Enforcing and strengthening laws that protect the opportunities, choices and legal rights of people with disabilities in Utah
The Disability Law Center thanks the members of the Board of Trustees and the PAIMI Advisory Council for their many contributions.

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**Our Partners**
“and Justice for All”
Utah Developmental Disabilities Council
Center for Persons with Disabilities, Utah State University
Dear Friends:

AS ANOTHER YEAR COMES TO PASS US BY, we take a moment to reflect deeply on the importance of inclusion and the role that it plays in shaping the values and the opportunities that we present not only to our community, but to the next generation. At the heart of progress, at the core of monumental changes, you will find the simple act of inclusion. The right to belong is fundamental and too often the tremendous power of that right is undervalued. Friendship, opportunities, empathy, diversity, a common experience, an undivided society, enriched learning environments, these and more, all stem from welcoming each other, embracing our differences, and recognizing that every person has the inherent right to belong in our communities.

While keeping the power of inclusion in mind, we at the Disability Law Center will continue to ensure that those of us with disabilities are justly treated by our society. That everyone lives free from abuse, harassment, and neglect and maintains access to basic choices regarding education, healthcare, employment, and housing. The inclusive society that we envision is not an abstract concept, but an entirely obtainable reality.

We take this opportunity to sincerely thank our employees, Board members and volunteers for their efforts, as well as the community at large for the enthusiastic support we continue to receive as we move forward into another year of advocating and championing for the right of people with disabilities to be included and more importantly, to be genuinely valued by our society.

With gratitude,

Adina Zahradnikova
In 2013, the Disability Law Center (DLC) persevered in the face of economic uncertainty, just like the rest of the country. In 2014, we were able to come up for air, take a look around, and start planning for the future, just like the rest of the country.

The DLC reinvigorated its legal advocacy efforts, going to court on behalf of individual clients more often and investigating legal strategies with the potential to cause change across systems. The agency also shifted emphasis slightly to make sure the most vulnerable Utahns with disabilities, e.g. those in jail, juvenile detention, and mental health or developmental disability facilities, are receiving the services and supports to which they are legally entitled. Along the way, the organization had a strong year in the media and established or strengthened collaborative relationships with a variety of policymakers and partners. All the while, our client satisfaction rate was a remarkable 90%. Most importantly, we maintained a highly energetic and engaged staff of experts who are dedicated to our mission and have an exciting and expansive vision for the future.

With the never-ending support of our community, and the ongoing commitment of our generous donors, the DLC can do nothing but build on this already solid foundation. I can’t wait to see where we go from here! Join me, won’t you?

Bryce Fifield
President, Board of Trustees
FALENE HOUGH DIDN’T PUT SLEEPLESS NIGHTS BEHIND HER when her son Aidan grew out of infancy. By the time he was four, Aidan loved playing with trains and watching physical comedy. He often reenacted “George of the Jungle” scenes for his parents. Curious and athletic, Aidan’s sudden interest in something often led him to pursue it intently and quickly. He dashed away from his parents in public or at home. Falene recalls running across the field behind her house with her pregnant belly in front and her toddler under one arm, frantically trying to catch Aidan while his fast little legs increased the distance between them. “The only reason I finally caught him is because he got tired,” says Falene. “I was constantly trying to predict what might be next and stay one step ahead of him.” That was exhausting enough during the day, but Aidan didn’t have predictable sleeping patterns. At night, in order to keep Aidan from wandering off, Falene placed child locks on the doors and tension rods in the windows so that he wouldn’t leave the house. She awoke many times a night to check that he was safe.

The Houghs saved their money for a backyard fence. That way, if Aidan escaped his room at night, he would still be contained on their property. When the guy at Lowe’s came out to bid the project, he mentioned that the local ordinance may prohibit a fence. The Hough’s yard is on a corner lot. So, their backyard runs adjacent to a public sidewalk. Logan City, with the goal of having public areas feel “open,” doesn’t allow 6 foot fences next to sidewalks in that neighborhood.

