

[ PAID PUBLIC LEGAL NOTICE ]

20 January 1996

**To: To Whom This May Concern:**

**RE: Penn-States Letter of 18 December 1996, signed by ADA Director Mary Franks; abbreviated interim partial response on Repeated Violations of ADA/504:**

**Dear Ladies and Gentlemen,**

1. Please understand after extensive careful in depth consideration; that you will in the future be additionally hearing about the following specialized attorneys; regarding a critical rift caused repeatedly on the part of Specific Pennsylvania State University Employees and/or Officials; in aress of:

- (a) Slanderous and Libelous Acts;
- (b) Nonexistent and/or Egregiously Inadequate Architectural, Programmatic, and Academic Equal Access, Effective Timely Assistance, and Effective Timely Accommodations under ADA/504;
- (c) Unlicensed and/or Unsolicited Practicing of Medicine; without my written consent or approval;
- (d) 1ST Amendment Issues;
- (e) Privacy Act Violations; and
- (f) various violations of the Criminal Code of the State of Pennsylvania and the United States Government; < including filing False Official Statements and/or False Reports. >

2. By law as you know Pennsylvania State Universities insurer the Pennsylvania Manufacturers Association is required to deal with my Attorney William F. Scarpitti, JR., on injury issues and/or the release of Medical Records for which I am receiving ongoing medical care. For the record Pennsylvania State University was provided on 23 November 1994, excessive amounts of Medical Documentation on my Physical Safety and/or Physical Disability Deficits Accommodation issues, Architectural Accommodation issues, Programmatic Academic Accommodations issues; yet they have egregiously ignored the medical advice of my Physician, Penn-State Behrend's Nurse Practitioner, and The Vice President and Dean of Medicine at Penn-State University.

3. Additional medical records regarding necessary accommodations of my previous disability deficits and <additional injuries and additional disability deficits> negligently received from attending the unmaintained campus at Penn-State Behrend College; were in fact sent to Mary Franks on 20 February 1995 and 6 December 1995 by respectively Mail and Fax.

4. I believe myself, other disabled individuals, and the public as a whole have received to much of this egregious benightedness, egregious indifference, egregious mendacity, egregious feckless-ineptitude, and wanton discrimination of the disabled on the part of Specific Penn-State Employees and Officials.

5. With all appropriate understanding; this enormous unadulterated nonsense has went to far for to long; see consent compliance order, for Pennsylvania State University to take proper sufficient steps to fully comply with ADA/504; in Bender vs. Thomas < 1: CV 93982, 30 June 1993 >, from the Federal District Court in the Middle District of Pennsylvania. Penn-State Behrend College since notification on 23 November 1994, REPEATEDLY has not and/or will not COMPLY FULLY IN A TIMELY MANNER with the letter and the spirit of the law; WHICH REQUIRED FULL COMPLIANCE BY ADA/504 NO LATER THAN 26 JANUARY 1992, in regards to; Complete Campus Equal Access of Safe Stable Sidewalks and/or Pathways; Safety Curbing; Safety Railings; Proper Safe Curb Cuts; Fire Safety (like Accessible Ramped Fire Exits and/or Fire Safe Wheelchair Accessible 4500 DEGREE FIRE LOCK COMPARTMENTS IN THE ENGINEERING BUILDING pending rescue by qualified trained EXTRACTION FIREMAN/PARAMEDICS); (45) Forty-Five. Violations of Safe Wheelchair Transportation including all Penn-State University and Private Carriers; Effectively Timely Installing and/or Maintain Automatic Doors FOR SEVERELY QUADRIPLLEGIC DISABLED INDIVIDUALS ACCOMMODATION, (NOTE ALL the automatic doors they do have installed, have malfunctioned and/or not worked at all on the average of about every two to three days in the Reed Building, The Behrend Building, The Turnbull Building, The Hammermill Computer Center, Library, and Academic Building);

