



NEW WORLD

For Persons with disAbilities

February 2013

Californians for Disabilities Rights, Inc.

VOL. 35, ISSUE 4

STATUS OF CDR et al v. CALIFORNIA DEPARTMENT OF TRANSPORTATION

By Ruthee Goldkorn

CDR entered into a landmark lawsuit represented by Disability Rights Advocates in 2006 against the California Department of Transportation (Cal Trans) for the express purpose of forcing compliance with all of their state and federal obligations for accessible facilities and features throughout California.

CDR filed this lawsuit with the intention of the Court instructing Cal Trans to develop its long-delayed Transition Plan and to communicate with the disAbility community for a continuum of access programs and physical access remediation processes. In 2010, CDR prevailed and Cal Trans was under a demand for 30 years to accomplish the ongoing, fluid continuum of access remediations as well as new construction. Part of the decree demands that Cal Trans publish an annual report of their progress toward compliance. The 2011/2012 annual report has been published and provided to CDR and the named plaintiffs Ben Rockwell and Dmitri Belser.

Aside from the requirements to publish an annual report, any member of the disAbility community is free to file their own complaint with or without a claim for damages if and when they encounter barriers at any location under the jurisdiction of Cal Trans. The annual report details the installation of a dedicated ADA Compliance Coordinator, the development of the grievance process, the creation of a committee (which will be expanded to 13 members), and the exact number of complaints the facilities in question and the remediation completed or to be completed. The process can be found on the Cal Trans web site.

The report is comprehensive and details what areas of California, by County, Cal Trans has made improvements in, added facilities, remediated facilities and the time line for corrections of identified facilities and features. The report also outlines how they developed the required grievance process and its current status.

This report was sent via pdf and can be forwarded to any member of CDR who requests it. The file is quite large and is in four sections. Any member of CDR who would like a copy can e-mail Ruthee Goldkorn at knowbarriers@yahoo.com, and request it.

If any member of CDR has any additional technical questions about this matter, please contact Mary-Lee Kimber Smith of Disability Rights Advocates at msmith@dralegal.org.

PRESIDENT'S MESSAGE

We need to rise above the assaults on our **Civil Rights** and be prepared to defend them. CDR has had an illustrious history of getting various CA Civil Rights Laws passed; check out the CDR web site for details.

CDR members are still reeling from the blow to People with disAbilities' Civil Rights with the passage of SB1186 co-authored by Steinberg and Dutton. This law severely restricts lawsuits for access and fundamentally changes the rules for how to get the access we have been guaranteed by U.S. and CA laws. "Litigation is the only enforcement of Civil Rights statutes. The statutes were written that way...Local Building and Safety Departments, who are immune from any civil prosecution or responsibility for failure to enforce...state and federal access building standards at construction and issuing a certificate of occupancy, have contributed to the judicial mess," said Ruthee Goldkorn of the CDR Legislative Committee. The law prohibits attorneys from writing so-called "demand letters" that ask for money in exchange for not filing suit. The bill also reduces the monetary damages that can be awarded for each violation.

CDR is also facing new challenges and needs to re-look at its goals and structure. We are planning on a **General Membership Meeting March 24th** in Long Beach. You may attend in person or via teleconference. Details are still being worked on; please email me with any ideas.

Managed Health Care & IHSS issues are also topics of much conversation within CDR. As I fight for better health care for myself I am discouraged by the lack of choices from my HMO in a semi-rural area and the general lack of knowledge about health problems that come with aging with a disAbility. The main problem with HMOs is that they assume we are all equal in our medical needs and they do not take into account the complex medical needs of aging seniors and people with disAbilities.

The CA Department of Health Services (DHSS) shoved people with disAbilities and seniors on MediCal into Managed Care without formally telling them! They wrongly denied many of them their already approved treatments. And if that was not enough, **DHSS is getting ready to put MediCal/Medicare people (Dual eligible's) into Managed Care "pilot" projects.** There is a lawsuit against DHSS because problems have not been resolved with MediCal managed care. "At stake in this lawsuit is the health and safety of Petitioners and thousands of

(Continued on page 2)

ORGANIZING FOR ACCESS

By Maggie Dee Dowling

NEW WORLD

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New World

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CDR Member's Exchange

Co-Moderators Kathleen Barajas &
Ben Rockwell - rocky.ben@verizon.net

Immediate Past President

Laura Williams, Linda Hinchey

CDR's Mission - To Improve the Quality of Life for All Persons with any Disability Through Education and Training - By Working to Remove Barriers Through Advocacy and Change in Public Policy.

