



**SUMMARY OF NOTES FOR THE REGULAR
MEETING OF THE
LOS ANGELES COUNTY COMMISSION ON
DISABILITIES
KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 374A
LOS ANGELES, CALIFORNIA 90012
<http://laccod.org>**

Wednesday, October 15, 2014

1:00 PM

AUDIO FOR THE ENTIRE MEETING. (14-5081)

Attachments: [AUDIO](#)

Call to Order. (14-4402)

President Janet A. Neal called the meeting to order at 1:18 p.m.

Emma De Jesus, Commission Staff, called roll and noted that a quorum was not established.

Commissioners Alexia Teran and Sheila Wright joined the meeting at 1:57 p.m. and no quorum was established.

Present: President Janet A. Neal, 1st Vice President Wendy Welt Narro, 2nd Vice President John B. Troost, Commissioner Carlos Benavides, Commissioner Edward A. Colley, Commissioner Alexia Teran and Commissioner Sheila D. Wright

Absent: Commissioner Maria Mustelier-Parrish

Excused: Treasurer Winslow C. Reitnouer, Commissioner Michael Gureckas, Commissioner John R. James, Commissioner Steve Miller, Commissioner Kecia Brooke Weller and Commissioner Wan Chun Chang

I. ADMINISTRATIVE MATTER

- 1. Approval of the Minutes from the meeting of September 17, 2014. (14-4171)**

In the absence of a quorum, this item was continued without discussion to the next meeting.

Attachments: [SUPPORTING DOCUMENTS](#)

II. OLD BUSINESS

2. Discussion of the impact that the Employee Retirement Income Security Act (ERISA) has on people living with disabilities by Commissioner Edward A. Colley. (13-4719)

Commissioner Edward Colley outlined the Employee Retirement Income Security Act (ERISA) that governs employment policies for retirement, health insurance and disability insurance and responded to questions posed by the Commission.

Under California State law, ERISA cannot be changed. ERISA is the entirety of the law governing disability for most employers. In its provisions, the Federal statute provides no access to a jury trial, therefore if someone is disabled and seeks to overturn an insurance company's opinion, the case is reviewed by a single judge. There are no punitive and pain or suffering awards. Therefore, if an insurance company goes before a judge, and the court finds the insurance company is negligent, the disabled person would only receive the medical services that are paid by the insurance company.

The standard of review for most people going to court is called "De Novo" allowing the judge to look at all the evidence, prior to rendering a decision. For most ERISA claims, the standard review is called an "abusive discretionary standard", where the insurance company can hire a physician to review the file and not see the patient. The physician's opinion can be given equal or even greater weight in favor of the insurance company.

Commissioner Ed Colley added that the entire statute was written to mirror trust laws. If you establish a trust, you establish a trustee or fiduciary for the trust. So the trustee or fiduciary in the trust is given a great amount of latitude by the court in the assumption they are acting in good faith. When an insurance company is given that same level of trust, you end up with some perverse rulings. Insurance companies continue to require things such as an "objective proof" and the insurance company continues to deny claims based on "objective proof" that supports a disabling condition does not exist. The standard of review stands in the way of an individual getting insured.

After discussion, this item was continued to a future meeting. No action was taken by the Commission.

III. REPORTS**3. President's Report for October 2014. (14-4470)**

President Janet A. Neal shared that she and Commissioner Carlos Benavides attended the City of Cerritos City Council meeting on October 9, 2014 where the Commission was honored with a proclamation from the Mayor and City Council, recognizing the Commission's efforts to support County residents with equal access opportunities.

She noted that Communication Access Realtime Translation (CART) is a group of captioners that standardize captioning.

President Janet A. Neal also reported, she spoke at the California Commission on Disability Access workshop that took place in the Edison Room on Spring Street in Downtown Los Angeles.

After discussion, no action was taken by the Commission.

4. October Staff report by Emma De Jesus. (14-4471)

Staff Emma De Jesus reported that ADA25 Access Reception registration is available online and provided a status of those Commissioners who have responded to the attendance letter mailed in August.

After discussion, no action was taken by the Commission.