5. It is my additional understanding from Mrs. Kiel and Ngozi Mboto, that Penn-State University would not hire her for the summer months and no reason was provided by Penn-State University. I requested a C++, CompSci 103 Tutor on 3 August 11, 1995; and was personally refused a tutor repeatedly from 25 August 1995 through 10 October 1995, for a period of seven weeks by members of the Penn-State Behrend Student Affairs Office and Disability Office. Also Chris Kiel was informed over (3) three times I needed a reader because of vision difficulties in February 1995. Ngozi Mboto was also advised that (10) ten times I needed reader accommodations from February 1995 through July 1995. "Note for the record also copies of transparencies, class outlines, and notes have only been provided in less than (1/3) one third of the classes I have attended since 25 August 1994 at Penn-State Behrend." Note on all the above issues I have Hundreds of Witnesses, Enormous Documentary Evidence, Medical Evidence of Injuries, Disability Diagnosed Deficits, and Medical Expert Prescriptions; for Accommodations Compliance; which have been wrongfully antagonistically repeatedly ignored by Penn-State University Officials since 23 November 1994. Note also for the record I explained on 18 January 1996, the above Noncompliance Architectural Defects to John Ream the Penn-State Behrend Facilities Director; for the (58) Fifty-Eighth time since 9 January 1995.

5. Missing (7) Seven Sets of Equal Access Panic Door Pushbars in the Reed Building, Behrend Science Building, Hammermill Computer Center, and Turnbull Building; State Transportation Department/ADA/504 Approved Equal Access Traffic Signage on all roads/pathways utilized by motor vehicles; SAFE (5MPH) Signage UTILIZED BY VEHICULAR TRAFFIC on all internal campus PEDESTRIAN, WHEELCHAIR, AND BLIND INDIVIDUAL UTILIZED Roadways, Pathways, and Parking lots; Improperly Designed (Turning Radius and/or Toilet Stall Partitions) Inaccessible Restrooms in the Academic Building, Nick Building, Turnbull Building, and Library; Lack of proper heat in the Behrend Science Building and Reed building, causing hypothermia difficulties for people with paralysis, due medically to less blood circulation than the normal healthy fully mobile population; and Timely Effectively Provide (ABSOLUTELY TIMELY PRODUCE, THE FIRST WEEK OF EVERY NEW SCHOOL TERM, WITH NO EXCUSES AS REQUIRED BY Parts 104.20 and 1.88, Section 504, of the 1973 U.S. Rehabilitation Act) Tutors, Notakers, Readers, and when necessary Doorholders. Specifically Instructor Chris Kiel was clearly and unmistakably informed, that the reason I had to regrettably quit her fine class were for Medical Reasons beyond my control of (a) Posterior Element Fracture at C-4, (b) Broken Right Upper Arm, (c) Three Broken Fingers of the left hand, (d) Six Broken Ribs, and (e) the critical educational interfering effects of the Prescription Narcotic Medication Darvocet from 26 February 1995 through 26 June 1995; that made it impossible for me to attend her classes! Furthermore no tutors including Mrs. Chris Kiel were provided during late June 1995, July 1995, and August 1995 for My CompSci 203 Course as repeatedly requested over (8) eight times since 15 March 1995.

6. It is my understanding that the main reason for an enormous amount of the noncompliance under ADA/504 exist; as are listed above; because 90% Ninety percent of the time Specific Pennsylvania State University Employees and Officials repeatedly insist on Poor Leadership, Poor Management, Poor Negative Attitudes, and Antagonistic Negative Communication; INSTEAD OF GOOD LEADERSHIP, GOOD MANAGEMENT, POSITIVE ATTITUDES, AND GOOD COMMUNICATIONS LISTENING SKILLS REQUIRED BY ADA/504/EEO LAWS. In the interim with Penn-State it is my legal right to have University Officials communicate through CRI, U.S. Education Department, and the U.S. Justice Department; on resolving what issues can amiably be resolved without further delay and/or violations of my Constitutional and Legal Rights.

I swear the foregoing to be a true and correct statement under both U.S. Federal Law and Pennsylvania State Law.

Very truly and Respectfully yours,

/s/ **John M. Emerson**  
**JOHN M. EMERSON**  
 (SEVERELY QUADRIPLLEGIC STUDENT)  
 Box 595, 407 Ariel Hall,  
 Penn-State Behrend  
 Station Road  
 Erie, PA 16563

Copy To: **Senior Judge, Federal District Court for the Middle District of Pennsylvania**

**Clerk of Court, Federal District Court for the Middle District Of Pennsylvania < CASE BENDER V. THOMAS, CV-939-82, > < 30 June 1993 >**

**Janet Reno, Attorney General of the United States, U.S. Justice Department [ DOJ COMPLAINT # 204-64-52 ]**

**Norma V. Cantu, Assistant Secretary of Education for the Office of Civil Rights, U.S. Department of Education**

**Frederick W. Thieman, U.S. Attorney for the Western District of Pennsylvania**