Originally organized in 1970 as CAPH (the California Association of the Physically Handicapped) --with five members, CDR has grown to become an effective and widely respected cross-disability advocacy force.

A long time ago, after angering just about everyone in a 50-mile radius regarding access, with a mentor's suggestion I got organized. At the time I was attending our local community college. I went to the disability club with a list of access needs at the college. The club met once a month. They went over the list for what they thought was winnable and picked two out of 20 access issues. We won both! While other access needs were agreed to be access issues, the club felt better getting a few wins so that people can learn that:

- We are college campus users
- Our needs for access cannot be compromised and must meet standards. We quoted the Title 24 (at that time we did not have the ADA) and the Unrue Act (California's access).
- We offered possible ways to fix the lack of access with the cost factors included (one was a Boy Scout project which did not cost the college any money!)
- We had an awareness column added to the college newspaper, "Tip for Equal Access" which was one paragraph, about an inch long in each issue.

One action we took was to get the local transit bus onto campus rather than persons with disabilities crossing a frighteningly busy street...seniors too were having a terrible time crossing. We approached the City Council, en mass with our request for help.

The City put out "speed traps" to ascertain how fast the vehicles were actually traveling, only to find out that most of the traffic was driving too fast in this school and school crossing to the bus stop! After two more visits to the City Council and two visits to the local transit company, the bus stops for busses going both North and South were changed to an on-campus bus stop, so no one had to cross the street again! SLOW, GROW our understandings, we achieved what we needed.

Learn a new way to present yourself. Don't try to do this yourself. Get some folks willing to commit to access needs. The more noses to count, the better you will succeed!

President's Message (cont. from page 1):

other low-income California seniors and persons with disabilities. These folks suffer from complex, often life-threatening, medical conditions, and are eligible **and should be exempted from** involuntary enrollment in Medi-Cal managed care plans so their critical care is not abruptly disrupted" states Elena Ackel, senior attorney, Legal Aid Foundation of Los Angeles. CDR has sponsored the IHSS Consumer Union's Facebook page, so you can keep track of what is going on with this.

VISIT CDR'S BOOTH IN LOS ANGELES!



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Los Angeles, CA 90015

March 15th, 16th, & 17th

FREE Admission

<http://www.abilitiesexpo.com/>

CDR FOUNDATION REPORT

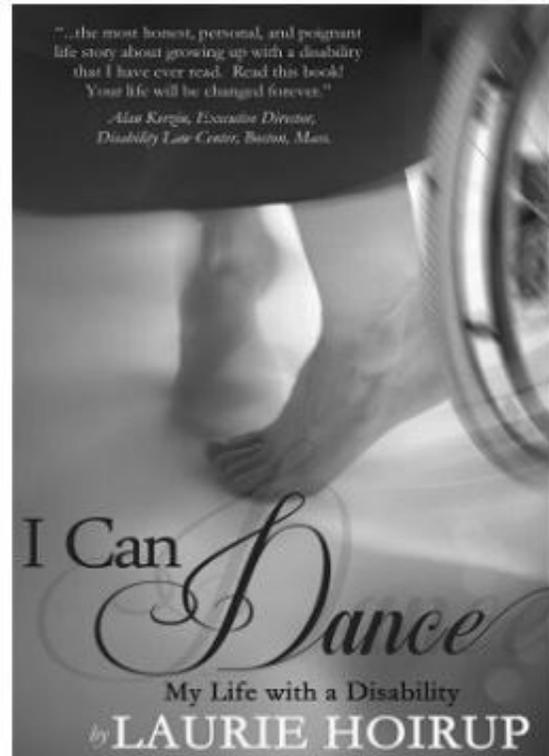
By Kathleen Barajas

I am pleased to introduce Shira Leeder as the new Foundation Chair. Shira is a graduate of U.C. Berkeley, and is currently Ms. Wheelchair California. She is a disability rights advocate; she gives speeches and promotes disability awareness in her community, such as working non-profits like the Bridge School and ILC in Berkeley.

