

Introduction

Today.

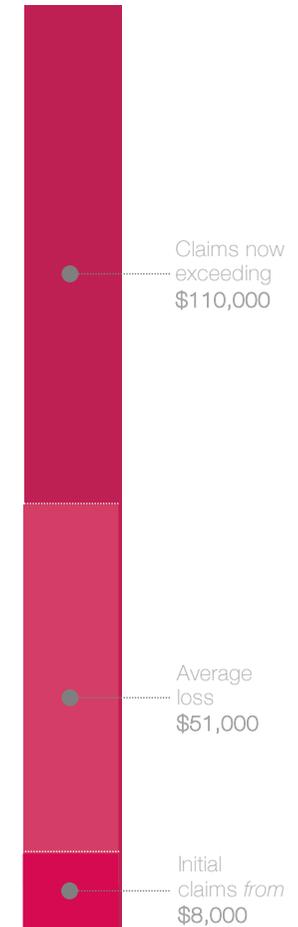
It would be inconceivable to open a building that doesn't adhere to statutory regulations. The same principle applies to websites.

Today's reliance on websites brings with it a greater responsibility to ensure standards are upheld, and this includes not discriminating online. Litigation is currently rife as website non-compliance is easy to demonstrate.

Every organization is potentially at risk and soon the stark choice will be: comply or await litigation and then comply.

Many organizations understand the need to comply and have taken some steps towards it – AAAtraq builds on this premise and maps out a pathway to compliance.

AAAtraq embodies a strategic approach, focusing actions to achieve long-term compliance in less time and at lower cost. Risk is further mitigated with litigation support and unique fee insurance protection.



¹ Basis of the US Regulatory requirement, Title III of the ADA, which prohibits discrimination on the basis of disability in "places of public accommodation" 42 U.S.C. § 12182(a).

² Based on 7800 cases in 2017 (average estimated external fees of \$55,000/case), over 95% of complaints are settled directly with payments avg. \$23,900 per claim / repeated claims litigation in excess of \$110,000.

Challenges.

1. Internal conflict vs digital teams
 1. Very (over) technical standards.
 2. Confusing messages from software vendors.
 3. Adhoc approach
 4. Promises from quick fix plugins.
2. Expensive consultants.
3. Understandable reporting of Risk

Distraction, expense and uncertainty.

Every day, more cases .

Real Estate ADA Compliance Is A Necessity As Lawsuits Target Realtors



Luis Aureliano, Benzinga Contributor | FOLLOW
August 06, 2020 10:44am | 5 min read | Comments

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The Cost Of Noncompliance

Companies can spend significant sums defending against ADA lawsuits. Lawyer fees alone can easily run to thousands of dollars. If found guilty, they will also have to pay fines amounting to \$55,000 for the first violation and \$110,000 for each subsequent violation.

While the law was meant to protect the common good, this has also allowed some enterprising parties to try and exploit the situation. Some law firms are even seen to capitalize on this trend. Using the threat of ADA lawsuits, they compel real estate companies to settle cases for a fee.

For companies, dealing with negative publicity can also be costly. Considering how the current climate also demands companies to be more socially aware, any semblance of falling short in inclusion can be quite damaging to brand and reputation.

The screenshot shows the top navigation bar of the Bicycle Retailer website. It includes social media icons for Facebook, Twitter, YouTube, and Instagram. The main title is "Bicycle Retailer" with "and INDUSTRY NEWS" underneath. A search bar is located to the right. Below the title is a red navigation menu with categories: INDUSTRY NEWS, ANNOUNCEMENTS, RETAIL NEWS, OPINION, NEW PRODUCTS, RECALLS, CLASSIFIEDS, and EVENTS. A banner advertisement for Shimano is visible, featuring a blue bicycle and the text "Keep your service department organized with our SHIFT & BRAKE HOUSING DISPENSER".

California retailers threatened with lawsuits over their webs

by Steve Frothingham

ARCATA, Calif. (BRAIN) — At least one law firm threatening suits over ADA compliance under the Americans with Disabilities Act and a California



Andrew Allen

If you have a in the bike industry and maintain a website, I encourage you to run it through the Wave Accessibility Evaluation Tool:

<https://wave.webaim.org/>

It is free, and it's the same tool that these law firms are using to find out how vulnerable you are. If the evaluation tool shows you have errors in your ADA compliance, then you are at a high risk of being targeted by these predatory and seemingly frivolous suits. It's clear that these firms intend to settle out of court, and I've heard the typical settlement for ADA non-compliance ranges from \$20k-80k.