Falene requested a variance from the City. She completed the paperwork, paid the $250 fee and held a meeting with the city to explain that Aidan has autism and the family needed a 6 foot fence to keep him safe. The city denied her request, suggesting that she build a moat or ditch on the inside of a 4 foot fence or that she construct the taller fence 12 feet inside their property line. With no reasonable options, the Houghs built the fence with a 12 foot set-back, effectively losing a huge portion of their yard.

Then Falene learned about the Disability Law Center (DLC). When she provided detailed records of her interaction with the city, DLC Attorney Aaron Kinikini investigated the background facts. He determined that the Houghs were entitled to a “reasonable accommodation” (an exception to the City’s usual zoning rules) under the Fair Housing Amendments Act, which is intended to ensure that people with disabilities have equal opportunity to use and enjoy their dwellings. The DLC submitted a formal accommodation request to Logan City, explaining the City’s duty to grant the exception, and warning that legal action would be taken if the City refused. The City failed to respond.

With no other option remaining, the DLC filed a discrimination complaint against Logan City with the Utah Antidiscrimination & Labor Division (UALD). The first step in the process was a formal mediation, at which DLC staff, Falene Hough and the Logan City Attorney were present. Despite hearing Falene’s passionate pleas that the City respect her family’s Fair Housing rights, and despite the DLC’s advocacy for a reasonable resolution, the City again refused permission to allow a 6 foot fence at the Hough’s property line. In essence, the City maintained that Aidan Hough’s safety could only be facilitated if the family lost the use of nearly 25% of its yard. The DLC pointed out that the Houghs were being subjected to this property loss solely because their son has Autism—no other family was being forced to choose between property loss and their child’s safety. Under these circumstances, the DLC argued that the City’s position was unlawful and discriminatory.

After conducting its investigation, UALD agreed with the DLC. It informed Logan City that it would be issuing a finding that Logan City violated the Fair Housing Act. To avoid such finding, Logan City entered into a settlement with the Houghs, and agreed to: defray the cost of moving the 6 foot fence to the property line; pay the Houghs monetary damages for their emotional distress; and pay the DLC attorney fees relating to the case.

The Houghs have since been able to move their fence to its appropriate place along the property line, and are now able to enjoy their entire backyard without constantly worrying that Aidan is in danger. “I’m happy to have secured a settlement and extremely grateful for the DLC’s help,” says Falene, “We won! Against the City of Logan! How can I not be happy with that?”

We won! Against the City of Logan! How can I not be happy with that?”
FOR SANDRA JONES, GROWING VEGETABLES, FRUIT, FLOWERS AND HERBS is a “spiritual thing”. As a garden steward at Harmony Park Community Garden, Sandra’s acted as liaison with the county, assisted garden patrons and worked toward creating a space that everyone can enjoy.

One day while visiting the garden as a family, the Jones’ trip became a real trial. You see, Sandra’s daughter uses a wheelchair. “I had a heck of a time getting her in there and I thought I’d never get her out,” said Sandra reflecting on their ordeal. She mentioned the access issues to the county and even suggested that they write a grant to address the problem, but her suggestions were ignored. Last spring, when Sandra herself started using a walker, the muddy grass leading up to the garden and the woodchip pathways inside posed serious obstacles. Although, she likes to be as independent as possible, the barriers were too much for Sandra. “If my daughter wouldn’t have been there, I wouldn’t have made it. The wheels of my walker kept getting caught, causing me to pitch forward. I needed her there to catch me from falling. After that visit, I knew I was done for.”

