



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION IX
CALIFORNIA

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MAIL BOX 1200; ROOM 1545
SAN FRANCISCO, CA 94102

November 8, 2016

Dr. Tod Burnett
President
Saddleback College
2800 Marguerite Parkway
Mission Viejo, California 92692-3699

(In reply, please refer to OCR Docket Number 09-16-2031.)

Dear President Burnett:

The U.S. Department of Education, Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint against Saddleback College (College). The Complainant alleged that the College discriminated against the Complainant and other individuals on the basis of disability.¹ Specifically, OCR investigated whether the College discriminated against the Complainant and other individuals with mobility impairments by:

1. failing to provide an adequate number of accessible parking spaces, including van accessible spaces, in the parking lots adjacent to the buildings on the upper area of campus;
2. failing to provide a wheelchair accessible route between the Student Services Center and the adjacent parking lots; and,
3. failing to provide wheelchair accessible transportation between the Student Services Center and the adjacent parking lots.

OCR investigated this complaint pursuant to its authority under Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. Section 504 and its implementing regulation prohibit discrimination on the basis of disability in programs and activities operated by recipients of Federal financial assistance. Title II and its implementing regulation prohibit discrimination on the basis of disability by public entities. The College receives Department funds, is a public education system, and is therefore subject to the requirements of Section 504, Title II, and their implementing regulations.

To investigate this complaint, OCR conducted interviews and reviewed documents and other information provided by the Complainant and the College and on July 14, 2016 conducted a site

¹ OCR previously provided the College with the identity of the Complainant. We are withholding the name from this letter to protect the Complainant's privacy.

visit and interviews. After careful review of the information gathered in the investigation, we concluded that the College did not violate Section 504 and Title II and their implementing regulations with regard to Issue 1. With regard to Issue 2, the College did violate the statutes. With respect to Issue 3, the College informed OCR on August 11, 2016 that it was interested in resolving this issue pursuant to Section 302 of OCR's Case Processing Manual and OCR agreed that this issue was appropriate for the voluntary resolution process. The legal standards, facts gathered, and the reasons for our determinations are summarized below.

Legal Standards

The regulations implementing Section 504 and Title II provide that no qualified person with a disability shall, because a College's facilities are inaccessible to or unusable by disabled persons, be denied the benefits of, excluded from participation in, or otherwise be subjected to discrimination under any program, service, or activity of the recipient, 34 C.F.R. § 104.21 and 28 C.F.R. § 35.149, respectively.

The regulations contain two standards for determining whether a recipient's programs, activities, and services are accessible to individuals with disabilities. One standard applies to "existing facilities" while the other covers "new construction" and "alterations." The applicable standard of compliance depends upon the date of construction and/or the date of any alterations to the facility.

Existing Facilities

The Section 504 regulations, at 34 C.F.R. § 104.22, and the Title II regulations, at 28 C.F.R. § 35.150, apply to "existing facilities," and define them as any facility or part of a facility where construction was commenced prior to June 3, 1977 or January 26, 1992, respectively. The regulations provide that, with respect to existing facilities, the College shall operate its programs, services, and activities so that, when viewed in their entirety, they are readily accessible to and usable by persons with disabilities (hereinafter "the program accessibility standard").

Accessibility of existing facilities is determined not by compliance with a particular architectural accessibility standard, but by considering whether a recipient program, service, or activity offered within an existing facility, when viewed in its entirety, is accessible to and usable by individuals with disabilities. The College may comply with the existing facility standard through the reassignment of programs, services, and activities to accessible buildings, alteration of existing facilities, or any other methods that result in making each of its programs, services, and activities, when viewed in their entirety, accessible to individuals with disabilities. In choosing among available methods for redressing program inaccessibility, the College must give priority to those methods that offer programs, services, and activities to individuals with disabilities in the most integrated setting appropriate as well as methods that entail achieving access independently and safely.