The screenshot shows an article on the edscope website. The article title is "Increasingly online, more universities are being sued by students with disabilities". The author is SNG. The article content discusses accessibility issues in online classes, mentioning PDFs that don't support text-to-speech functionality and computer science classes that aren't adapted to students' needs. A photo shows a person's hands using a purple screen reader device on a laptop keyboard.

Boyce said she had to withdraw from many of her online classes because of accessibility issues like PDFs that didn't support text-to-speech functionality and computer science classes that weren't adapted to her needs. And even though some students take legal action against their institutions in an attempt to remedy these shortcomings, she said, lawsuits are time-consuming and expensive.

Expanding legal horizon.

Legislation is not going away and is becoming more and more entrenched in everyday life.

'ADA' (Title III) rules are being encompassed within numerous regulatory requirements;

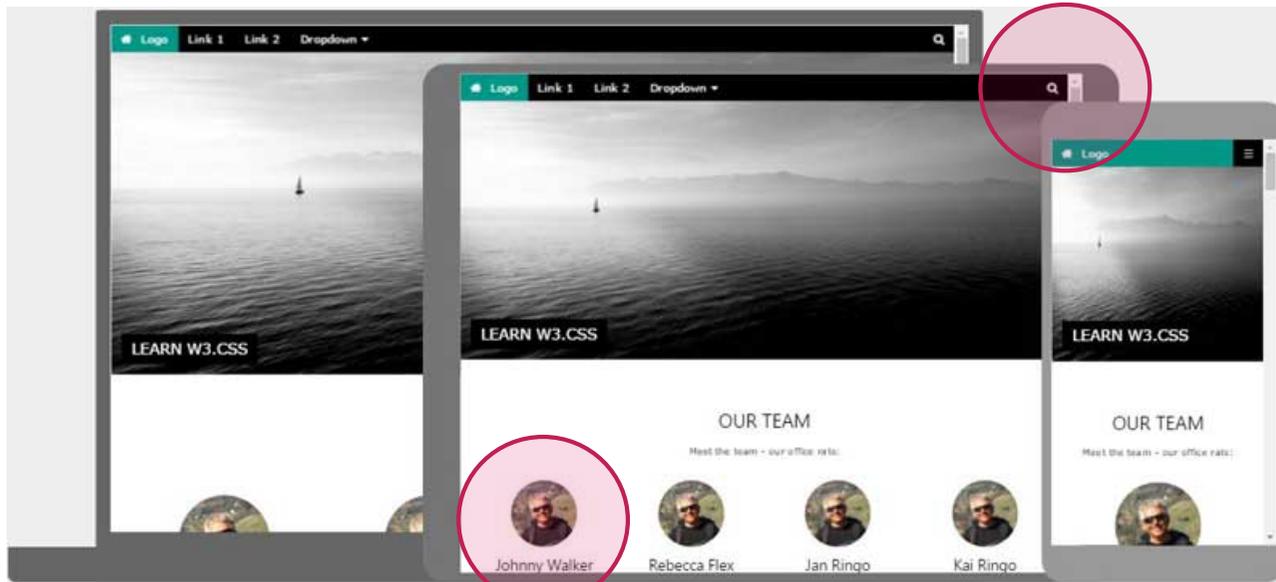
- The new CCPA (California Consumer Privacy Act) makes specific references to the importance of ensuring content adheres to accessibility [2.1] requirements.
- ACAA (Air Carrier Access Act) ²has already acted, both in the US and against ³European Airlines for accessibility failure.
- We have seen a near-overnight move to online learning, where accessibility compliance and possible discrimination has yet to be highlighted.
- Emerging state guidelines coveting the availability of content – access key to all.

COVID has highlighted the importance of having an online presence, exposed current shortcomings and left many organizations open to exponentially growing litigation.

²<https://www.transportation.gov/airconsumer/disability>
³<https://www.transportation.gov/briefing-room/dot7418>

Adjustment examples.

