22% its citizens who are disabled. Uncut curbs and lack of sidewalks force us to risk our lives in the streets and US 1. Stairs are everywhere, especially in smaller strip malls. Most of the smaller motels and guest houses are completely

without access. Many professional offices deny equal access to disabled people. Common p-rock crushed limestone parking lots and pathways are a real problem for wheelchairs especially when fresh. Many places that serve food and drink still deny access to their bathrooms. Stores crowd their aisles preventing us from shopping and their high counters make it difficult to pay. With a handful of exceptions, all forms of boating are denied to those who cannot walk. Nowhere, in this marine archipelago, is there a place for a wheelchair user to bathe safely in salt water. Almost no attention is given to those who are deaf or blind in many public areas. Inaccessible businesses lose at least 10% of their potential income. Barrier free business is good business. Barrier removal is tax deductible.

With drug violations, tax evasion or stock fraud, warnings would be considered absurd. Why do violators seem to think they rate a warning for violation of disabled people's civil rights? The law is clear, no warning is required. The Keys have long prided themselves on their inclusiveness. When will they voluntarily include their largest minority? Concrete change is far easier and cheaper when it does not have to be compelled in court. When the barriers to disabled access disappear, so will the lawsuits.

Recent Settlement Agreements



Pan Am Dental - Miami, Shipwreck - Key West, Salute Restaurant – Key West, Opera Restaurant – Key West, Seven Fish Restaurant – Key West, Mamacita's Restaurant – Hollywood, Ocean Alley Restaurant – Hollywood, Las Brisas Restaurant – Hollywood, Nicks Restaurant – Hollywood, Café HWB – Hollywood, Las Olas Professional Building-Fort Lauderdale, Enforcement, De Poo Hospital – Key West, Pisces Restaurant – Key West.

Other Settlement Agreements

Don't forget it's not 100's of places we assisted in helping them comply, it's 1,000's. Just the class action with **Publix Super Markets** was over 857 stores and payment of up to \$260,000 to settle a 7-year-old federal class-action lawsuit. Required changes include adjusting heights of items like ATMs, service counters, deli ticket dispensers and produce bags and improvements in the restrooms to accommodate people in wheelchairs. Each store will also get a text telephone and some stores will get additional handicap parking spaces. **Amoco Oil, BP Exploration & Oil, and Atlantic Richfield**, will ultimately bring approximately 4000 stations and markets across the United States into compliance because of the class action Consent Decree. The list goes on, S. Beach, City of Key West, City of Miami Beach, City of Homestead, hospitals, Dr. Offices, etc. We've touched the lives of 10's of thousands of people if not more now and for years to come. Just food for thought :))

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