Under some circumstances, the concepts of program access and facilities access are related. This is because it may be necessary to remove an architectural barrier to create program

access. A program offered exclusively in a particular building on a campus may not be accessible absent a ramp or accessible washroom to the particular building. Under such circumstances, in evaluating existing facilities, facility accessibility standards may be used to guide or inform an understanding of whether persons with disabilities face barriers to participating in the program, service, or activity provided in a particular facility. In reviewing program accessibility for an existing facility, the Uniform Federal Accessibility Guidelines (UFAS) may be used as a guide to understanding whether individuals with disabilities can participate in or benefit from the program, activity, or service.

Pursuant to 28 U.S.C. 35.150(a)(3), a public entity is not required to take an action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. In those circumstances where personnel of the public entity believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a public entity has the burden of proving that compliance would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a public entity or his or her designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, a public entity shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the public entity.

New Construction/Alterations

The Section 504 regulations, at 34 C.F.R. § 104.23, and Title II regulations, at 28 C.F.R. § 35.151, also apply to “new construction or alterations,” defined as any facility or part of a facility where construction was commenced after June 3, 1977 or January 26, 1992, respectively. The regulations provide that each facility or part of a facility constructed by, on behalf of, or for the use of the recipient/public entity shall be designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. The regulations further provide that each facility or part of a facility altered by, on behalf of, or for the use of the recipient/public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by persons with disabilities.

The regulations specify the standard to be used in determining the accessibility of new construction and alterations. The Section 504 regulations, at 34 C.F.R. § 104.23(c), delineate the American National Standards Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped (ANSI 117.1 – 1961 (1971)) as the minimum standard for determining accessibility for facilities constructed or altered on or after June 3, 1977 and before January 18, 1991. The provisions of UFAS set forth the designated standard for facilities constructed or altered on or after January 18, 1991. The Title II regulations (28 C.F.R. §

35.151(c)) delineate UFAS or ADAAG as a minimum standard for determining accessibility for facilities constructed or altered on or after January 26, 1992.

On September 15, 2010, the United States Department of Justice published new regulations implementing Title II and included specific accessibility standards as part of the regulations. These accessibility standards, the 2010 Standards for Accessible Design (2010 Standards), became the applicable construction standards for all new construction and alterations by public entities beginning on March 15, 2012, including new construction and alterations completed before March 15, 2012 that did not comply with ADAAG or UFAS. 28 C.F.R. § 35.151(c)(5).

The Title II and Section 504 regulations provide that recipients/public entities may depart from the particular technical and scoping requirements of these architectural standards, if substantially equivalent or greater access and usability of the facility is provided. 34 C.F.R. § 104.23(c); 28 C.F.R. § 35.151(c). Deciding which of the available accessibility standards must be used is determined based on the date of commencement of physical construction. 28 C.F.R. § 35.151(c).

Maintenance of Operable Features

The Title II regulations, as 28 C.F.R. § 35.133, provide that a public entity shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the ADA.

Background

According to the College's ADA Transition Plan, the College is built on topography that has a significant amount of vertical change that impacts pedestrian circulation and accessible paths throughout the campus. The campus is built on a varied landform consisting of ridge top and terraces on steep slopes. The Facilities Plan states that the College has identified an accessibility network for the campus, but future building and site improvement projects would extend the network of accessible routes and ease pedestrian movement for all campus users.

The Complainant is an employee of the College. The Complainant uses a manual wheelchair and drives a sport utility vehicle equipped to transport her wheelchair. The Complainant works two days a week at the College's Student Services Center which is located on the upper level of campus. The Complainant alleged to OCR that because she is not always able to locate an accessible parking space, she has arrived late to work, must build in additional time before her scheduled shift to find parking, and is physically fatigued after navigating the distance between the available accessible parking and her work site. The Complainant informed OCR that other individuals with disabilities have similar experiences regarding finding available accessible parking.