*Labelling a search box
ensues the screen reader
can say what you can
search for.*



*This is a picture of
Johnny walker*

*– screen readers help by
reading out the 'alt text'
describing the image.*

People with disabilities such as visual impairment have to be able to use websites and not be discriminated against.

Typically websites are measured against a set of detailed standards, known as the WCAG 2.1

We have a detailed paper covering the the law, we can share access details of this at the end of the presentation.

Scale of the problem.

Compliance has to be adhered to regardless of motivation.

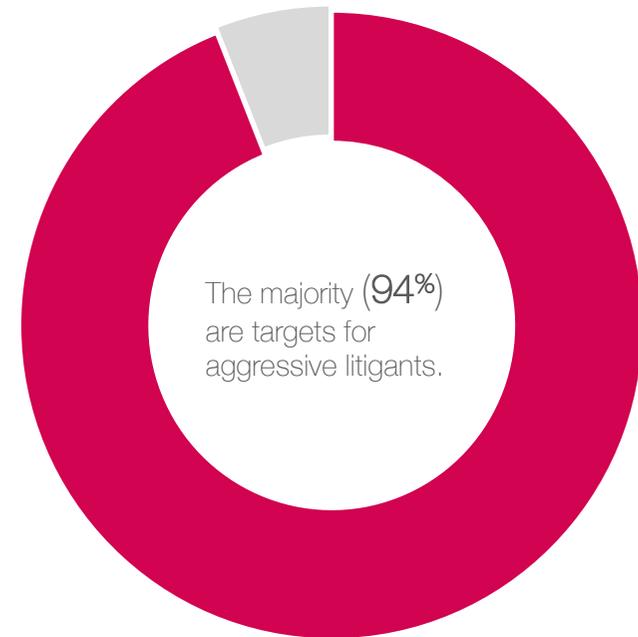
Digital complacency needs to be replaced with accountability.

Many organizations believe they have the systems, services or tools in place to deliver compliance. However, facts demonstrate the majority of websites are non-compliant – just paying for a gym membership doesn't help you improve fitness.



Majority are **easy** targets.

At the present rate, every US website could see a litigation claim in under 4 years. The non-profit sector is the softer easy win target, which COVID has accelerated.



Member summary

We carried out an audit of each website (AUG 20th) assessing content as to compliance to requirements as directed under the ADA.

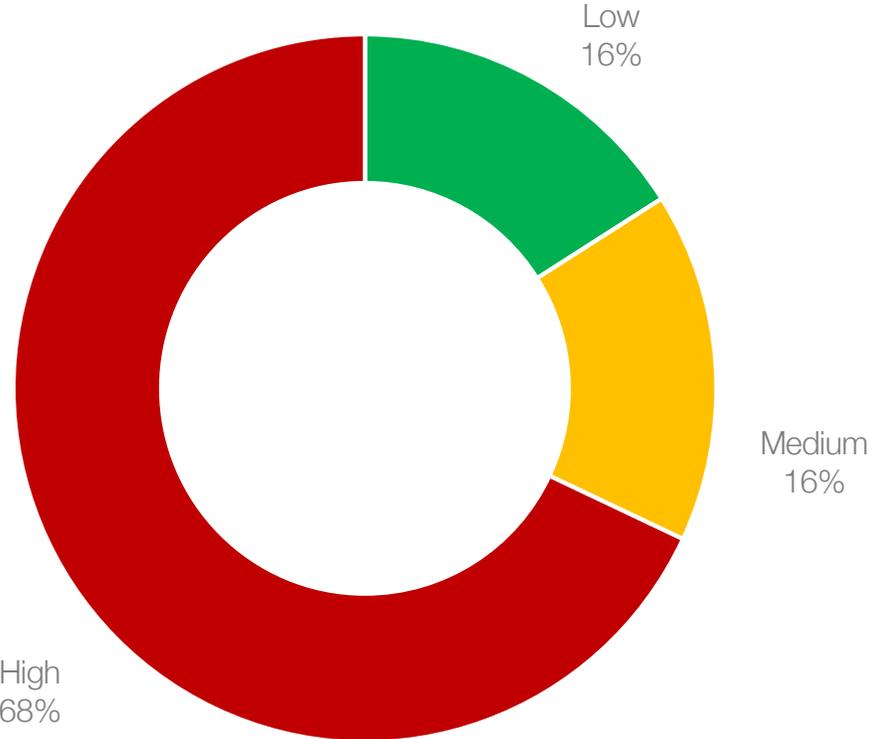
Websites are scored from 0 to 10 and categorized based on their level of adherence to the check points – the greater the adherence the higher the score.

