



INFORMATION ABOUT FILING AN ADA COMPLAINT

Title II of the Americans with Disabilities Act ("ADA") provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits, services, or activities of a public entity, or be subjected to discrimination by any such entity." If you are a qualified individual with a disability under Title II, you may file a complaint of discrimination with the Division Director, and may subsequently appeal that decision to the Executive Director of the Department of Commerce.

If you choose to file an ADA complaint, please keep in mind all of the following:

- **Complaint and Due date:** Your ADA complaint ("Complaint") shall be filed **no later than 90 days** from the date of the alleged noncompliance or discriminatory action. The Complaint shall be in writing and shall be addressed as follows:

Division Director
Division of _____
160 East 300 South, Box _____
Salt Lake City, UT 84114-_____
email: _____; FAX 801-_____

NOTE: Alternate means of filing a complaint (such as a personal interview or a tape recording of the complaint) may be available for people with disabilities upon request.

- **Content of Complaint:** Your Complaint shall contain the following:
 - (1) your name, phone number, mailing address and email (if any);
 - (2) a statement indicating the nature and extent of your disability;
 - (3) a statement describing the alleged discriminatory action in sufficient detail to inform the Division Director of the nature and date of the alleged violation, and people involved;
 - (4) a statement describing the action and accommodation desired;
 - (5) your signature or that of your legal representative;
 - (6) a copy of any letter, order or other documents relevant to the alleged discriminatory action; and
 - (7) your preferred method of communication (phone, email, letter, relay service, etc.).
- **Complaint Authorizes Confidential Review:** Please note that by filing your Complaint, you authorize a confidential review of all relevant information, including records classified as private or controlled under the Utah Government Records Access and Management Act as well as other relevant federal and state laws.
- **Decision of the Division Director:** The Division Director's written decision on the Complaint shall be issued within 30 days after receiving the Complaint.
- **Appeal to the Executive Director:** You may appeal the Director's decision to the Department Executive Director no later **than 30 days** after receipt of the Director's decision. Your appeal shall be in writing and shall be addressed as follows:

Executive Director
Department of Commerce
160 East 300 South, Box 146701
Salt Lake City, UT 84114-6701
mmedcalf@utah.gov; FAX 801-530-6446

NOTE: Alternate means of filing an appeal (such as a personal interview or a tape recording of the appeal) may be available for people with disabilities upon request.

- **Content of Appeal:** Your appeal shall contain the following:
 - (1) your name, phone number, mailing address and email (if any);
 - (2) a copy of the complaint filed with the Division Director;
 - (3) a copy of the Division Director's decision;
 - (4) a statement describing in sufficient detail why the Division Director's decision was in error; and
 - (5) your signature or that of your legal representative.

NOTE: The Utah Administrative Procedures Act does not apply to this ADA complaint procedure.

If you have any questions about how to proceed, you are encouraged to seek legal advice from an attorney. You may contact Masuda Medcalf, Administrative Law Judge with questions about the complaint or appeal form at 801-530-7663.