Issue 1: *Whether the College failed to provide an adequate number of accessible parking spaces, including van accessible spaces, in the parking lots adjacent to the buildings on the upper area of campus.*

- There are two parking lots that serve the level of campus adjacent to the Student Services Center where the Complainant works: Parking Lot 9 and Parking Lot 13. Both parking lots have accessible parking that any individual who has a valid disabled person placard or license plate can park in. Both parking lots are located on a lower level of terrain than the Student Services Center so pedestrians navigate an upward slope to get to the campus buildings.
- Parking Lot 9 was last altered in 2003 and has a total of 539 parking spaces. Of the total parking spaces, there are nine accessible parking spaces, two of which are van accessible.
- Parking Lot 13 was last altered in 1991 and has a total of 182 parking spaces. Of the total parking spaces, there are seven accessible parking spaces, two of which are van accessible.
- There is a third parking area on the same level as the Student Services Center in between the Student Services Center and Health Sciences building that has six accessible parking spaces. There are no general parking spaces in this parking area. Any individual who has a valid disabled person placard or license plate may park in these spaces.
- There are an additional three campus level parking spaces located between the Student Services Center and the Business/General Studies Building. Until the Complainant engaged in the reasonable accommodation process with the College, these three parking spaces were designated for College Maintenance vehicles only.
- The Complainant informed OCR that prior to receiving access to a reserved parking space on the campus level, she would park in Parking Lot 9. She also would seek parking in Parking Lot 5 (on the lower level of campus),² or in one of the six accessible parking spaces on the campus level located between Health Sciences and the Student Services Center. She also parked in one of the maintenance parking spaces.
- The Complainant informed OCR that she believed there were far more individuals with disabled person placards or license plates than there were accessible parking spaces. During the 2015-2016 school year, she estimated that twenty-seven different people had approached her to share that there was a lack of accessible parking. She felt this made it challenging for her to find accessible parking near her work site.
- According to the College's witnesses, the College is a commuter school, so most of the campus community drives to and from school. Witnesses stated that the College Police Department is responsible for on campus parking enforcement. The College's witness from the Police Department informed OCR that they receive one or less phone calls per month from individuals who are not able to locate an open accessible parking space. Similarly,

² As of OCR's July 14, 2016 site visit, Parking Lot 5 was closed for construction. The College was re-paving and striping the parking lots in connection with the new Science Building. Parking Lot 5 is designed to serve.

there are calls from individuals who generally have a hard time finding parking. If an individual calls needing an accessible parking space, the responder would ascertain where on campus the individual needed to be and would advise the individual of the next closest accessible parking.³

- With respect to the Complainant, the College engaged the Complainant to identify a reasonable accommodation to address the barrier she personally faced when she was not able to park on the campus level. When the initial accommodation was unsuccessful for the Complainant, the College determined that, due to the nature of the Complainant's physical disability and her use of a manual wheelchair, the College would re-stripe one of the three maintenance vehicle parking spaces into a "reserved" parking space and issue the Complainant a "reserved" parking permit.
- The College informed OCR that the "reserved" parking permit can only be issued by the College Police Department and to high level administrators such as the President and Vice President of the College, and the District's Board of Trustees. Aside from the Board of Trustees, these individuals already have a designated parking space on campus. The Police Department witness informed OCR that they try to schedule an officer to pass by the reserved parking space that the Complainant uses when she has a shift to make sure it is not being used without the proper permit.
- The College affirmed to OCR that if the Complainant needed to locate parking elsewhere, because an appropriately permitted vehicle was parked in the "reserved" space during her shift, the Complainant has not been and would not be disciplined for being late to work as long as the Complainant notified her supervisor of the situation. The Complainant confirmed that no disciplinary action has been taken against her for arriving late on days when she could not park in the reserved space.

Analysis and Conclusions of Law

Based on the last date of alteration of Parking Lots 9 and 13, the 1991 Accessible Design Standards are the applicable standards describing the minimum number of accessible and van accessible parking spaces per parking lot based on the total number of parking spaces available. For Parking Lot 9, the required minimum number of accessible spaces is two percent of the total number of parking spaces (11). For Parking Lot 13, the required number of accessible spaces is 6. The design standard for van accessible spaces is that for every eight accessible parking spaces, one must be van accessible.