Scores (X/10) are then grouped to provide a summary as to the litigation risk position.

Websites at Low Risk (those scoring 7-10)

Websites indicates Medium Risk (those scoring 5-6/10)

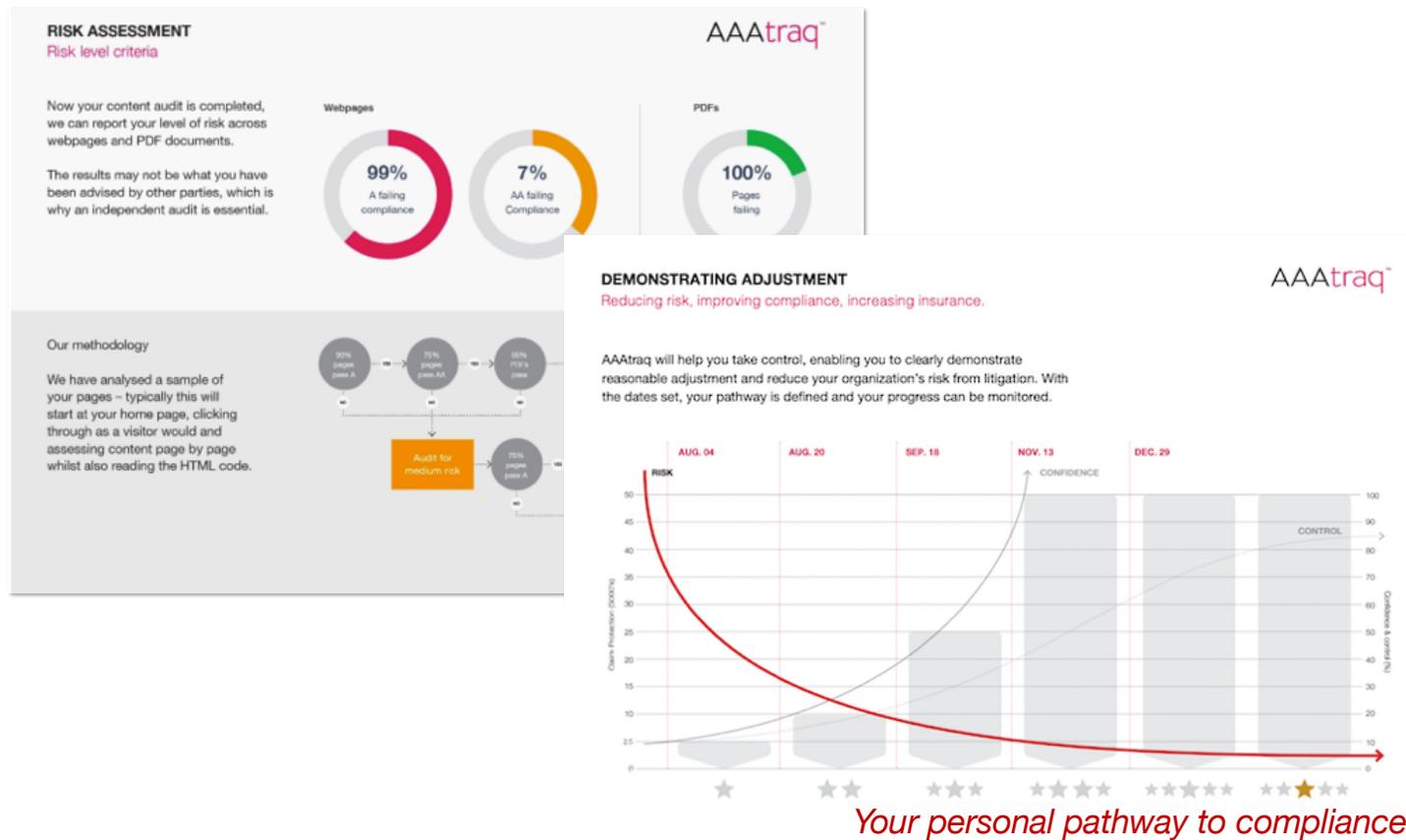
Websites indicates High Risk (those scoring 0-4/10)



Listing of the Websites Audited contained in the Appendix.

