

# Disabled out-of-towner crippling local businesses

By Kathryn Reed

“It is nothing more than a guy going through town and making money.”

Those are the words of David Kelly, president of the Tahoe Area Coordinating Council for the Disabled (TACCD). He is the face and voice of the disabled on the South Shore. And he is not happy with what a paraplegic from Carmichael is doing to businesses in Lake Tahoe.

Scott Johnson is a 48-year-old attorney. He drives around in a white van. Sometimes a passenger accompanies him. Sometimes he films places. He takes notes of cars without proper stickers parked in handicapped spaces and he looks if ramps exist at businesses. He is extremely adept at sending out form letters.



Re/Max Realty  
in South Lake  
Tahoe has been  
targeted by a  
disabled  
attorney.

Letters are addressed to the “landlord/business operator” and state they have 90 days to voluntarily bring the property to code or 60 days to provide Johnson with a disabled access

compliance report and a post-construction review within six months.

It appears to be Johnson's mission to take cash from small businesses all over Northern California because he was forced to a wheelchair after being struck by a drunken driver several years ago. Web searches show preponderance for this type of behavior. South Lake Tahoe is his latest cash cow.

When local disabled groups are against him, the motive seems more sinister than sincere.

Unfortunately, no phone number has been located for Johnson's company, Disabled Access Prevents Injury Inc. at 5150 Fair Oaks Blvd., Ste. 101 in Carmichael. Perhaps a bit of irony is the street address is the legal code number for someone who is mentally ill.

At the TACCD's monthly meeting last week two certified access specialists (CASp) spoke to the group about what recourse people may have.

Jeri Oishi, owner of Enchanted Florist, was at the meeting. She had received a letter from Johnson the week before.

"It's not one of those things I can ignore and it will go away," Oishi said. "I have a customer who has been here a number of times in one of those big motorized wheelchairs and he has no problem coming up the ramp so I know it works."

She said someone from the Lake Tahoe South Shore Chamber of Commerce came by the florist inviting her to a meeting June 10 about the issue, but said first she would have to join the chamber.

"Yes we are bringing in an expert CASp inspector and an attorney. As you know 'membership has its privileges' and hence this event is being offered to members first at no cost," B Gorman, executive director of the Nevada-based

chamber, emailed *Lake Tahoe News*. She further said non-members could attend by invitation-only at \$20 as space permitted.

The problem with the Americans with Disabilities Act is little or no wiggle room exists if a business is out of compliance by a half inch even if it works for the people it was designed to help.

Kelly knows of construction being a couple degrees off and Johnson wanting to fight it.

"I think it is wrong. This is not what the ADA was meant to be. It's far from it," Kelly said.

All the business owners contacted by *Lake Tahoe News* said they want to work with the law, help people with disabilities – but they don't want an out of town swindler taking their money.

Clint Schue knows ignoring the threats from Johnson is not an option.

"I researched the guy. He is the same guy who sued the prior owners. They settled with him for several thousand dollars to make it go away," the owner of Brothers Bar said.

That's why settling isn't a long-term solution. Johnson or anyone else can come back with another complaint.

Schue said Johnson came by his place in his white van in April. He asked about a ramp. Schue told him about the temporary one. Now a permanent one is in the back. The rails went up last week.

Re/Max Realty received a letter from Johnson last month.

"They aren't even trying to come into my place. They drive by, send a letter and try to settle," said Jesse Chamberlain of Re/Max in South Tahoe. "It would be one thing if he had an actual real estate transaction going on. It almost seems like they are harassing us."

Interestingly, Re/Max's offices are across the parking lot from TACCD's.

Before the long weekend the white van was filming the Black Bear Inn. The vehicle went up and down Ski Run Boulevard taking pictures of the various businesses.

Kelly is working with South Lake Tahoe officials to have a building inspector become a certified access specialist. Then a sticker can be placed in a business' window that should be enough to keep Johnson and his ilk at bay.