The Foundation is in need of a new Vice-Chair and Secretary. Prior experience is not required to be part of the Foundation, nor is being a CDR member (although it is preferred). There is also a need for additional board members for the Foundation, especially community members (non CDR members). If you are interested or know anyone who would be interested in serving on the Foundation board or as an officer, please contact the Foundation Chair, Shira Leeder, at shira@leeder.com.

The dates for the 2nd Annual Laura Williams Memorial Scholarship have yet to be determined. Please check the scholarship's web page periodically at <http://www.disabilityrights-cdr.org/cdrfoundation.html>, as dates will be posted as soon as they are determined.

It has been my pleasure to serve as Foundation Chair for the past two years! I want to extend my gratitude to all those who participated in our fundraising events and other Foundation affairs. I wish Shira and her new board a very successful and profitable year!



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A CALIFORNIA VICTORY FOR PEOPLE WITH DISABILITIES!

Dear Disability Civil Rights Supporters:

You can thank the remarkable testimony from the disability community on January 23rd & 24th at the CA Building Standards Commission for convincing the Commission to revise some of the most egregious of the code change proposals that concerned us. Congratulations to everyone who called in and those who attended the hearing. Great job!

Below is a brief summary of what the CBSC told the Division of the State Architect to go back and correct in the new code package. Here's what was accomplished:

1. The exception for "structural impracticability" that was proposed to apply to both new and existing construction will be eliminated.
2. We will no longer be held forever to using the 2010 code for telephones, restrooms, drinking fountains, signs and entrances. As the proposed code was written, any building that was remodeled and had to make these features accessible would not have to make any upgrades if they met the 2010 standards. This meant that a building remodeled in 2013 and anytime later could use the old standard. Instead, this section will be amended to allow this kind of "grandfathering" only for one code cycle back (the code changes every three years.)
3. An accessible route will be required to water slides, wrestling and boxing arenas, animal containment areas, raised diving boards, and diving platforms. This means that the disabled will not be excluded from the water slide area. It means that disabled reporters, coaches, instructors, etc. will be able to get to the arenas and diving boards. It means that the disabled volunteers and veterinarians, etc. will be able to get to animal holding pens at the county fair or the local SPCA facility, etc. Raised platforms for judging, scoring, and refereeing will be on an accessible route.
4. Hotel and motel rooms, which are not accessible, will still be required to have accessible room entrances and bathroom entrances, and access into and through the bathroom. Access into and through the bathroom had been proposed to be eliminated.
5. The color contrast required for finding surfaces for persons with vision impairments will be maintained.
6. The centerline of toilets will have to be between 17 and 18 inches from the wall. The State Architect had proposed a code change to require the centerline to be between 16 and 17 inches.

Many issues for the vision impaired were discussed by those testifying and will also be the subject of future code development as will be our issues which did not get addressed yesterday. **The Commission also voted to direct the State Architect to work more openly with people with disabilities.** It was obvious from the testimony that the State Architect had not provided the openness needed as he directed the code change process. Sharon Toji and many others who tried to work within the State Architect's process felt they were not heard and that their input was disregarded in many respects. An example is the petition against some of the provisions of the emergency adoption last year, including the toilet centerline issue. The State Architect ignored the petition, signed by 245 people.

Here are some of the people who attended the hearing to testify on behalf of people with disabilities: **Terry Terry, Connie Arnold, Eliot Howard, Richard Skaff, HolLynn D'Lil, Gene Lozano, Jeff Thom, Joe Partansky.** A partial list of those who called in includes: **Sharon Toji, Pauline Horvath, Becky Barns, Lillibeth Navarro, Peter Margen, Michael Mankin, Donna Pomeranz, Celia McGuinness from Paul Rein's office, Joey Riely, and Craig Yates.**

There are many, many people to thank for the progress we made in January. All those throughout the country who worked to create the previous and new ADA standards, all those who work to create access code in the Americans National Standards Institute (ANSI), and all those who have worked at the state level since 1980 to create California access codes. In fact, we could go back all the way to the work leading up to the 504 demonstrations in 1977. It has taken many people, giving many hours, for us to have the standards of access we enjoy today. (Standards, not necessarily enforcement, but that's another subject!)