Free - RISK PROFILE

The service is fully automated, generating an independent audit of the website, establishing where you are and detailing what action needs to be taken to become compliant.



Organizational challenges.

Distraction, expense and uncertainty.

1. Aggressive (and often repeated) litigation is estimated to cost over \$1bn this year, with organizational distraction significantly increasing this figure.
AAAtraq is the first service of its kind to include expert litigation support and insurance, limiting risk and removing distraction.
2. Present compliance methods are often expensive, dealt with on an ad-hoc basis and plagued by human limitations, leaving websites continually at risk from each content change. Content failure has now become a risk management issue.
AAAtraq brings intelligence-driven automation to reduce the costs and time required to understand, achieve and maintain compliance.
3. Most organizations do not have a dedicated service to combat digital complacency, understand and manage compliance and continually monitor adherence.
AAAtraq replaces uncertainty with confidence. AAAtraq is a new service for those managing risk.

The service

Accessibility Compliance. For Good.



BRIT

AAAtraq policy underwriters.



Gallagher

Lead policy administration.

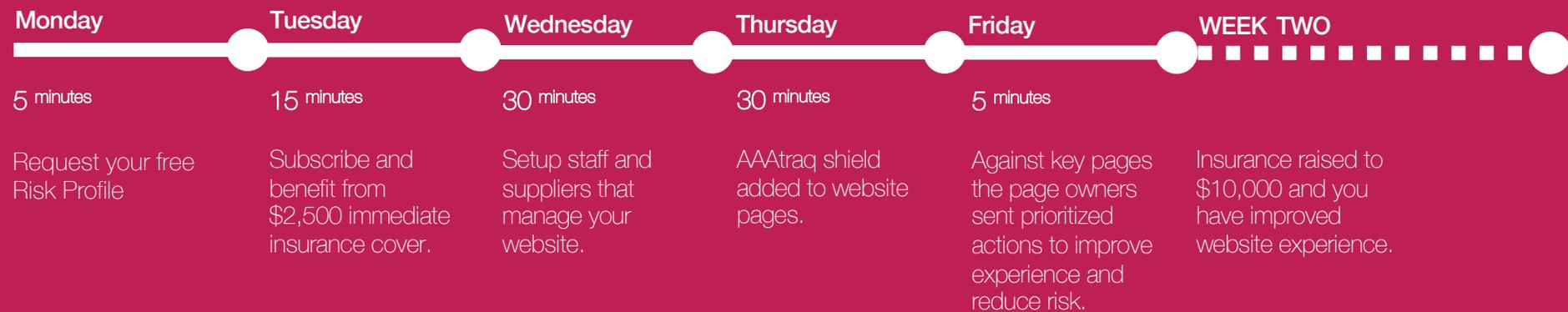
With one lawsuit
equivalent to a 50-year
AAAtraq subscription,
it's an unnecessary risk
not to sign-up.

Your first week.

You are already demonstrating reasonable adjustment

Week one and in under an hour you have ensured litigation risk is minimized. AAAtraq protection, including insurance, is in place.

What may have been confusion becomes control, with confidence replacing the unknown.



AAAtraq™

Confusion becomes clarity, instilling confidence.

AAAtraq is an InsurTech solution that mitigates risk, automates the pathway to compliance and disrupts digital complacency.

AAAtraq is the CIMS (Compliance Identification and Management Service) those managing risk rely on to prepare and oversee their organization's pathway to compliance

AAAtraq is SaaS intelligence that provides those managing risk with a strategic approach to compliance. Clients can *demonstrate reasonable adjustment* whilst saving hundreds of hours and tens of thousands of dollars.



Service introduction https://youtu.be/jCUkNqu_NRc

member services

Member auditing

As an introduction to AAAtraq and appreciation to ADA Risk Management we carried out an audit of 13 key member's websites.

The audit allows us to understand the present position and how this relates to the level of risk. Using this as a baseline we can monitor improvement.

This first audit forms the foundation for, and is key to demonstrating reasonable adjustment. From here, working with the FAIRA, and supporting members, we can demonstrate there is a compliance process in place .

Ongoing monitoring and managed improvement processes are key principles in ensuring members do not discriminate online.