After Sandra called the Disability Law Center, we investigated and found that the pathways did not meet the federal accessibility standards. The DLC sent a demand letter to the county and the county responded positively by paving a concrete path from the parking lot to the garden and covering the wood chip pathways inside with a rubberized playground surface. Sandra’s been back to visit since the construction was completed, and reports that the new paths are “awesome!” After spending a season away, she’s again looking forward to growing fresh fruits and vegetables, and enjoying summer days in the garden with family and friends.
A Future of Choices

FOR MOST HIGH SCHOOL GRADUATES, the future holds endless choices and possibilities. However, too many adults exit the school system’s special education programs and find themselves with few options and little support. They often begin working at a sheltered workshop, alongside others with disabilities, without having the opportunity to learn about and try other kinds of work. Isolated from others in the community, they spend their days performing repetitive and menial work in a warehouse environment. Unlike their peers, they are paid a fraction of minimum wage, simply because they have a disability. In fact, instead of being paid by the hour, sheltered workshop employees earn wages based on their production. It is not uncommon for an employee to earn only $2 an hour. Even worse, others find themselves at home watching TV for years, waiting to be eligible for employment programs or unaware of the supports available.

“Why then, are there so many young adults faced with few choices when there are many systems that are supposed to be offering support?”

As advocates, we know that the law supports a system where students with disabilities are prepared during their teen years with academic, financial, independent living and vocational skills to help them pursue the work that interests them. It’s called “transition services” and it’s meant to prepare students to live a fulfilling and integrated adult life. Why then, are there so many young adults faced with few choices when there are many systems that are supposed to be offering support (i.e., school districts, Vocational Rehabilitation, Division of Services for People with Disabilities, Workforce Services, etc.)?

In 2013, the DLC set a goal of learning more about what transition practices work in Utah and what needs improvement. In total, we visited 19 school transition programs. We interviewed students, staff, and educators. This year, our findings were detailed in “Utah Transition Today: A 2014 Report of Opportunities and Barriers.” The report, which explores the issues related to student success in competitive and integrated employment caught the attention of schools, service providers and even the national media.

Improving opportunities for young people with disabilities is an on-going goal at the DLC. We’ll continue monitoring efforts to improve transition, while advocating at every legislative session for funding to support employment options for students as they leave the Utah school system. As “Utah Transition Today” states: “We expect to see the number of students with meaningful and gainful employment grow substantially, and programs that pay subminimum wage and/or segregate people with disabilities eliminated.” The full report is available on our website.
Voting in Utah: Leaders for Change

THIS YEAR, UTAH RECEIVED NATIONAL ATTENTION WHEN SENATE BILL 245 PASSED, promising the opportunity for voters with disabilities to vote electronically. The Disability Law Center’s voting program, Protection and Advocacy for Voting Access, was an important force in the accomplishment.

We joined with the State Elections Office and Senator Bramble in advocating for this change in the statute. Our first contribution was drafting language that supports the needs of voters with disabilities and has legal teeth. Next, at the invitation of the State Elections Office, we represented the public by testifying at the committee level. During our testimony we explained the kinds of barriers that voters with disabilities experience with the current system. Things like:

- **Problems getting to the polls**
- **Inaccessible polling places - only 35% of polling places in the 16 counties that we assessed meet federal accessibility guidelines**
- **Poll Worker Training, -poll workers unfamiliar with the accessibility features of the voting machines or creating additional barriers due to how they set up the polling place**
- **The inadequacy of some of the voting machine accessibility features**

National experts had warned that we “will never get it passed”. So we were encouraged when the committee approved the proposal, unanimously. Later, the bill was passed by both the Senate and the House. It was drafted as an optional pilot program for counties. Four of Utah’s largest counties have expressed interest and options are being considered for providing the service. These counties represent 80% of Utah’s population.

**Other Important Numbers from Our Voting Work**

| 512 | People with disabilities that attended DLC presentations about voting rights |
| 270 | Poll workers taught about making voting accessible |
| 226 | Polling places assessed to determine if they are accessible. |
| 90  | Polling places where access was improved because of our interventions |
| 16  | Counties where polling place evaluations were conducted this year |
| 5,666 | People reached with voting information through Facebook |
SAFE & SECURE

FRANK HARPER CONSIDERS HIMSELF A “CARETAKER”. For 25 years he embraced that role as a police officer in the San Francisco Bay Area, accepting assignments in uniform patrol, investigations, SWAT/Hostage and internal affairs. After years on the job, he found he needed surgery to repair a hernia. Although he expected to be away from work for only 6 weeks, the surgery left him with serious nerve and digestive system damage. Nine months came and went while he dealt with health issues. Eventually, it became obvious that he wouldn’t be returning to full duty. Frank reluctantly accepted disability retirement, losing a large portion of his income and guaranteeing he would never work for the State of California again.

