

# CERTIFIED ACCESS SPECIALIST PROGRAM

## What Is the Certified Access Specialist Program?

California is currently experiencing an epidemic of Americans with Disabilities Act (ADA) lawsuits by serial plaintiffs that are costing business owners thousands of dollars. Additionally, California law allows a plaintiff to ask either the building owner or tenant for statutory damages for even the smallest violation. These “shakedown” lawsuits often force business owners to pay the serial plaintiff directly rather than incur the cost of an expensive court fight.



While most businesses believe they comply with the Americans with Disabilities Act (ADA), in reality, most do not and despite popular belief, businesses are not granted “grandfather” status regardless of the age of the building. Even newly constructed buildings approved by the local building official may not comply. It has been estimated that as many as 98% of businesses have a least one condition that could expose them to a costly lawsuit. All businesses serving the public MUST comply.

So how can business owners assure they are in compliance with the Americans with Disabilities Act (ADA).....They can hire a CASp.

## What Is A CASp?

After numerous complaints by business owners, the California Chamber of Commerce along with others including disability rights groups worked with the California Legislature during the 2007–2008 session to pass Senate Bill 1608. This bill provides numerous protections for business owners, however, the most exciting part is the new Certified Access Specialist Program (CASp).

The new Certified Access Specialist Program (CASp) established by the Office of the State Architect seeks to test and certify those individuals such as myself with prior training and experience working with the Americans with Disabilities Act (ADA). After passing a rigorous test, I became a Certified Access Specialist (CASp) and am now considered by the State of California to be an expert on the Americans with Disabilities Act. (ADA).

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### How Can A CASp Be Of Benefit to A Business Owner?

One of the provisions of Senate Bill 1608 is that on a voluntary basis a business owner can have me as a Certified Access Specialist (CASp) conduct a field survey of their business and prepare a report of my findings including any improvements that are necessary to meet the requirements of the ADA. I will also work with the business owner to establish a reasonable schedule for the completion of each improvement.

Additionally, if requested by the business owner, a State of California issued window certificate as shown on this page can be provided. This certificate signifies the business has been surveyed by a CASp and is in the process of making improvements. In most cases the window certificate will cause a serial plaintiff to go elsewhere rather than spend time filing suit against a business that is working toward compliance, however, a lawsuit can still be filed against the business for violations of the ADA. If that does happen, businesses with a CASp Report have new legal rights.



### What New Legal Rights Will A Business Owner Have?

Probably the most important new legal right is the ability of a business owner who has a CASp Report to request a 90-day stay of the lawsuit and an Early Evaluation Conference (EEC) where parties will have an opportunity to explore whether the lawsuit can be settled. Both the 90-day stay and the EEC have the potential to save a business owner thousands of dollars in legal fees. This is one of the true benefits of the Certified Access Specialist Program (CASp)

### Get A CASp Report Now

The cost of a CASp report is not only far less than the cost of a lawsuit, but it also gives business owners comfort in knowing they you have taken steps to allow those individuals with disabilities to use and enjoy their facilities.

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