Included in the FAIRA program is the quarterly audit and progress reporting.

The backdrop of the global pandemic has made this an unprecedented time for all businesses and individuals worldwide, but one clear consequence has been reinforcing the criticality of digital interfaces to businesses and organizations everywhere, which also means reinforcing the criticality of digital accessibility along with it.

Satya N. Nadella, Microsoft CEO | MAY 2020

Protecting members.

With litigation rife members face unnecessary risk.

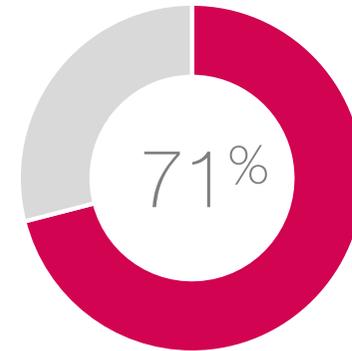
The majority of websites are not compliant – many believe, think or advised *all ok / 100% / compliant etc.*

This is a very emotive subject, your offer to clients is an independent, confidential audit of their website.

Helping members to understand if they are at risk at no charge ensures *forearmed is forewarned*. With AAAtraq you avoid delving into the detail, complexities or confused denial.

In positioning AAAtraq, it's process and how this reduces risk, further supported by litigation insurance you remain a valued advisor without becoming an industry expert.

Risk Managers require their own services to combat the complacency and ensure compliance is delivered.



Web, Digital Compliancy present significant risk. 71% believe 'all is OK'

Member support

A single service, consistently being implemented across members – together with the quarterly benchmarking – can only offer a positive message in relation to the importance of removing discrimination, in present times a poignant message.

1. FAIRA Members have to comply with the rules, if they don't, they discriminate and this has implications,
2. (if going to be sued or not is not the right starting point)
3. Varied results across the members show they are not compliant,
4. FAIRA members have to up skill, this includes improving staff support and better management of suppliers
5. Fire Chiefs (or such) those responsible for the Risk need reporting that's spell out where they are which has to be independent of the suppliers / service providers,
6. Where litigious action is taken, members need the support of legal expertise immediately ready to act and insurance to cover fees.

This can be dealt with individually, bringing in the skills, support and resources – probably costing tens of thousands of dollars each and taking considerable time, or deploy intelligent automation at a fraction of the cost and follow the defined process.

FAIRA support

Help support your commitment to access for all, limiting direct litigation risk.

Included as a key part of our partnership is the support for the yourselves, this would include:

Website – dedicated support service to ensure rapid compliance adherence

PDF's documents – awareness of to standards around production and how to test

Policy Creation – What is likely to become an extension of cyber services 'Content Failure' will become an important part of Risk Management (including ADA Title III litigation). We would suggest extending the present cyber self assessment to also consider, cover this.

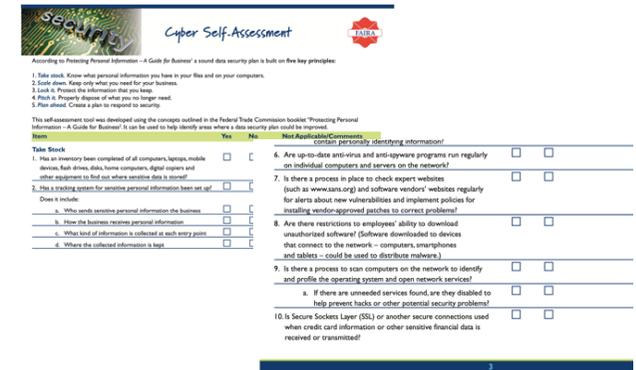
There may well be other areas of support, as discussed setting of additional approved technical resource, services and software providers - our quarterly review meeting (includes presentation of benchmark) could cover these and other relevant topics.

14.1	Esparto FPD Notice of Withdraw Receive and File	87
14.2	California Form 700, Statements of Economic Interests Receive and File	89
15.	Adjournment I certify that this Authority Agenda was posted and sent by First Class United States Mail to all Members of the Authority 72 hours before the noted meeting.	92


 Susan Blankenburg
 General Manager
 Date: February 27, 2018

FAIRA, in complying with the Americans with Disabilities Act (ADA), requests individuals who require specific accommodations to access, attend or participate in the Board Meeting, due to disability, to please contact the General Manager at 415-536-4005 at least two (2) business days prior to the scheduled meeting to ensure that the Authority may assist you. Others with questions concerning this Agenda please contact the General Manager at 415-536-4005.

