



Arizona Attorney General Sued for Not Enforcing the ADA

Members of AID Take Brnovich to Court for Turning a Blind Eye to Over 9,000 Documented ADA Violations

MESA, ARIZONA, MARICOPA, December 9, 2016 /EINPresswire.com/ -- Members of Advocates for Individuals with Disabilities - Foundation ("AID"), filed a lawsuit known as a writ of mandamus, against the Arizona State Attorney General, Mark Brnovich ("AG"), for failing to enforce the AzDA as required by Arizona statute in regards to over 9,000 ADA violation complaints. A writ of mandamus is filed to compel a party to execute or complete a duty they are legally bound to complete, in this case, enforcement of the Arizonans with Disabilities Act by the AG.

The AG has been fighting AID's civil rights efforts to shock Arizona businesses into compliance with the 26-year-old ADA, claiming AID's only interest is to bilk settlement funds from business owners (see: Arizona State's Motion to Dismiss) while disregarding the knowledge that AID has made zero profits from its civil rights endeavors and operates at a huge loss. The AG has justified his fight by claiming he is the only one that can enforce the ADA, as noted in the AG's interview with ABC 15's Dave Biscobing, who has been called an inaccurate reporter by the state of Arizona's own representative (see: Dave Biscobing "is inaccurate"), despite the fact that Arizona statute and the Arizona Court of Appeals state AID can enforce compliance:

"[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).

Arizona regulations 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 AID prepared and served over 9,000 ADA violation complaints on the AG at a cost of nearly \$200,000 to AID. Upon delivery and service 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."

Now that this writ of mandamus has been filed, the Attorney General must respond and explain to the court why they have not had any communication with complaining parties regarding 9,000 AzDA complaints in compliance with AzDA statute and why they are not enforcing the AzDA on a broader scale through periodic AzDA inspections.

The key to ADA compliance is private enforcement. Unfortunately, the AG is fighting against private ADA enforcement; instead, he is providing cover and support for the ADA and civil rights offending businesses. "Why would any business voluntarily comply with the ADA, when no government agency cares about enforcement and individuals with disabilities are afraid to complain for fear repercussions and of being banned from that location?" asked Mr. Callan rhetorically.

If the AG gets his way, violating the civil rights guaranteed by the ADA will become penalty free. To make matters worse for the disabled community, the AG is now also supporting a proposed amendment to law to allow ADA violators to have a grace period of 120 days from the time that someone complains to them to fix their violations without any potential penalty, even though the current 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 would comply on their own, and that number by AID's surveys is apparently less than 3% of Arizona businesses." 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 may include a negotiated cash component of less than \$3,400 per case to cover legal, filing, operational and further compliance actions, etc. Never \$10,000 per case and 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 through 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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