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To **APPtestimony@cga.ct.gov**
Hearing Room 2700 of the LOB.

Support of SB 918_____

AND_____

ADA OBJECTION PROTEST COMPLAINT

Demands for REMEDIES/on/or

**About ADA All ADA Program Manager's & State of Conn Judicial Branch
and All State Departments of Conn that Services the Public.**

**PLEASE look to the 1991 Regs coupled with the TAM for their preamble as
best explanation of "public entities" ""****responsibilities****""!!!**

**From that, you can best tell if the Conn" was, is, will be tomorrow",
compliant to Title II of the ADA and for subcontractors of state they hold
not only Title II but also Title III obligations .**

**Please understand and Request For debating me if you wish or need, but if
Conn is non compliant similar too, than you Donna the Jane and John,
Doe's citizens AND you JANE and JOHN "Donna" DOE's "professional,
attorneys" have the 2 (two) separate equal and the same
"complaint/testimonials.**

No administrative compliance = no ADA compliance = all persons and attorneys have been, are, and will continue to be excluded from participation, denied the benefits of services programs activities of Conn, and discriminated against by reason of disability by the public entity known as the Conn services to the Public.

Including but not limiting to the following:

Violation and non-compliance of Settlement Agreement between the United States Department of Justice and the Connecticut Judicial Branch, November 2003 and;

Violations and non-compliance of Settlement Agreement in Raymond v. Rowland Civil Action NO. 3:03CV0118 (MRK) May 31, 2007 (Only 1 Conn. Administration)All of State Actors & Players and State Contractors whom with invidious animus intent, effect or both of

1. Denial of 28 CFR 35.107 - Designation of responsible employee
2. Designation of responsible employee. A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph.
3. Denial of an ADA title II and III adoption of grievance procedures. AS today the only thing you have is a Title I grievance procedures.. We the People use your services reject as we are not employee of the state of Conn. So stop Applying Title I to the public.

4. Denying qualified individuals the opportunity to participate in or benefit from federally funded programs, services, or other benefits.
5. Denying individuals with disabilities an equal opportunity to receive State program benefits and services.
6. Denying access to programs, services, benefits or opportunities to participate as a result of physical barriers.
7. Denying employment opportunities, including hiring, promotion, training, and fringe benefits, for which they are otherwise entitled or qualified....
8. Denying the disable State of Conn. ADA Administrative Procedures for the enforcement of ADA title II and title III.
9. Denying Path for internal or external ADA Administrative hearings.
10. Denying the disable State of Conn. Policies, Procedures, grievances' and Notice of Safe Guards for the ADA of title II and title III.
11. Denying of compliance reviews of public entities under title II and title III of the ADA.
12. Denying the Civil Rights of the disable to have Association Rights with Persons with Out an Disabilities
13. Over All Denying the disabled rights for and to have modification without Applying the Denial to that persons Disability requesting.

14. Failure to develop a list of modification for a disable to review and can “pick” what “best ensures” modification will work “Best” for their “Needs” to ensure effective communication with all.
15. Failure to put in place a path for the disabled to refuses your modifications and allowing the disabled to show or get a better medication that works Best for their Disability’s.
16. Willingly Excluding disabled by the effect/No effect of not recognizing the disabled needs or because of their known relationship or association with other persons.
17. No promoting of the overall effectiveness of its Enforcement Program.
18. No Fourteenth Amendment Civil Rights in Case of the disable in Sate of Conn Courts.
19. Failure to comply with the nondiscrimination Requirements.
20. Failure to create a Non-Discrimination Policy Statement for services of the judicial branch (State Actors)
21. Failure to create a Non-Discrimination Policy Statement for your Vendors (state players)
22. Failure to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities; By state actor or Players

23. Failure to make the authority to conduct compliance reviews consistent with that available under section 504 and title VI. See, e.g., 28 CFR 42.107(a).
24. Failure of 28 CFR 42.107 “(b) The designated agency may conduct compliance reviews of public entities in order to ascertain whether there has been a failure to comply with the nondiscrimination requirements of this part.”
25. Failure to providing services to qualified individuals with disabilities in community-based settings, as long as such services are appropriate to the needs of those individuals. These agencies should provide technical guidance and work cooperatively with States to achieve the goals of Title II of the ADA [42 U.S.C. 12131 et seq.]
26. Failure to comply with the ADA’s integration requirement, a state must reasonably modify its policies, procedures, or practices when necessary to avoid discrimination. 28 C.F.R. § 35.130(b)(7).

Please refer your self to the ADA Regulations (<http://www.ada.gov>) and the ADA Technical Assistance Manual(<http://www.ada.gov/ta-pubs-pg2.htm>)

In particular to begin with, the TAM section (Title II Technical Assistance Manual)

The Americans with Disabilities Act

Title II Technical Assistance Manual

Covering State and Local Government Programs and Services

<http://www.ada.gov/taman2.html>

and "Administrative Responsibilities" and the same in the Reg's

II-8.0000 ADMINISTRATIVE REQUIREMENTS

II-8.1000 General.

II-8.2000 Self-evaluation.

II-8.3000 Transition plan.