Example of FAIRA board statement, referring to supporting the ADA



According to Protecting Personal Information - A Guide for Business' a sound data security plan is built on five key principles:

1. Take stock. Know what personal information you have in your files and on your computers.
2. Sort it out. Keep only what you need for your business.
3. Lock it. Protect the information that you keep.
4. Plan it. Prepare a backup of what you no longer need.
5. Plan ahead. Create a plan to respond to security.

This self-assessment tool was developed using the concepts outlined in the Federal Trade Commission booklet "Protecting Personal Information - A Guide for Business". It can be used to help identify areas where a data security plan would be improved.

Item	Yes	No	Not Applicable/Comments
Take Stock			
1. Has an inventory been completed of all computers, laptops, mobile devices, flash drives, disks, home computers, digital cameras and other equipment to find out where sensitive data is stored?	<input type="checkbox"/>	<input type="checkbox"/>	
2. Has a tracking system for sensitive personal information been set up?	<input type="checkbox"/>	<input type="checkbox"/>	
Does it include:			
a. Who sends sensitive personal information the business	<input type="checkbox"/>	<input type="checkbox"/>	
b. How the business receives personal information	<input type="checkbox"/>	<input type="checkbox"/>	
c. What kind of information is collected at each entry point	<input type="checkbox"/>	<input type="checkbox"/>	
d. Where the collected information is kept	<input type="checkbox"/>	<input type="checkbox"/>	
6. Are up-to-date anti-virus and anti-spyware programs run regularly on individual computers and servers on the network?	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is there a process in place to check vendors' websites regularly for alerts about new vulnerabilities and implement policies for installing vendor-approved patches to correct problems?	<input type="checkbox"/>	<input type="checkbox"/>	
8. Are there restrictions to employees' ability to download unauthorized software? (Software downloaded to devices that connect to the network - computers, smartphones and tablets - could be used to distribute malware.)	<input type="checkbox"/>	<input type="checkbox"/>	
9. Is there a process to scan computers on the network to identify and profile the operating system and open network services?	<input type="checkbox"/>	<input type="checkbox"/>	
a. If there are unneeded services found, are they disabled to help prevent back or other potential security problems?	<input type="checkbox"/>	<input type="checkbox"/>	
10. Is Secure Sockets Layer (SSL) or another secure connections used when credit card information or other sensitive financial data is received or transmitted?	<input type="checkbox"/>	<input type="checkbox"/>	

Example of FAIRA board statement, referring to supporting the ADA

Commercial proposal.

Partnering with the FAIRA brings a new service to the members – one that is perhaps self funding. The investment in AAAtraq presenting a direct saving vs supporting litigation.

With circa 105 member across Nevada and California (unfortunately a litigation hotspot) the support of 3 cases (*settlement could exceed \$65,000 / internal member costs over \$100,000*) covers the service for members. This doesn't include costs associated with member support or any consideration of lost time.

We propose single contract service, deployed to the main 'primary' website of each member (up to 125 members) against a fixed annual contract of ⁴\$28,500 (inc. AAAtraq / support services previously summarized).

In looking across the websites, a number as discussed are relatively small – but there are also a number of websites that serve large communities – these look like quite a significant presence, perhaps where initial remediation activity would be most beneficial.

Individual *Member Pricing

up to 50 Staff	\$	350
up to 100 Staff	\$	650
up to 500 Staff	\$	950
over 500 Staff	\$	2500

⁴Single service pricing valid until the end of Sept (for confirmation of partnership) and payment before end of year DEC 11, 2020.

Thank you.



Legal requirements detailed –
download from AAAtraq.com

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Disclaimer

This document is offered as an overview and a starting point only – it should not be used as a single, sole authoritative guide. You should not consider any aspect of the service, or its provision as legal guidance.

The services provided AAAtraq Limited is are based on an assessment of the available areas of a website at a point in time. Sections, areas of the site that are not open to public access or are not being served (possibly be due to site errors or downtime) will not be covered by our findings.

Where matters of legal compliance are concerned you should always take independent advice from appropriately qualified individuals or firms.

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