What we will have in the new code that goes into effect January 1, 2014, is the best of the ADA Standards which provide more access requirements than we have had in state code and the best of the state code which we have used since 1982. (The object of the whole project was to insure that designers and builders who met state access standards would be meeting ADA standards as well.)

It's amazing how effective the disability community can be. However, much appreciation must go to the Secretary, Anna Caballero, who chairs the Commission meetings. She was most gracious and went out of her way to insure we had an opportunity to make ourselves heard. Appreciation also goes to the staff for the State Architect, who met with Richard Skaff and myself the evening of the 23rd to discuss our concerns, which was very helpful in clarifying the issues so that they could be addressed under the parameters of the Commission authority.

HolLynn d'Lil, CDR Lifetime member, Graton hdil@comcast.net

PARATRANSIT RIDERS COALITION

By Cynde Soto

The Paratransit Riders Coalition (PRC) is comprised of Independent Living Center staff, volunteers, community members and other allies such as CDR, United Cerebral Palsy, Area Board 10 and Regional Centers. The PRC was formed several years ago by riders of Access Services in Los Angeles County. When they accomplished their goals, the group was disbanded; however, due to changes in policy and service problems, the group has regrouped to advocate once again.

The goals of the PRC are to educate policy makers and the community and to promote policies that reduce inefficiency and increase usability of the system for riders.

The PRC also gives public input to the Los Angeles County Coordinated Paratransit Plan, which is an intrinsic part of Los Angeles County Public Transportation. This plan explains the need for a coordinated plan, which is necessary for efficient and effective travel throughout the Los Angeles County transit operator's service areas.

One of the current concerns of the PRC is the proposed reduction in reservation hours. Access Services proposes to reduce the reservation hours from the current 6 a.m.-10 p.m. to 6 a.m.-7 p.m. The reduction would mean three less hours in the evening. This imposes significant problems for many riders, including those that do not get home until late due to active lifestyles, work, and/ or school, riders that cannot call during the day because of school, work, or their locations, and riders that have personal assistants who use morning and evening hours to get out of bed, get cleaned up, prepare meals, go to bed, and prepare for the next day, when their assistant is present and don't have enough time to call or be on hold while negotiating a pick up time. The way we see it, this three-hour reduction also equals less employees and less opportunity for negotiation, making trips harder to book and limiting our use of Access Services and independence.

If you are having issues with Access Services and would like to work with other advocates to make this service more user friendly, consider joining the PRC! For further information, contact Cynde Soto at cydsoto1@yahoo.com or Kathleen Barajas at kdbarajas@aol.com.

SILC IS URGING PUBLIC PARTICIPATION

The State Independent Living Council (SILC) is holding its quarterly meeting in Sacramento to address a wide range of topics specific to helping Californians live independently. Most notably, the group will clarify and firm up the goals and objectives of the 2014-2016 California State Plan for Independent Living (SPIL) during an open public forum. The SILC is urging public participation during the forum to help shape future independent living programs in California through an in-depth discussion of the draft SPIL goals and objectives.

In addition to reports from various SILC committees and the California Department of Rehabilitation, Assembly Member Wesley Chesbro has been invited to present an update on the Employment First legislation.

Public input is critical to the success of our efforts. SILC is seeking input specifically from persons living with a disability, chronic condition or health issue, family members of people with disabilities, advocates and community stakeholders concerned with disability rights.

When:

Tuesday, February 26 from 8:30 a.m. to 5 p.m. and
Wednesday, February 27 from 9 a.m. to 3 p.m.

Where:

Tuesday: Holiday Inn Sacramento-Capitol Plaza
300 J Street
Sacramento, CA 95814
(916) 446-0100

Wednesday:

California State Department of Rehabilitation
721 Capitol Mall
Room 242
Sacramento, CA 95814

RSVP:

Call Caroline toll free at 866-866-7452 or TTY at 916-445-5627.

Requests for accommodations, such as sign language interpreting, alternate formats, etc., may be made by contacting the SILC at 916- 445-0142. If you are unable to attend the meeting, but would like to provide input a different way, please contact SILC.

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RENEW YOUR MEMBERSHIP TODAY!!!

