

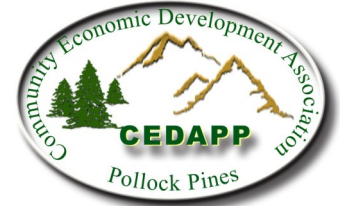
NEWSBLAST

Community Economic Development Association of Pollock Pines

THOUGHTS OF THE DAY

Sometimes you try to help people and it backfires on you, and then they try to take advantage of you *Christina Aguilera*

The measure of a man is what he does with power. *Greek proverb*



10 years of service to our
community

WARNING!**Drive-by lawsuit warning!**

An alert from a **CEDAPP** business member! That attorney (license now yanked, maybe?) who for years, engaged in drive-by ADA (Americans with Disabilities Act) shakedowns will be in Pollock Pines on or about July 27th. He has hit a number of businesses in Pollock Pines in the past, forcing a couple of them to close because they could not pay him off.

Who should worry?

If you run a business that allows the public inside, if you have parking spaces, you should be concerned, and you may want to consult someone who is an expert on ADA compliance.

From the web site LEXOLOGY

You don't have to be a customer to file a claim. Plaintiffs cite violations without exiting their vehicle, as frivolous ploys, since people did not have to be customers to file claims.

California state law permits a plaintiff to seek actual damages and minimum statutory damages (generally \$4,000, with a possibility of a reduction to \$2,000 for small businesses in certain circumstances) for each instance of discrimination relating to a construction-related accessibility issue (e.g., non-compliance with

California's Construction-Related Accessibility Standards Compliance Act or the federal 2010 ADA Standards). Under both federal and state law plaintiffs can recover attorney's fees and costs. The unfortunate by-product of this dynamic has been the development of a "cottage industry" whereby an individual with a disability partners with a plaintiff's firm to repeatedly file multiple (in some instances hundreds of) litigations alleging highly technical instances of structural inaccessibility with the hopes of convincing the defendant (often smaller businesses unaware of these laws or large companies with hundreds of national locations who are unaware of such minor technical issues at a specific location) to quickly settle the matters for a small payment to plaintiff for vaguely defined "damages" plus fees/costs to plaintiff's counsel.

The new provisions set forth in SB 269 seek to discourage frivolous actions brought predominately to collect fees by creating a rebuttable presumption that for any claims filed after May 10, 2016, a plaintiff has not experienced difficulty, discomfort, or embarrassment for purposes of being awarded minimum statutory damages if the defendant is:

A small business (one that employs 25 or fewer employees on average over the past three years (or since its inception if less than three years) and has annual gross receipts of less than 3.5 million dollars over the past

three years (or since its inception if less than three years));

The small business has corrected all “technical violations” within 15 days of service or receipt of complaint or written notice; and
The technical violation is based on one the following:

Interior signs, other than directional signs or signs that identify the location of accessible elements, facilities, or features, when not all such elements, facilities, or features are accessible;

The lack of exterior signs, other than parking signs and directional signs, including signs that indicate the location of accessible pathways or entrance and exit doors when not all pathways, entrance and exit doors are accessible;

The order in which parking signs are placed or the exact location or wording of parking signs, provided that the parking signs are clearly visible and indicate the location of accessible parking and van-accessible parking;

The color of parking signs, provided that the color of the background contrasts with the color of the information on the sign;

The color of parking lot striping, provided that it exists and provides sufficient contrast with the surface upon which it is applied to be reasonably visible;

Faded, chipped, damaged, or deteriorated paint in otherwise fully compliant parking spaces and passenger access aisles in parking lots, provided that it indicates the required dimensions of a parking space or access aisle in a manner that is reasonably visible; and

The presence or condition of detectable warning surfaces on ramps, except

where the ramp is part of a pedestrian path of travel that intersects with a vehicular lane or other hazardous area.

In addition, SB 269 exempts defendants from liability for minimum statutory damages with respect to a structural area inspected by a certified access specialist (CASp) for a period of 120 days (unless a limited exception relating to delays in obtaining necessary permits is triggered) if specified conditions are met:

The defendant is a business that, as of the date of inspection, has employed 50 or fewer employees on average over the past three years, or for the years it has been in existence if less than three years;

The structure or area of the alleged violation was the subject of an inspection report indicating “CASp determination pending” or “Inspected by a CASp.”;

The inspection predates the filing of the claim by, or receipt of a demand letter from, the plaintiff regarding the alleged violation of a construction related accessibility standard, and the defendant was not on notice of the alleged violation prior to the CASp inspection; and

The defendant has corrected, within 120 days of the date of the inspection, all construction-related violations in the structure or area inspected by the CASp that are noted in the CASp report that are the basis of the claim.