Both Parking Lots 9 and 13 have the requisite number of passenger vehicle and van accessible parking spaces. As such, with respect to the number of accessible parking spaces, the College meets the applicable accessible design standard. Further, there is a small parking area on the

³ Program access when accessible parking spaces are not available is addressed with respect to Issues 2 and 3.

campus level that has six accessible parking stalls and is adjacent to the Student Services Center.

With respect to the Complainant's individual allegation, the College engaged the Complainant in a process to understand her needs and adjusted her accommodation to provide her with access to an on campus level parking space. In this regard, the College provided the Complainant with program access by re-stripping an existing maintenance vehicle parking space to a reserved parking space, and providing the Complainant with a "reserved" parking permit. Therefore, the Complainant has access to all of the available accessible parking spaces in the parking lots, as well as the "reserved" parking space on the same campus level as her work site.

For these reasons, with respect to Issue 1, OCR finds there is insufficient evidence to support a conclusion of noncompliance with Section 504 and Title II and their implementing regulations.

Issue 2: Whether the College discriminated against the Complainant and other students and employees with mobility impairments by failing to provide a wheelchair accessible route between the Student Services Center and the adjacent parking lots.

- The Complainant informed OCR that when there was no accessible parking available at the campus level, she preferred to park in Parking Lot 9. The Complainant informed OCR that the ramp from Parking Lot 9 was too steep and navigating the ramp in her manual wheelchair left her fatigued. The Complainant informed OCR that she did not park in Parking Lot 13 because she believed the distance from Parking Lot 13 to the Student Services Center was too far.
- Parking Lot 13 is located 618 feet from the front entrance of the Student Services Center. There is a short curved walkway that a person has to navigate between the Health Services and Student Services buildings. The average slope of the walkway is 4.5%, with the steepest portion being at the top of the walkway.
- Parking Lot 9 is located 636 feet from the front entrance of the Student Services Center. There are two walkways coming from the accessible parking stalls up to the Student Services Center.
- Coming from the accessible parking spaces in Lot 9, individuals can choose to take a sharp left, then sharp right, up a walkway for 63 feet to meet up with the second option – a ramp that appears to connect the accessible parking to the campus (hereinafter Ramp 1).
- Coming from the same curb ramp in Lot 9, individuals who want to use the accessible route would turn right and travel 62 feet to the bottom of Ramp 1. At the time of the site visit, there was a large garbage can in the walkway to the ramp located at the bottom of Ramp 1. The path to the bottom of Ramp 1 has a 6.3% down slope. From the bottom of Ramp 1, the individual begins a 74 foot incline to the top of the ramp. The slope at the bottom of the ramp is 5.6% and 6.2% at the middle of the ramp. Coming off the top $\frac{1}{3}$ of the ramp,

the slope measured 10.3%, 11.7% and 11%. There are no apparent landings on Ramp 1, but the ramp does have handrails and edge protection.

- After navigating Ramp 1 or the alternate pedestrian walkway from the curb ramp, the individual navigates 262 feet in an upward direction on another ramp (Ramp 2) to get to the upper level of campus. This ramp also has handrails and edge protection. However, there were large grass tufts growing in between sections at the top of Ramp 2 which create an unstable surface. There is also a one inch change in level in the walkway leading off of Ramp 2 to the walkway going to the Business/General Studies Building.
- Based on the number of apparent landings, there are approximately seven sections of Ramp 2. OCR assessed the slope of each run between landings and found the following:
 - Section 1: 8.9% average slope
 - Section 2: 8.9% average slope
 - Section 3: 8.4% slope
 - Section 4: 8.6% slope
 - Section 5: 9.4% slope
 - Section 6: 9% slope
 - Section 7: 9% slope
 - At the top of the ramp: 9.5% slope

Analysis and Conclusions of Law

According to the Accessible Design Standards at Section 4.6.2, accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. There are three parking areas that have accessible parking spaces that serve the Student Services Center. The small parking area with six accessible parking spaces, on the campus level, is the parking area with the shortest accessible route to the Student Services Center. The next closest parking lot is Parking Lot 13, but it is relatively equidistant to the Student Services Center as Parking Lot 9 (a difference of 18 feet closer). According to the College's witnesses, the most accessible route from the larger parking lots is from Parking Lot 13 to the Student Services Center.