For the next 12 years, Frank moved to cities all over the country, engaging in contract work and building specialized experience in emergency planning, anti-terrorism protection and security risk analysis. Living in Utah, he found himself at the end of another contract and searching for what to do next. Years of health issues had taken their toll and juggling work and bouts of severe illness had become increasingly difficult.

After learning about the state’s vocational rehabilitation (VR) program, Frank applied for services. He told his VR counselor about his desire to open a business, thinking this would give him flexibility to manage his health. Using his breadth of knowledge in security, he planned to help public and private organizations with emergency planning. Federal law requires that VR help eligible clients secure employment that’s a good match for their skills and interests. This can include self-employment. However, VR wasn’t prepared for Frank’s sophisticated approach. When they asked Frank to provide them with a business plan, he delivered a 120-page detailed document with explanations, budgets, market research, etc. At the request of his counselor, he trimmed the proposal, first down to 50-pages, then to just four. VR had many more requests, which Frank attended to promptly. “I started to get the sense that I couldn’t do anything to please these people. I think I made a pretty good case. It just seemed like they had no intention of helping me,” Frank explained.

After contacting the Disability Law Center, attorney LauraLee Gillespie assisted Frank in advocating that VR move forward with his plan for self-employment. Later, when VR presented obstacles to getting items for his business, LauraLee stood by him again until he was able to receive about $35,000 worth of start-up equipment. By designing innovative software that became a unique aspect of his business, Frank is now able to offer services to customers across the country.

“Suffice it to say, the VR gauntlet that I somehow successfully navigated over nearly 18 months of trial and tribulation, would have not been possible without the very professional assistance of the Disability Law Center and particularly, LauraLee Gillespie,” Frank now says. “I am afraid it is a truly gross oversimplification that does not do (the) DLC or LauraLee justice, but my heartfelt thanks go out to each and every one of you folks who effectively advocate for your clients.”
SCOTT BONN IS A DEDICATED EMPLOYEE. He is a hard worker, and always shows enthusiasm for completing the task at hand—he also happens to have Down Syndrome. Scott had been hired to fold pizza boxes at a Papa John’s near his home. Scott enjoyed working at Papa John’s and loved the interaction he had with his coworkers. Like many other individuals with intellectual disabilities, Scott used a job coach to help him at work. One day a representative from Papa John’s Corporate came to the local store and observed Scott working with his job coach. Following this visit, Scott’s previously enjoyable work environment was taken away. Papa John’s employees informed Scott that he was not allowed back at work, and ultimately fired him. Scott and his family were upset by what appeared to them to be unfair treatment based on Scott’s disability. In an attempt to try and better understand their rights, Scott and his family contacted the Disability Law Center. (DLC)

Scott’s smile is infectious and his enthusiasm for everything he does is evident, so upon our first meeting with Scott and his parents, it quickly became clear that we wanted to help. After Scott and his family explained what had happened, we assumed there was some misunderstanding, and wanted to see if we could assist him in getting his job back. Unfortunately, our attempts were not successful. Despite this, we wanted to ensure Scott’s rights were protected, so we decided to file Scott’s case with the Equal Employment Opportunity Commission. (EEOC) The EEOC is a federal agency that investigates terminations based on disability and other protected classes. We assisted Scott and his family in navigating the EEOC’s process to make sure Scott’s voice was heard. After conducting an extensive investigation, the EEOC concluded that Scott’s termination was discriminatory because it was linked to his disability and use of a job coach. The EEOC then filed suit against Papa Johns. The DLC has also filed documents to represent Scott in this case as it moves forward. We are thrilled that the federal agency charged with protecting people from discrimination in the workplace found merit in Scott’s case. The EEOC’s action on this matter demonstrates that everyone, regardless of their disability, should have an equal opportunity to work. We are hopeful that as the case progresses, the importance of providing people with disabilities the support they need to be successful will receive important exposure and result in a positive outcome for Scott and anyone else who might need a job coach.
Recognizing Champions of Inclusion