It is worth noting that this CASp provision can only be utilized once for each structure or area inspected by a CASp unless the inspected structure or area has undergone modifications or alterations that affect the compliance with construction-related accessibility standards or those structures or areas after the date of the last inspection, and the defendant obtains an additional CASp inspection within 30 days of final

approval by the DOB or COO, as appropriate, regarding the modifications or alterations. While unlikely to entirely stem the flow of “drive by” litigations – particularly against larger businesses – these provisions of SB 269 certainly provide new protections for small businesses, particularly those who proactively engage a CASp to inspect their businesses and then promptly work to bring their businesses into compliance in accordance with applicable law.

He’s baaaaaaaack!

Even with changes in the law, there is room for shakedowns, so you should be prepared. He is likely to be bringing his “investigators”, and if he is true to form, he will hit other businesses while he is here.

This is a classic case of a law, passed with good intentions, being abused by a few. A ‘cottage industry’ of attorneys has for years, made a practice of (literally) driving by businesses, sometimes sending ‘investigators’ inside, then filing claims and getting settlements from the business owner. **CEDAPP** has in years past, been part of an effort to give business owners more of a chance to come into compliance, before being forced to make shakedown payouts (and no, those payouts are not to the government). For more on efforts to prevent lawsuit abuse, see:

<https://www.facebook.com/CaliCALA/>

PREFERRED POLLOCK PINES BUSINESSES

AUTOMOTIVE

Riebes Auto Parts
Dustin Parker, Manager
(530) 644-2305

CHURCHES

Pollock Pines Community Church
6361 Pony Express Trail
(530)644-2133
Www.pollockchurch.com

EATERIES

Fifty Grand Restaurant
Larry and Candy Le Quire, Owner/Proprietors
(530)644-1580
<http://www.fiftygrandsteakhouse.com/>

Pizza Factory (and Pollock Pines Visitor's Center)
Dan Princeau, Owner/Proprietor
(530) 647-1944
www.pollockpinespizzafactory.com
Winner of multiple business awards since 2004

Sportsman's Hall
Amy Shim, Owner
(530) 647-2670
www.sportsmans-hall.net
Site of Pony Express Station and Monument, since 1847

EDUCATION

Pollock Pines Elementary School District
Pat Atkins, Superintendent
(530) 644-5416
www.ppesd.org
A California Distinguished School District

FINANCIAL

Edward Jones
Mike Steinbach, A.A.M.S.
(530) 644-4510
www.edwardjones.com
Serving your financial needs

Roberts & Company
Derrell Roberts, CPA
3182 Cedar Ravine Road, Placerville
(530) 622-5445
robcocpa@sbcglobal.net

Umpqua Bank
Maria Bass
1224 Broadway, Placerville
(530) 295-4001

www.umpquabank.com

GOVERNMENT

Sue Novasel – District 5 Supervisor
(530) 621-6577
bosfive@edcgov.us
www.edcgov.us
Sue wants to hear your thoughts on living, working, and playing in Pollock Pines!

HARDWARE

True Value Hardware Store
(530) 644-6164
dcampbell@truevalue.net
Fast, friendly, expert service in all areas of home and lawn maintenance

MEDICAL/DENTAL

Dr. James Dawson, D.D.S.
(530) 644-1554
Email: jdawsondds@comcast.net
Serving whole families, including cosmetic dentistry

Lynette Rowe, Physical Therapy
NEW LOCATION!
6454 Pony Express Trail, Suite 9
(530) 644-5225

PAVING AND SNOW REMOVAL

The Sandman (Paving, Snow removal, Parking lot clearing)
(530) 919-4299

REAL ESTATE OFFICES

Century 21 Select Group
6584 Ridgeway Drive
(530) 647-7300
Local knowledge from local realtors
Free area maps

Pollock Pines Realty
3050 Sly Park Road, Suite A
(530) 644-6700
See us on Zillow.com
We all live in Pollock Pines!