Nevertheless, as the College provides accessible parking in Parking Lot 9, the Accessible Design Standards require the accessible parking to be connected to an accessible route. According to the Accessible Design Standards at Section 403.3, the running slope of a walk surface shall not be steeper than 1:20 (5%). If the slope exceeds this maximum, then the walking surface is considered a "ramp." A ramp run shall have a running slope no steeper than 1:12 (8.3%). All walkways along the accessible route shall have a minimum clear width of at least 36 inches. Any grates, cracks or other surface changes of level, shall be less than ½ inch thick. Further, the walking surface must be stable, firm, smooth and slip-resistant.

The sections of the accessible route from the parking spaces in Parking Lot 9 – the walkway leading to Ramp 1, Ramp 1 and Ramp 2 - have sections where the slope rises above the

maximum running slope allowed by the Accessible Design Standards. At the time of OCR's site visit, there was a large garbage can obstructing the clear width of the walkway at the bottom of Ramp 1. On Ramp 2, there is a change in surface level on the walkway leading off Ramp 2 to the Business/General Studies Building that exceeds the maximum allowed height. Finally, there are large grass and weed tufts growing out of the concrete sections of Ramp 2 that create an unstable surface for users. The existing route presents significant barriers that exceed the accessible design standards, including excessive slop and unstable surfaces. As such, the route is inaccessible to or unusable by individuals with physical impairments.

With respect to Issue 2, OCR finds the evidence supports a conclusion of noncompliance with Section 504 and Title II and their implementing regulations. In order to address Issue 2, the College entered in to the attached Resolution Agreement with OCR that when implemented, is intended to ensure an accessible route for individuals with disabilities from Parking Lot 9.

Issue 3: Whether the College discriminated against the Complainant and other students and employees with mobility impairments by failing to provide wheelchair accessible transportation between the Student Services Center and the adjacent parking lots.

- On or near October 15, 2015, and prior to providing the Complainant with access to a reserved parking space on the campus level as a reasonable accommodation, the College provided the Complainant with access to a wheelchair accessible golf cart to transport her from her vehicle to her work site. The College's Disabled Students Programs and Services (DSPS) owns the wheelchair accessible golf cart and agreed to loan it to the XXXXXXXXXX Department, where the Complainant is employed, to provide the Complainant with transportation. The Complainant was provided contact information to request a pick up by a trained driver.
- The Complainant alleged to OCR that the golf cart transportation was not a viable option for her because the transportation was not reliable and the golf cart was unsafe. The Complainant informed OCR that she could not provide OCR with the number of times the transportation was not reliable. The College witnesses informed OCR that they could recall one, possibly two times, where the Complainant requested golf cart transportation. The Complainant typically works two days a week, and attempted to use the accommodation for a few weeks before raising her concerns to the College.
- The Complainant informed OCR of an incident when she called the phone number she was provided to request transportation to her vehicle. The Complainant stated that she received a response from two students who appeared unsure and afraid of assisting the Complainant with navigating into the golf cart. The students also did not appear to know how to use the wheelchair tie downs, and one of the doors on the golf cart was broken and the wheelchair tie downs were used to secure the door. The Complainant stated that after forty minutes, the students could not figure out how to use the golf cart.