If you are past due and have not already done so, please remember to renew your membership with CDR. The Membership Committee is currently e-mailing and/or phoning members who are past due in their fees, so if you have been contacted, please renew and/or respond to the request.

Renewals are encouraged to be made online at www.disabilityrights-cdr.org/memberform_elec.html. Payments can be made via PayPal or mail! Contact Kathleen at kdbarajas@aol.com for more info.

LEGISLATIVE REPORT

By Ruthee Goldkorn

The Legislative Committee has held two meetings thus far in 2013. Our focus had been on the damage done to our Civil Rights last year by not only the legislature, but by the courts and by our looking for bills we can support, by our looking for an author for our bill on accessible bathing facilities in apartments/condos, and by our watching for "enemy" bills.

The meeting on February 7, 2013 brought us up to date on the status of some of the health care bills and programs which include the State's delayed institution of the Dual Integration program for Medicare/Medi-Cal recipients in strategic counties.

There needs to be a lot more study and preparation to ensure there is equal medical care under the managed care proposals. In addition, more study and preparation is needed to ensure what recipients receive now, as well as the payments to medical providers, are not slashed. Lastly, focus is needed to ensure that the administration of the managed care organization does not interfere with the level of care all patients require to sustain their quality of life.

The first of what will undoubtedly be a slew of anti Civil Rights bills has reared its ugly head - AB223 Kristin Olson (R-Modesto) introduced her bill and CDR was apprised of it. Several prominent members of the disAbility rights community, including our own Tony Goldsmith, have weighed in and we are developing a strategy to address this bill and quash it as quickly as possible. We intend to send a message we will not go quietly, and at the same time, take a stand that is credible, as our reputation for success was dealt a huge blow losing the war on SB1186.

Speaking of SB1186, this is the bill that slashed our right to seek full and equal access through litigation, as is required under the language of all Civil Rights laws, bringing with it the reduction of damages to a measly amount, forcing lawyers to file in state court self reporting their actions to the Bar Association and giving businesses 30 days to correct for a "minor" deviation from building standards or 90 days for a "major" deviation from the building standards.

The bill's authors, Steinberg and Dutton, along with every lobbyist, celebrate the demise of multiple lawsuits filed by a single lawyer against multiple businesses known as stacking. They failed. One of the most aggressive lawyers to do damage to our community uses tactics that have been characterized as extortion with their "pay me now or pay me more later in court" letters, filed eight lawsuits at over \$16,000 each the first week of February. Their "client" visited none of these businesses, nor did he try and obtain services from these businesses, but allegedly scoured the area for the names and addresses of the businesses last June.

I know this because they are in my back yard hitting up gas stations for only the lack of a lowered card reader. The "client" uses a wheelchair and never tried to get refueling service through the process we have all come to know which is honking twice to bring an employee out to serve us.

We were apprised of several bills proffered by the California Senior Legislature which include not eliminating the surcharge on telecommunication bills that pay for service and technology for the deaf and hard of hearing and a bill to mandate the information on prescription bottles, such as what the prescription is for, including off label uses (this means it was prescribed for a condition not approved by the FDA) and an opt out process if a doctor or a patient does not want this additional labeling. Another bill we are watching is mandatory payments for fall prevention services for those who are over 55 and on Medicare. We are asking for the inclusion of the disAbility community who receive Medicare as thousands are under 55, and we do not want them excluded from this program.

CDR MEMBERSHIP APPLICATION

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STREET ADDRESS, APT. #		
CITY	STATE	ZIP
TELEPHONE	FAX	E-MAIL ADDRESS (print carefully)
CHAPTER / MEMBER#, IF KNOWN	DATE	AMOUNT ENCLOSED
[] Please put me on the CDR Members Exchange via Yahoo Groups (must supply e-mail address)		

INSTRUCTIONS: Check the web site for more membership info: www.disabilityrights-cdr.org
 PRINT OUT THIS FORM, COMPLETE ALL ENTRIES, AND THEN SEND IT WITH A CHECK FOR AMOUNT DUE
 MADE PAYABLE TO: **CDR, INC., 909 12th Street, Suite 200, Sacramento, CA 95814**

JOHN LONBERG LONGTIME CDR MEMBER PASSES AWAY AT AGE 75

By Marty Omoto



Long time CDR member, John Lonberg, a widely respected advocate for the rights of people with disabilities and seniors, and a beloved mentor to many other advocates across the state, passed away December 27, 2012, in Riverside, following several years of health problems.

