



Arizona Attorney General Fails to Take Action on Thousands of Civil Rights ADA Complaints

Mark Brnovich's Office's Continued Complacency Against the Disabled Supports Civil Rights Violating Businesses and Increases Costs to Taxpayers

MESA, ARIZONA, MARICOPA, November 28, 2016 /EINPresswire.com/ -- Advocates for Individuals with Disabilities - Foundation ("AID"), on September 27, 2016 formally submitted complaints against more than 9,000 business reporting and documenting their Americans with Disabilities Act civil rights violations to Arizona Attorney General ("AG") Mark Brnovich's office. According to AID.org, Brnovich has failed to comply with the law and has failed to communicate with AID in regards to even a single complaint as required by Arizona Revised Statute § 41-1492.09; "The attorney general shall investigate all alleged violations of this article . . . [and] if the attorney general determines that reasonable cause exists to believe [the AzDA] . . . is being violated, the [AG] shall attempt for a period of not more than thirty days to effectuate a conciliation agreement. If no conciliation agreement has been reached after thirty days, the [AG] shall file a civil action in an appropriate court." A.R.S. § 41-1492.09(A) (emphasis added).

In September, Mark Brnovich went on television and said it was his job and not the job of others to enforce the ADA and lamented that AID had not filed a single complaint with his office about businesses violating the ADA. AID says it was surprised the AG made this statement considering that his office seemingly ignores its responsibilities to enforce the ADA and has acted on less than 1 ADA related matter per year while there are tens of thousands of violations in Phoenix alone (see: <https://www.azag.gov/enforcement-actions/public-accommodation>). In addition, the following statements from the Arizona Court of Appeals defies the AG's statements on the matters at hand:

"[The Arizonans with Disabilities] Act separately authorizes both an aggrieved individual and the Attorney General to institute civil actions to redress discrimination." Bailey-Null v. ValueOptions, 221 Ariz. 63, 69, 209 P.3d 1059, 1065 (Ct. App. 2009). "By the express terms of the regulations, an aggrieved party need not avail herself of the administrative process provided by the Attorney General before bringing a civil action for discrimination under the Act." Id. "Nothing in the Act or the regulations provides for, much less requires, any other administrative process as a prerequisite to a civil action." Id. (emphasis added).

Additionally, Arizona regulations also rebut the AG's patently false statement. "Failure to file an administrative complaint pursuant to [Arizona Administrative Code discussing the Arizonans with Disabilities Act] does not prevent an aggrieved person from bringing a civil action in Superior Court pursuant to A.R.S. § 41-1492.08," Ariz. Admin. Code R10-3-405. While there is no requirement for any person to submit a complaint to the Attorney General before filing a lawsuit against a civil rights violator, AID chose to give the AG's office a chance to redeem itself and prepared 9,000 ADA violation complaints at a cost of nearly \$200,000 to AID. Upon delivery to the office of the Attorney General, the delivery company said the staff there "appeared confused and didn't even know what to do with ADA complaints."

"We're really not surprised; they've failed to enforce the ADA for over 26 years," said AID's de facto representative Alex Callan. "We've reached out to the Attorney General's office several times to

discuss AID's intent and its ADA enforcement actions but they continue to refused to communicate directly with AID and would rather waste taxpayer money in court fighting AID than work with us to make sure that violating businesses become ADA compliant. What makes it even worse is that AID's enforcement process makes ADA violating businesses cover the costs of their own enforcement but now Mark Brnovich is making non-violating taxpayers foot the bill." Callan continued, "It is time for change. Arizona either needs a new AG that will stand up and enforce the laws of the ADA or for the AG to allow and stop blocking those like AID who have a true passion and are committed to enforce the ADA to do the job... at zero expense to the taxpayers."

AID stated they are confused and in disbelief that the Attorney General is now demanding that AID contact them prior to AID filing any lawsuit against an ADA violating business when the AG has a 26 year history of shirking and ignoring its ADA enforcement responsibility. This confusion and disbelief is bolstered by the fact that the Attorney General has also chosen to intervene in all of AID's pending cases without contacting AID even once. It is clear to AID and others that the AG has chosen to take the side of the ADA law breaking businesses and has chosen to turn a blind eye to the civil rights of all individuals with disabilities.

The key to ADA compliance, especially voluntary compliance (just like preventing speeding, theft, drunk driving, and murder), is the fear of penalties, repercussions, and financial expense. The AG is fighting to eliminate fear of any potential penalties or repercussions and to cover defense costs for business who are not even willing to pay \$25 to put up proper signage to comply with the ADA. "Why would a business voluntarily comply, when no government agency cares and individuals with disabilities are afraid to complain for fear of being told that they are banned from that location?" asked Mr. Callan rhetorically.