The Disability Law Center’s 3rd Annual Community Justice Awards recognized:

SMITH’S FOOD & DRUG STORES
SUPERIOR SERVICE & TRANSPORT
THE KOSTOPULOS DREAM FOUNDATION

for being “Champions of Inclusion” to Utahnls with disabilities. Thank you to all those who celebrated the evening with us. Special thanks goes to this year’s keynote speaker, Representative Ronda R. Menlove, as well as our honorees and our main sponsors Robert Baird & Co., Leavitt Group, Mountain America Credit Union, and Snell & Wilmer.

The evening was filled with vibrant music, courtesy of the band Spicy Jazz, tantalizing food, silent auctions and an inspirational program highlighting the need for inclusion of Utahns with disabilities. “I hope the message that you will take is that people with disabilities have incredible abilities,” said keynote speaker Rep. Ronda Menlove, whose granddaughter lives with a hearing impairment.

The award recipients echoed Representative Menlove, citing that people with disabilities are often an “untapped resource” that employers should turn to more often. “Since our company is really all about customer service, we try to make sure that the stores that we have reflect the communities we serve,” said Peter Barth, Vice-President of Human Resources at Smith’s Food & Drug.

The awards are presented annually by the Disability Law Center to individuals, organizations, and employers whose contributions have advanced the lives and opportunities of people with disabilities. The Gala is attended by our supporters, friends, the legal community, board members, and DLC employees. All proceeds help Utahns with disabilities obtain legal support to fight discrimination, receive critical services, maintain employment, and free themselves from abuse and neglect.

To hear more about what “inclusion” means to Smith’s Food and Drug, Superior Service & Transport, and the Kostopulos Dream Foundation, check out the short videos available at: disabilitylawcenter.org/2014-community-justice-award-honorees/.
Success!

We are honored to look back at a year of legal advocacy and reflect on the people we've met. It is a privilege to stand beside our fellow citizens to ensure that they are safe and that their rights are protected. Here are just a few examples.

**KYLE WANTED TO WORK AT WAL-MART.** He was clear about that when he spoke to a DLC advocate at one of our routine visits to the Utah State Developmental Center (USDC). With only two hours of on-site educational instruction per week, he wasn’t gaining the skills needed for the future he wanted. Also, he had few opportunities to socialize with peers, and his environment hardly ever changed. The DLC stepped in and advocated for Kyle. We filed a state complaint against the school district, and Kyle was able to return to public school and receive compensatory services. The district also offered additional training for staff that work with students at USDC. Since then, Kyle has obtained his food handler’s permit and been able to experience working in the community.

**AFTER 16 YEARS ON-THE-JOB, JUSTIN, WHO HAS AN INTELLECTUAL DISABILITY,** was suddenly fired due to a mere change in supervisors. Although, Justin’s employer offered him a settlement, he didn’t feel the amount was acceptable considering the discrimination he had endured after 16 years of loyalty to his former employer. Frustrated, he contacted the DLC, hoping to receive some help. We represented Justin during negotiations with his former employer’s counsel, and were able to secure a 56% percent increase in the settlement amount. Although Justin would have liked to avoid the situation entirely, he was thrilled with the outcome of the settlement and was able to move forward from a bad situation.

**A WOMAN APPROACHED OUR ADVOCATE IN TEARS** at the conclusion of a DLC safety presentation to residents at an intermediate care facility. She explained that months earlier a staff member drove her away from the facility and sexually assaulted her. We investigated by meeting with facility staff and reviewing policies, procedures and incident reports. We made sure that the facility reported the incident to the appropriate authorities. Then we successfully advocated for the client to get therapy services and ongoing counseling. The staff member (perpetrator) is no longer at the facility.