He is survived by his longtime partner and wife, Lynne; daughters, Gaydene Emmrich of Yorba Linda and Laurie Lehmann of Michigan; and 10 grandchildren and 1 great-grandson.

Announcing his death to the CDR membership on the list serve on December 27th, friend and CDR member, Ruthee Goldkorn of Moreno Valley, mourned that "...the disability rights advocacy and activism community lost a giant...John Lonberg lost his war with a pressure sore and other complications. He fought that war for years and was doing well, even attending a concert at a local theatre and reporting the discrimination to me and Tony Goldsmith (disability rights attorney). John told his wife, over the last couple of days, he did not feel well. He passed in his sleep..."

The 75-year-old husband, father, and grandfather was a retired English teacher, but is remembered across California by disability advocates as a tireless fighter for the rights of people with disabilities and seniors to live with dignity and respect and to enjoy living in one's own home and community.

He was raised in the Riverside area and according to his wife, taught English to fourth and sixth graders in Rialto for more than 30 years and was active in the teacher's union on the state and national levels. Prior to his teaching career, his wife said that Lonberg served in the U.S. Army as an Army medic and was honorably discharged. His wife said he was adopted as a child, but years later, as an adult, was able to find and be reunited with his biological mother and siblings.

She told the Riverside newspaper that Lonberg's disability was caused by a rare physical condition in 1983, when he was hit in the chest during an altercation that resulted in a weak blood vessel in his spine bursting. That incident left the 6 foot 8 inch Lonberg with no movement or sensation below his chest, though eventually he was able to get around easily with his power wheelchair.

Lonberg, along with his wife, was an active member of Californians for Disability Rights (CDR) for decades, serving on key committees, including those that focused on disability access rights. He also served on various local and statewide boards and taskforces dealing with the rights of people with disabilities and seniors. His analysis and views on disability access rights and other issues were widely respected not only within CDR, but across the State by other advocates.

"John was a pillar of strength to all of us," said Marty Omoto of Sacramento, CDR member and Director of the California Disability Community Action Network (CDCAN), "That was a pillar that he built with his integrity and wisdom, and the faith, respect and love he had for everyone in his community. He can't be replaced – he can only be followed."

Lonberg filed a widely watched case in 1997 - a federal lawsuit against the City of Riverside for failure to comply with federal disability access laws covering the City's sidewalks and curbs. The lawsuit resulted in the City improving curbs and sidewalks in over 200 locations to comply with federal law.

Noting that Lonberg was a "force to be reckoned with", CDR member, Ruthee Goldkorn, said that Lonberg "...spent over a decade arguing, asking, demanding that he be able to get off his own street and have a curb cut to walk his dog."

Lonberg, in a sign of his increasing health issues, sent what was one of his last postings on the CDR list serve on November 10, 2008 (other than a personal request of a mattress and a request for a connector for tubes in early 2011) titled "It's Been A Wonderful Ride":

"Dear CDR Leadership and members:

I had hoped to not need to write this at this time but I feel I must. Due to on going health issues I am no longer able to continue serving CDR in the various matters as I have for the past several years.

Please consider this my resignation from all positions except my membership. I hope to be able to be of service as needed for short-term projects. I am finding that my "parents", that would be Father time and Mother nature have taken their toll on my health and ability to be as active as I would like.

Thank you all for being such a wonderful and helpful organization to be a part of. I look forward to doing all that I can to help promote the goals of CDR.

I am not leaving, just having to cut back some. I will remain as active as my health permits.

Sincerely, John Lonberg"

CDR invites you to its biennial Membership Meeting on Sunday, March 24, 2013. It will be held at St. Mary's Medical Center in Long Beach. We welcome agenda items. All members may also attend via a free telephone conference call! Or members can organize a group to meet and participate via speaker phone. Agenda and meeting details will be sent closer to the date.

Visit the
NEW & IMPROVED
CDR Website at
www.disabilityrights-cdr.org

and the

CDR Foundation Website at
www.disabilityrights-cdr.org/cdrfoundation.html

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