II-8.4000 Notice to the public.

II-8.5000 Designation of responsible employee and development of grievance procedures.

Good day my name is Henry J Martocchio I am in support of SP 918...and All ADA rights to Have!

Today I am here to testify in regards to discrimination in the ongoing concerns I have for every disabled person in the State of Connecticut. You ask yourself how this may can sit here and claims That the State of Connecticut is Discriminating?? **Real simple noncompliance he is American disabilities act..**

No matter how much money you may spend or not spend the facts are we do not have the does need a responsible play 28 CFR 35.107. We have a set minimum Of the ADA Title II and title III of the American disabilities act and the department Of Justice has giving guidelines to the states and This state has entered into a settlement agreement in 2007 called Raymond V. Roland of 2007.

Yet today after agreeing to this settlement agreement, we still don't even have the basic 14th Due process rights for the disabled to have a procedural safeguard. A voice With/For the legislative building a person to ensure that no departmental agencies Can or will discriminate with non-discriminatory policies and procedures, let alone everyone here thinks they have **sovereign immunity.**

Wrong

Congress has the power under Section 5 of the Fourteenth Amendment to abrogate the States' sovereign immunity in cases implicating the fundamental right of access with effective communications with all.

Since passage of the ADA, advocacy efforts of the disability rights movement have continue to focus on rigorous enforcement of the ADA, as well as accessibility for people with disabilities in employment, technology, education, housing, transportation, healthcare, and independent living for people with disabilities.

Key disability rights legislation and policies since the ADA include:

Congress amended the ADA in 2008 to restore the civil rights of Americans with disabilities and overturn four Supreme Court decisions that had inappropriately narrowed the protections of the ADA. The Americans with Disabilities Act Amendments Act, signed by President Bush on September 25, 2008, emphasizes that the definition of disability should be construed in favor of broad coverage of individuals to the maximum extent permitted by the ADA and generally shall not require extensive analysis.

On October 8, 2010 President Obama signed into law the 21st Century Communications and Video Accessibility Act (CVAA) to update the Communications Act and expand safeguards and accessibility in communications for people with disabilities. The CVAA resulted from advocacy efforts of AAPD and other leading disability organizations such as National Association of the Deaf, American Council of the Blind, Communication Services for the Deaf, Hearing Loss Association of America, American Foundation for the Blind, and others.

The Patient Protection and Affordable Care Act (ACA) enacted in March 2010 is the health care reform law that makes major changes to current health care and insurance and includes many provisions that will affect people with

disabilities. It addresses accessibility and nondiscrimination, affordability, coverage, home and community-based services, equipment, training and data collection and Medicaid.

In December of 2011, President Obama and the U.S. Labor Department issued a proposed rule that would require federal contractors to set goals that 7% of their work forces be individuals with disabilities. The Proposed rule would implement Section 503 of the Rehabilitation Act of 1973, which requires federal contractors to promote employment opportunity for people with disabilities. Although Section 503 was enacted almost 40 years ago, it has never been enforced or clarified to the extent necessary, requiring employers only to make a “good faith” effort to hire people with disabilities

In December of 2006 Disability rights have also made important advances in the international sphere, where they are now considered human rights. In December of 2006 the United Nations General Assembly passed the Convention on the Rights of Persons with Disabilities (CRPD), which came into force on May 3, 2008. The CRPD is one of the nine human rights treaties of the United Nations and signifies a change in the perception of people with disabilities as objects of charity and protection to individuals who have rights that must be respected and guaranteed by states is much to be done to ensure the economic and political empowerment and independent living of people with disabilities.

Convention on the Rights of Persons with Disabilities

www.un.org/disabilities/convention/conventionfull.shtml**Cached**

Convention on the rights of persons with disabilities ... Convention on the Rights of Persons with Disabilities Preamble. The States Parties to the present Convention,

FAILURE TO PROTECT BASICS CONSTITUTIONAL LAW 42 U.S.C. 1983

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State . . . subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress." 42 U.S.C. 1983 (1988) (emphasis added).

This statute, enacted in 1871, was designed to create a private, civil cause of action for those persons whose constitutional rights are violated by state actors. In order to state a 1983 claim, a plaintiff must point to a specific right granted by the Constitution or state laws.

A defendant may escape 1983 liability under the principle of qualified immunity, which shields state actors from civil liability unless their actions violated "clearly established statutory or constitutional rights of which a reasonable person would have known." *Harlow v. Fitzgerald*, 457 U.S. 800, 818.

This following section is directly quoted from Susanne M. Browne, "Note: Due Process and Equal Protection Challenges to the Inadequate Response of the Police in Domestic Violence Situations," 68 S. Cal. L. Rec. 1295 (1995).

Due Process Clause

The Due Process Clause of the Fourteenth Amendment states: "[n]o state shall . . . deprive any person of life, liberty, or property, without due process of law."

Equal Protection Clause

The Equal Protection Clause of the Fourteenth Amendment states that "[n]o State shall . . . deny to any person within its jurisdiction the equal protection of the laws."

Henry J. Martocchio Pro Se / with All Disabled People of Conn. Asking for a path of remedy