- The Complainant informed the College about her concerns regarding the golf cart transportation. The Complainant asserted that she did not have priority over students with disabilities for transportation during business hours, and that after business hours, there were no qualified drivers. On November 18, 2015, the College engaged the Complainant in a process to determine a more appropriate accommodation. On December 4, 2015, the College notified the Complainant that it agreed the golf cart transportation was not effective for her, and that the Complainant would have access to a reserved parking space on the campus level.
- With respect to students with disabilities, the cart is scheduled in advance with DSPS. A schedule of cart operation is coordinated so all the students who need the wheelchair accessible transportation can arrive to their classes on schedule, and a trained driver is available.
- At the time of OCR's investigation, all four DSPS counselors were trained in the use of the wheelchair accessible golf cart. The training is based on the DSPS Coordinator's knowledge of how the cart was custom designed and its intended use. However, there is no formalized training. The College informed OCR that the same golf cart operation training provided to DSPS counselors was provided to the Complainant's point of contact for golf cart transportation, but it appeared that the training was not passed on to the individuals who attempted to assist the Complainant into the cart.
- One of the counselors provided a demonstration to OCR of the appropriate use of the golf cart ramp, wheelchair tie downs, and cart operation. OCR confirmed that at the time of the visit, all components of the cart were operational, including the passenger door and ramp side entrance to the cart. A DSPS witness confirmed to OCR that there were a few weeks where one of the doors of the golf cart was broken. Because it is a custom designed golf cart, a special part was on order to repair it when the Complainant attempted to use the cart. The DSPS witness informed OCR that so long as a special part is not needed, the on-site College maintenance department is able to repair the golf cart in less than 24 hours.
- A DSPS witness confirmed to OCR that there were a few weeks where one of the doors of the golf cart was broken. Because it is a custom designed golf cart, a special part was on order to repair the door.

Analysis and Conclusions of Law

The Complainant provided evidence to OCR and the College that the golf cart option was not an effective option to provide her with program access because on the one occasion she used it, the golf cart was in disrepair and the two students operating the wheelchair accessible golf cart did not understand how to operate it in a safe and secure manner or how to help her in and out of the cart. As discussed above, the College timely remedied the Complainant's concerns with a more effective accommodation: a campus level parking space. However, the evidence gathered to date raised a concern for OCR that the wheelchair accessible golf cart would be inaccessible

to and unusable by other individuals with disabilities, if another accessible alternative was not readily available when the golf cart was broken or in disrepair and those operating it were not properly trained.

OCR did not complete its investigation of this matter prior to the College informing OCR, on August 11, 2016, that it was interested in resolving this allegation under Section 302 of the Case Processing Manual. In order to determine whether the College was in compliance with Section 504 and Title II and their implementing regulations with regard to this issue, OCR would need to interview additional witnesses to confirm Complainant's account of the experience with the golf cart when it was in disrepair, review the maintenance and repair records for the cart, and survey other golf cart users with disabilities to determine the efficacy and safety of the cart to provide wheelchair transportation.

In order to address Issue 3, the College entered into the attached Resolution Agreement with OCR that when implemented, is intended to remedy the concerns that OCR has regarding the operation of the wheelchair accessible golf cart under Section 504 and Title II and their implementing regulations.

Conclusion

This concludes the investigation of this complaint.

To address the issues alleged in the complaint, the College, without admitting to any violation of law, entered into the enclosed Resolution Agreement which is aligned with the complaint allegations and the findings and information obtained by OCR during its investigation. The provisions provide for an accessible ramp from Parking Lot 9 to the upper level of the College, policies and protocol for safe operation of the wheelchair accessible golf cart, and a determination of the process for providing program access to the College's activities, services, and programs for DSPS students when the wheelchair accessible golf cart is temporarily unavailable.

Based on the commitments made in the enclosed resolution agreement, OCR is closing the investigation of this complaint as of the date of this letter, and notifying the complainant concurrently. When fully implemented, the resolution agreement is intended to address all of OCR's compliance concerns in this investigation. OCR will monitor the implementation of agreement until the College is in compliance with Section 504 and Title II and their implementing regulations.

OCR's determination in this matter should not be interpreted to address the College's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's

formal policy statements are approved by a duly authorized OCR official and made available to the public.

Please be advised that the Recipient may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the Complainant may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by the law, personal information that, if released, could reasonably be expected to constitute an unwarranted invasion of privacy.

Thank you for your cooperation in resolving this case. If you have any questions regarding this letter, please contact Tammi Wong, attorney, at (415) 486-5555.

Sincerely,

/s/

James M. Wood
Team Leader

cc: Lee T. Patajo
LIEBERT CASSIDY WHITMORE