



Living Independently For Everyone, Inc.
P.O. Box 4185
Pocatello, Idaho 83205

October 2, 2017

To Whom It May Concern:

On September 6th, 2017, Dean Nielson and Tina Dressel, employees of Living Independently For Everyone, Inc. (LIFE), met with Wayne Davidson at the Paris, Idaho courthouse. The purpose of the meeting was to do an Americans with Disabilities Act (ADA) assessment on this building.

Background

LIFE, Inc. is a 501 (C)(3) private corporation with six Board of Directors with offices in Idaho Falls, Blackfoot, Pocatello, and Burley and covers sixteen southeast counties in Idaho. The mission of LIFE, Inc. is "to enable people with disabilities to manage their own lives, make their own choices, and give them information and knowledge to assist them to live with dignity and bravado". LIFE staff advocates strongly for disability rights of which the Americans with Disability Act (ADA) is a central core. LIFE, Inc. is also a partner in the Northwest ADA Center-Idaho. The purpose of the Northwest ADA Center-Idaho is to promote voluntary compliance with the Americans with Disabilities Act (ADA) by providing informal technical assistance, public awareness, and training.

Dean has been the Executive Director of LIFE for the past twenty-two years and has done many ADA and Fair Housing reviews during this time. He has served as the Chairperson of the Idaho State Independent Living Council, served as a Commissioner on the Idaho State Blind Commission, and many committees in Idaho Falls and Pocatello dealing with disability rights. He has also conducted Federal Reviews of Independent Living Centers with the Department of Education, Rehabilitation Services Administration across the United States.

Tina has been a staff member for nineteen years and has also done many reviews concerning ADA and Fair Housing issues. She has done Fair Housing work with the United States Department of Rural Development and is a tester for the Intermountain Fair Housing Council. She is currently a Board member on the Idaho Disability Rights Council.

Title II

Title II of the ADA regulations covers public entities, which include state and local government. Programs, services, and activities are covered within this Title II. The public courthouse, located in the city of Paris, and is the county seat of Bear Lake County falls within the regulations of Title II. Title II ensures that individuals with disabilities are not to be excluded from the services, programs, and activities because of the Bear Lake County Courthouse.



U.S. Department of Justice

United States Attorney
District of Idaho

Mailing Address:

800 E. Park Blvd. Suite 600
Boise, ID 83712-7788

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Civ Div Fax: 208/334-1414
Crim Div Fax: 208/334-1413
DTF Div Fax: 208/334-1413

December 7, 2017

Bear Lake County Commissioners
Bear Lake County Courthouse
7 East Center Street
P.O. Box 190
Paris, Idaho 83261

Re: Bear Lake County Courthouse
U.S. Attorney No. 2017V00175

Dear Commissioners:

Thank you for your time showing me the Bear Lake County Courthouse (the "Courthouse"). As you know, the Courthouse houses many county services, including the clerk's office, the assessor's office, the motor vehicles office, the building permit office, and the court. The Department of Justice (the "Department") received information that the Courthouse (and thus most county services) is not being operated in compliance with Title II of the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12131-12134 (the "ADA"), and the Department's implementing regulations, 28 C.F.R. Part 35. In response to that information, the Department opened an investigation and initiated a compliance review. This compliance review is being conducted pursuant to the Department's congressionally mandated responsibility to conduct ADA compliance reviews and implementing regulations, including 28 C.F.R. § 35.172.

As you know, I visited the Courthouse as part of the compliance review. Based on that visit, it appears that the Courthouse is not being operated in compliance with the ADA, which requires that Bear Lake County make its programs, services and activities accessible to qualified individuals with disabilities. *See* 42 U.S.C. § 12132; 28 C.F.R. §§ 35.130, 35.150, 35.160. The Courthouse is not accessible to persons in wheelchairs, in that a person in a wheelchair cannot, among other things: (1) enter the building unassisted; (2) use the restroom facilities unassisted; (3) maneuver through the Courthouse offices (e.g., the clerk's office, the tax collector's office, the motor vehicle office, the assessor's office, etc.); or (4) access the courtroom. Thus, a disabled person would be unable physically to access any of the county services housed in the Courthouse.

Because Bear Lake County appears to be out of compliance with ADA standards, you have the option to enter into a Voluntary Compliance Agreement with the Department whereby you voluntarily agree to upgrade the Courthouse's facilities or provide alternative programmatic

STEVEN R. FULLER -2995
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DISTRICT COURT
SIXTH JUDICIAL DISTRICT
2018 MAR 23 PM 11:43
SINDY GARDNER, CLERK
DEPUTY CLERK CASE 18-11

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BEAR LAKE

In Re:

BEAR LAKE COUNTY,
An Idaho Political Subdivision,

Petitioner

CASE NO. CV-18-11

JUDGEMENT

The Court having entered its Findings of Fact and Conclusions of Law in the above-entitled action, and good cause appearing therefore,

THE COURT ENTERS ITS JUDGMENT AS FOLLOWS:

1. The Judicial Confirmation Law Title 7, Chapter 13, Idaho Code, is valid and constitutional.
2. The proposed indebtedness of Bear Lake County, Idaho, for the construction of a

BEAR LAKE COUNTY, IDAHO

GENERAL OBLIGATION BONDS, SERIES 2018
PRINCIPAL AMOUNT \$2,970,000

RECEIPT FOR PROCEEDS OF BONDS

I, the undersigned, the duly qualified and acting Treasurer of Bear Lake County, Idaho (the "County"), hereby certify and acknowledge that on the date hereof I received from Piper Jaffray & Co., the original purchaser, the purchase price for \$2,970,000 principal amount of bonds designated "Bear Lake County General Obligation Bonds, Series 2018" (the "Bonds").