**TASIA HAS RESPIRATORY ISSUES DUE TO SPINAL ATROPHY.** For her five-year lifespan she has used a device to help her cough and during other respiratory emergencies. After approving this technology for five years, the insurance company suddenly denied Tasia the device. Shortly after an appeal meeting with the Insurer where the DLC advocated for Tasia to receive the device, her mother reported that coverage for the device had been restored.

**DENTAL PAIN WAS GETTING IN THE WAY OF MARK’S GOALS.** He wanted to be a welder. Enrolled in a welding program, it was hard for him to get his assignments done due to the pain. Chronic infections caused his face to swell and left him miserable. Mark is a qualified participant in the state’s vocational rehabilitation (VR) program. VR’s role is to help people get what they need to reach their employment goals. This includes providing medical/dental treatment needed to prepare for work. VR was willing to help Mark by having many of his teeth pulled and replaced with dentures. Mark wanted to keep his teeth if possible. When a DLC advocate got involved, VR provided an appropriate dental evaluation and agreed to pay to have Mark’s teeth repaired.

**HEIDI WAS ONE VICTIM IN A LARGE FINANCIAL SCAM.** The FBI contacted her to schedule an interview as part of their investigation. Because Heidi communicates with sign language, she was concerned about reporting her experience accurately without an interpreter. Our Short Term Assistance team provided her with the information about her right to an interpreter and how to go about requesting the accommodation. After the interview, Heidi was grateful that the DLC had helped her ensure she could communicate clearly.

Note: Names have been changed.
FY 2014 Financial Information

FY 2014 Revenue

<table>
<thead>
<tr>
<th>Service</th>
<th>Revenue</th>
<th>Percentage</th>
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<tr>
<td>Protection and Advocacy for People with Developmental Disabilities (PADD)</td>
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<tr>
<td>Protection and Advocacy for Individuals with Mental Illness (PAIMI)</td>
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<tr>
<td>Other Grants, Foundations, Donations, &amp; Revenues</td>
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<tr>
<td>Fair Housing Initiative</td>
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<td>Individual Rights (PAIR)</td>
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<td>Client Assistance Program (CAP)</td>
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<tr>
<td>Protection and Advocacy for Traumatic Brain Injury (PATBI)</td>
<td>2%</td>
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Total Revenue: $1,840,454
Feedback

“Wow! You making me cry:) I can’t tell you how grateful I am for your help. Struggling through life my parents haven’t been able to help or anyone else. God and your good graces are giving me my voice back and helping guide me through this maze of chaos. Your help is immeasurable. Light where there is often darkness. Thank you so much!! Thank you.

Thank you so much for your help. Tim was great! I appreciate all your work.

Thank you so much! Have a good day!

I thank the DLC for your great help! Have a good day!

Very Satisfied with Attorney.

Thank you for your help.

Carol was my attorney, she was excellent beyond words that I can’t explain! She was not only thorough, but very kind and helpful in answering questions. She was the best Attorney I have ever had!! I would call again in a minute or refer to any or everyone I know. We got more than a favorable response from the judge and I think that was only because of how thorough and how professional Carol/Attorney was in defending my case. I hold the upmost respect for her and how she handled herself in this trial that took years to finally come to an all favorable decision from the judge! Please let her know how much I appreciate her and her professionalism!! [sic].

Extremely satisfied. You guys are the best! Thank you.

Thank you so much for your help.

I go to work every day and come home day by day. That’s all I can do. Thank you very much for your help.

Shane was great, very helpful and nice.

Erin Hough was very helpful, knowledgeable, and efficient. She always did what she said she would do and followed up on my concerns.
Thanks to our Supporters

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Enforcing and strengthening laws that protect the opportunities, choices and legal rights of people with disabilities in Utah

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