5. Monthly Report by Standing Committees:

- Education: Commissioners Troost (Chair), James, Neal**
- Events: Commissioners Neal (Chair), Troost, Reitnouer, Teran, Wright**
- Transportation: Commissioners Neal (Chair), Reitnouer, Troost, Teran**
- Housing: Commissioners Welt Narro (Chair), Teran (14-4472)**

Education

Chair John B. Troost reported that he plans to talk to someone at Palms Middle High School next week regarding Disability Awareness Month.

Events

Chair Janet A. Neal reported that the planning of the event is going well. Donations continue to come in and in two months time, the Commission is set to have a successful event. She added, Access Services and METRO have each bought a table. The Event Committee will not meet during November and December.

Transportation

Chair Janet A. Neal reported that she will be speaking before CALTRANS on long-range transportation goals.

Housing

No report was given by Chair Wendy Welt Narro.

Robert Coto addressed the Commission on education.

Elba Guzman addressed the Commission on her miscommunication experience with Access Services application process.

Jacob Cohen addressed the Commission regarding education, mental health and physical health options.

After discussion, no action was taken by the Commission.

Attachments: [SUPPORTING DOCUMENT](#)

6. Recommendation to Receive and File the October Access Services Board of Directors Report by John B. Troost. (14-4473)

1st Vice President Wendy Welt Narro read the October Access Services Board of Directors Report for 2nd Vice President John B. Troost.

After discussion, no action was taken by the Commission.

Attachments: [SUPPORTING DOCUMENT](#)

7. Monthly Report by Louis Burns, Access Services Customer Support Administrator, Access Services Incorporated. (14-4474)

This item was continued to the next meeting without discussion.

8. Monthly Report by Jess Segovia, ADA Manager, and Giovanna Gogreve, ADA Para-transit Program Administrator for the Los Angeles County Metropolitan Transportation Authority (METRO). (14-4475)

Giovanna Gogreve, ADA Para-Transit Program Administrator for the Los Angeles County Metropolitan Transportation Authority (METRO), reported that she will be attending the Commission on Disabilities' ADA25 Access Reception on October 20, 2014.

She also reported that the METRO bus transportation event to be held on October 16, 2014 was cancelled due to bad weather conditions. She was happy to announce that the Visa logo on the tap cards would be cancelled starting in November 2014.

President Janet A. Neal brought up an issue on taxi coupons available to people with disabilities. Giovanna Gogreve mentioned about the discounted card for the senior and Los Angeles County Transit Operators Association (LACTOA) card and will report back after her research is complete.

After discussion, no action was taken by the Commission.

9. Commissioner announcements for the month of October 2014. (14-4476)

1st Vice President Wendy Welt Narro reported that as a result of her accident in July, her insurance company has raised her rates. She felt she was being discriminated against because the "Special Equipment" category usually replaces a custom part like a radio or rims. She is planning to appeal the insurance company's decision.

IV. MISCELLANEOUS

Matters Not Posted

10. Matters not on the posted agenda, to be discussed and (if requested) placed on the agenda for action at a future meeting of the Commission, or matters requiring immediate action because of an emergency situation or where the need to take action arose subsequent to the posting of the agenda. (14-3919)

There were no matters to be presented for a future agenda.

Public Comment

11. Opportunity for members of the public to address the Commission on items of interest that are within the jurisdiction of the Commission. (14-4167)

The following members of the public addressed the Commission:

Elba Guzman addressed the Commission about the scheduling methods of Access Services when picking up passengers.

Kimberly Whyte addressed the Commission regarding a unpleasant Access Services driver did not provide the correct change.

Antha Abraham addressed the Commission on how Access Services can provide more information.

Wendy Cavell, a National Alliance on Mental Illness (NAMI) representative, announced the Fundraiser Walk at Grand Park; and an Antelope Valley Wellness Symposium at the Fairgrounds on October 30, 2014. The costs for the event is \$40 and includes meals.

Kimberly Whyte addressed the Commission on Project Retire and Peer Support Network. She also noted the 99 Cents Store located at Crenshaw and Jefferson Boulevard was not accessible.

Adjournment

- 12. Adjournment for the meeting of October 15, 2014. (14-4170)**

The meeting adjourned at 2:55 p.m.