The Bonds are issued in book-entry-only form, are dated as of November 29, 2018, are issued in fully registered form in the denomination of \$5,000 each or integral multiples thereof within a maturity, and mature serially on February 1 of each year for years 2019 through 2028, and thereafter on February 1 in years 2033, 2038, 2043, and 2048 in the principal amounts and at the rates of interest as shown in the following schedule:

<u>MATURITY DATE</u>	<u>PRINCIPAL AMOUNT</u>	<u>INTEREST RATE</u>
February 1, 2019	\$80,000	3.00%
February 1, 2020	\$55,000	3.00%
February 1, 2021	\$55,000	3.00%
February 1, 2022	\$60,000	3.00%
February 1, 2023	\$60,000	3.00%
February 1, 2024	\$60,000	4.00%
February 1, 2025	\$65,000	4.00%
February 1, 2026	\$70,000	4.00%
February 1, 2027	\$70,000	4.00%
February 1, 2028	\$75,000	4.00%
February 1, 2033*	\$410,000	4.00%
February 1, 2038*	\$505,000	4.00%
February 1, 2043*	\$625,000	5.00%
February 1, 2048*	\$780,000	4.00%

* Term Bond

The Bonds bear interest from their date of delivery at the rates set forth above, payable solely to the registered owners thereof, commencing on February 1, 2019, and semiannually, on each February 1 and August 1 thereafter, to their respective dates of maturity or prior redemption.

The amount received by the County is as follows:

Principal Amount: \$2,970,000.00

From: Steve Fuller sfuller@fullerlawonline.com
Subject: FW: Bear Lake County Judicial Confirmation
Date: Feb 1, 2019 at 3:04:46 PM
To: Representative Marc Gibbs mgibbs@house.idaho.gov
Cc: Vaughn vrsinussen@aol.com

Marc,

I am forwarding to you an email string with the last email from the US Attorney, DOJ, with the request that Bear Lake County demonstrate its progress towards a new courthouse. The DOJ is serious about Bear Lake being in compliance with the ADA and if we do not comply in a timely manner, they will begin enforcement proceedings.

We appreciate all that you are doing.

Steve

Steven R. Fuller, Esq.
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sfuller@fullerlawonline.com
www.fullerlawonline.com

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From: England, Christine (USAID) [<mailto:Christine.England@usdoj.gov>]
Sent: Friday, February 01, 2019 11:10 AM
To: Steve Fuller <sfuller@fullerlawonline.com>
Subject: RE: Bear Lake County Judicial Confirmation

Hi Steve,

Just checking in on the County's progress. Could you please provide an update when convenient?

Thanks,
Christine

Christine Gealy England
Assistant United States Attorney | District of Idaho
(208) 334-1184 | christine.england@usdoj.gov

From: Steve Fuller <sfuller@fullerlawonline.com>
Sent: Tuesday, August 28, 2018 3:20 PM
To: England, Christine (USAID) <CEngland@usa.doj.gov>
Subject: RE: Bear Lake County Judicial Confirmation

Christine,

Bear Lake County has a construction manager hired, Big D Construction. Adjustments are being made to the plans with the architects. They are working with Michael Tippets at Zions Bank for the financing.

They are moving along as quickly as circumstances allow. Contractors are difficult to obtain right now, but the County will let it out to bid soon.

Thanks,

Steve

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From: England, Christine (USAID) [<mailto:Christine.England@usdoj.gov>]
Sent: Tuesday, August 28, 2018 12:37 PM
To: Steve Fuller <sfuller@fullerlawonline.com>
Cc: Black, Jessica (USAID) <Jessica.Black@usdoj.gov>
Subject: RE: Bear Lake County Judicial Confirmation

Hi Steve,

Hope you've had a nice summer. Could you please provide an update on the County's

progress toward a new courthouse?

Thanks,
Christine

Christine Gealy England

Assistant United States Attorney | District of Idaho
(208) 334-1184 | christine.england@usdoj.gov

From: Steve Fuller <sfuller@fullerlawonline.com>
Sent: Friday, March 23, 2018 3:51 PM
To: England, Christine (USAID) <CEngland@usa.doj.gov>
Subject: RE: Bear Lake County Judicial Confirmation

Here you go.

Steve

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From: England, Christine (USAID) [<mailto:Christine.England@usdoj.gov>]
Sent: Friday, March 23, 2018 3:26 PM
To: Steve Fuller <sfuller@fullerlawonline.com>
Subject: RE: Bear Lake County Judicial Confirmation

Thanks, Steve. Great news! Could you also please send me the findings of fact and conclusions of law?

Thanks,
Christine

Christine Gealy England

Assistant United States Attorney | District of Idaho
(208) 334-1184 | christine.england@usdoj.gov

From: Steve Fuller [<mailto:sfuller@fullerlawonline.com>]

Sent: Friday, March 23, 2018 3:20 PM

To: England, Christine (USAID) <CEngland@usa.doj.gov>

Subject: Bear Lake County Judicial Confirmation

Christine,

Please find the attached Judgment entered by the Court today allowing Bear Lake County to go forward with the financing of its new Courthouse. The County is ready to make this happen.

Thank you for your help.

Steve

Steven R. Fuller, Esq.

Fuller & Fuller, PLLC

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Preston, Idaho 83263

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