If the AG gets his way, violating the ADA will even be less risky and penalty free. The AG is supporting a law to allow ADA violators 120 days from the time that someone complains to fix their violations without any potential penalty, even though the law has been in place for over 26 years. AID knows this is a pointless and discriminatory requirement; it mailed out over 40,000 notices and found tens of thousands of businesses still did not take any corrective action. "If this law is approved, it would be the same as requiring the police to visit a criminal and tell them they have 120 days to stop committing the crime or they'd risk getting in trouble. There's no incentive to comply. Only businesses that already care about individuals with disabilities, apparently the less than 3%, would be compliant because they do it voluntarily." Stated Mr. Callan.

"It is unsettling but common that AID hears about individuals with disabilities being denied equal use of facilities and bathrooms and even threatened, intimidated or banned from the location when they complain about ADA violations. It is extremely sad when we at AID hear of injuries and even death that have been caused by an ADA violation. But this is Arizona, the Wild West, and the AG, who is by law to act as the "Sheriff" to enforce the ADA laws, has apparently decided, on his own, that the civil rights of those with disabilities do not matter... and if you are willing to fight for and protect their rights the "Sheriff" will come after you to stop you," stated Mr. Callan.

AID's altruistic intentions remain pure and highly effective... To date AID's enforcement efforts have cost over \$1.7 Million, with nearly \$800,000 just in court fees. While ALL of AID's compliance settlement agreements require timely ADA violation correction guarantees, some settlement agreements also include a negotiated cash component averaging approximately \$3,900 per case to cover legal, filing, operational and further compliance actions, etc. AID has never collected the alleged \$10,000 per case and the actual amount is far less than media sources falsely portray. The reason it is necessary for AID to receive these proceeds as part of settlement (approx. \$1.2M to date) is to subsidize the costs of identifying, documenting, bringing, and managing widespread ADA enforcement actions. Doing so is very costly, and AID does not use any tax funds to investigate and

enforce ADA laws. AID's altruistic efforts and results are made abundantly clear by the fact that AID always has, currently is, and anticipates it continue to operate at a substantial loss reaching many hundreds of thousands of dollars. It is definitely clear that AID is NOT "enriching itself", "lining its pockets" or "just in it for the money" because AID has not and does not expect to make a profit. As the math shows... AID's expenses of ~\$1,700,000 minus ~\$1,200,000 collected settlement funds equals a current deficit of over \$500,000.

AID is pleased with the growing understanding and support of its mission by not only its growing membership base, but also those who support AID's efforts privately or secretly because of their fears of repercussions or retaliation from those without disabilities. AID is not fearful of such retaliation and will not succumb to negative pressures.

Join AID.org's fight against discrimination by becoming a FREE member and/or report ADA violations at <http://aid.org/membership-report-violation.html> .

AID's Attorneys available for comment:
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About Advocates for Individuals with Disabilities - Foundation

AID has formally submitted over 9,000 separate ADA violation complaints with the Arizona Attorney General's Office, each against separate businesses documenting and reporting their ongoing civil rights violations and continued discrimination against individuals with disabilities. Additionally, AID has filled nearly 2,000 additional documented ADA violation cases in court which the Arizona Attorney General's Office is trying to have dismissed in favor of the ADA violating businesses. AID has spent over \$1,700,000 in bringing these 11,000 plus ADA violation civil rights cases in Arizona as part of AID's efforts to bring about ADA compliance, and has always operated at deficit.

Advocates for Individuals with Disabilities Foundation, a 501c3 nonprofit company was formed in January 2016 to receive contributions/distributions/benefits/services from the operating entity Advocates for Individuals with Disabilities, LLC. These entities often collectively or individually referred to as AID or AID.org by many, operate as Civil Rights Champions with combined goals of improving the lives of individuals with disabilities through charitable gifts, opportunities and the removal of equal access barriers for the over 43 million Americans who live with disabilities caused by one or more conditions.

AID.org sends warning notices to businesses and then acts as private attorneys general to ensure ADA compliance. AID.org's focus is on the most readily visible exterior equal access barriers which Federal, State and Attorney Generals have failed to enforce over the last 26 years. AID.org feels that these violations are a clear indicator of interior ADA violations, which we hope the violating business voluntarily correct.

"For the ADA to yield its promise of equal access for the disabled, it may indeed be necessary and desirable for committed individuals to bring serial litigation advancing the time when public accommodations will be compliant with the ADA." AID.org is committed to bring serial litigation and is primarily self-funded though litigation settlement agreements and private funding.

Those with disabilities and their associates can request assistance and grants online at www.AID.org. To schedule an interview with the AID.org Foundation, please email media@AID.org.

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