ZGroup Real Estate
6127 Pony Express Trail
(530) 644-1644
agents@zgrouprealestate.com
www.pollockpinesweathcam.com

RECREATION

EID/Sly Park Recreation Area (Jenkinson Lake)
Greg Hawkins, Manager
(530) 295-6824
www.eid.org/recreation
Family friendly recreation

Sierra Outdoors
Nik McElley, Owner/Proprietor
(530)303-3996
www.sierraoutdoors.net
Outdoor sporting goods and equipment/rental and sales

RETAIL

ShipShape USA
Dennis & Cathy Staller, Owners/Proprietors
(530) 644-0569
www.shipshapeusa.com
A gift boutique that also delivers smiles with your shipping needs

SERVICE PROVIDERS

Able Electric
Bill or Kristi Wyles
(530) 644-0977
electricians@ableelec.com
*24/7 service

Breaker Glass Co., Inc.
Kevin or Kathy Brown
(530) 626-3795
www.breakerglass.com
Voted #1 in El Dorado County

Erin Miller Photography
Erin Miller

www.erinmiller.net

Lifestyle family portraits & weddings

TECHNOLOGY

Pony Express Tech
Local Mac, iPhone & iPad Support
Jim Maroun, Proprietor
www.ponyexpresstech.com
tech1@ponyexpresstech.com

SERVICE ORGANIZATIONS

Community Economic Development Association of Pollock Pines (CEDAPP)
501 (C) (3) Charitable Organization
Jeanne Harper, Executive Director
(530) 419-3957
www.pollockpines.biz, www.cedapp.biz
Enhancing the quality of life of residents and businesses in Pollock Pines

Dogwood Garden Club
www.dogwoodgardenclub.org
A social organization with community stewardship

El Dorado County Chamber of Commerce
Laurel Brent-Bumb, CEO
(530) 621-5885
www.eldoradocounty.org
www.visiteldorado.com

Pollock Pines-Camino Fire Safe Council
Heather Campbell, Chairperson
(530)644-2093
www.facebook.com/groups/PPCFSC/
<http://www.edcfiresafe.org/about-the-council/satellite-councils/pollock-pines-fire-safe-council/>

VETERINARY

Pollock Pines Veterinary Hospital
Dr. Perkins
(530) 644-5421

CEDAPP

NEWSBLAST GOALS

(COMMUNITY ECONOMIC DEVELOPMENT ASSOCIATION OF POLLOCK PINES)

P. O. Box 424
Pollock Pines, CA 95726
Tel: 530 419 3957
E-mail: cedapp@pollockpines.biz

CEDAPP is happy to promote our businesses, our community, and friends to our community. If you have something you'd like the community to know about, please email the editor at klharper1@comcast.net. Please include phone num-

We are on Facebook at http://www.facebook.com/group.php?gid=150482801647758&v=app_2344061033&ref=ts#!/group.php?gid=150482801647758

CEDAPP's Board of Directors

Jeanne Harper
Executive Director
Derrell Roberts
Chief Financial Officer
Cleve Hart
Member at Large
Ken Harper
Chief Information Officer

Ken Brown
Projects Coordinator

COMMUNITY CALENDAR

Check out the Pollock Pines Community Calendar at https://www.google.com/calendar/embed?src=d8tm2p3bo48kg8br7amc37no5s%40group.calendar.google.com&ctz=America/Los_Angeles Please note the colon (:) after the http

For all of the events in Pollock Pines, an event sign located prominently in Pollock Pines to allow more exposure to residents and visitors announcing coming events. Note: This is for non-profits only. See the CEDAPP web site for information and fees.

Note: All of the following meetings and events are open to the public. CEDAPP is an all inclusive community organization. The more community folks involved, the more "COMMON UNITY" there is! Please call Jeanne Harper at (530) 613-1332 if you would like more information on any of the listings.

- July 8 -MUSIC IN THE PINES, a dinner dance fundraiser
- July 14 -Friday Night Fiesta, as the COMMUNITY CENTER, 4:30 pm
- July 15 -ROTARY Flea Market, 8 am to 3, at El Dorado Savings Bank
- August 1 -NATIONAL NIGHT OUT
- August 7 -CEDAPP meeting
- Sept 23 -ROTARY Wine Tour

