AN UPDATE ON THE AMERICANS WITH DISABILITIES ACT AT SPECIAL EVENTS

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Special events, such as fairs, conventions, ballgames, and concerts are typically activities people attend to participate in the festivities and enjoy with friends and family members. For individuals with disabilities, however, these types of events can create more challenges than enjoyment. The purpose of this paper is to refresh readers on the requirements of Title III of The Americans with Disabilities Act (ADA), and to point out some of the legal issues that have arisen at special events under this law in the past decade. The paper further seeks to identify ways that organizers of special events can reduce or eliminate liability under this law.

KEYWORDS: Americans with Disabilities Act, ADA, Title III, place of public accommodation

In 2000, the United States Census Bureau indicated that approximately 50 million Americans, 19.3 percent of the U.S. population, were people with disabilities and covered under The Americans with Disabilities Act (ADA) (Hanna, 2008; Huh & Singh, 2007). In 2009, the U.S. Census Bureau indicated that 41.2 million Americans have a disability (*U.S. Census Bureau,* 2009), while, in 2010, the Justice Department quoted a figure of 54.4 million. Colucci (2008) reports that in 2005, a survey conducted for the Open Doors Organization (ODO) and the Travel Industry Association of America (TIA) found that "21 million adults with disabilities traveled for either business or pleasure in the previous two years. Further . . . the 2002 ODO report indicates these travelers spent a total of $13.6 billion on travel" (p. 22-23). Burns & Graefe (2007) state that "persons with disabilities are generally presented with more challenges than those without disabilities in regard to recreational pursuits and facilities. These challenges include . . . access to facilities and equipment, [and] the need for individualized services" (p.159).

Because people with disabilities have such a sizable impact on the hospitality industry, it is only good business for the organizers of special events such as fairs, conventions, ballgames, and concerts to seriously consider the challenges faced by those with disabilities. Since the passage of The Americans with Disabilities Act in 1992 (ADA), however, planning and carrying out a special event so that it is equally accessible to people with disabilities is no longer a choice, but a legal requirement (Colucci, 2008; Fenich 2008; Goldberg, 2008; Tesdahl, 2008). While much progress has been made in achieving accessibility for those with disabilities since the passage of the ADA, problems of non-compliance remain (Fenich 2008). For instance, in an article on *SuccessfulMeetings.com* website, (Hardin, 2009) a question was posed to the readers of

the site asking how often they inquire about ADA compliance while inspecting potential sites for meetings. Of the 352 responding 17 percent said they never inquire, while 40 percent said they always do. Forty percent also said that they ask if ADA compliance is included in their contracts; however, on a straw poll of meeting suppliers asking how frequently they received questions about ADA compliance, the answer was "almost never." By becoming more aware of and meeting the requirements of the ADA, organizers will not only avoid costly legal liability, but will become more attractive to this significant market segment of people with disabilities, resulting in increased attendance.

RELATED LITERATURE

The sheer numbers of people with disabilities and their families, as well as their special requirements when they attend special events, suggest a need for research on event organizers' compliance with Title III of the ADA. One report summarized studies published in the tourism and hospitality literature that dealt with the legal requirements posed by the ADA. Huh and Singh (2007) have classified the literature as those dealing with:

> (1) how disabilities affect travel behavior (Takeda & Card, 2002; Woodside and Etzel, 1980); (2) how to meet ADA requirements (Hodapp, 1993; Kohl & Greenlaw, 1992; Papadatos, 1993; Sherwyn et al., 2000; Withiam, 1992, 1997; Woods & Kavanaugh, 1992); (3) how to best serve people with a disability on hospitality business premises (Israel, 2002; Ohlin, 1993; Stokes, 1990); (4) how to best train employees to serve

> people with disabilities (Kreismann & Palmer, 2001; Lazarus & Kauffman, 1988; Mergenhagen & Crispell, 1997); (5) the travel needs and motivations of the mobility-disabled (Ray & Ryder, 2003); and (6) obstacles to travel by persons with disabilities (McKercher et al., 2003; Murray & Sproats, 1990) (p. 214).

None of these studies deals particularly with ADA compliance in planning and holding special events. This paper will first set out the requirements of the ADA itself and then follow with cases from 1992 to present interpreting this law as it has been applied to special events. The paper then seeks to recommend ways in which organizers of special events can reduce or eliminate liability by satisfying the requirements of Title III of the ADA.

THE LAW

The Americans with Disabilities Act

The purpose of *The Americans with Disabilities Act 1990 as amended in 2008* (ADA) is "to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." The ADA contains five titles and covers most facets of American life as they affect individuals with disabilities: Title I prohibits discrimination in employment; Title II prohibits discrimination by state and local governments in providing activities, services and programs; Title III prohibits discrimination in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation (Woods and Kavanaugh, 1992); Title IV prohibits

discrimination in telecommunications, and Title IV contains certain miscellaneous provisions including a statement of the relationship of the ADA to other federal and state laws, the elimination of states' immunity from suit, a prohibition against retaliation and coercion against any persons availing themselves of the protection of the ADA, attorney's fees for private suits under the ADA, a mandate for technical assistance to be provided by certain federal agencies, the exclusion of the protection of the ADA for current users of illegal drugs and other specified classes of persons.

In 2008, Congress amended the ADA to counteract the findings of the U.S. Supreme Court in two cases, *Sutton v. United Air Lines, Inc.* (1999) and *Toyota Motor Manufacturing, Kentucky, Inc. v. Williams* (2002). In *Sutton* and *Toyota*, the Supreme Court decisions narrowed the definition of a person with a disability. In reaction to these cases, Congress amended the ADA with the express purpose of bringing the definition of a person with a disability back to the original, broader interpretation. As a result of these amendments, more persons with disabilities fall under the protection of the ADA then had from 1999 until 2008. This mandate by Congress to include more people under the ADA coverage is more reason for attention to the requirements of this law at special events.

The Federal Regulations Implementing Title III of the ADA: Who is Covered? [1]

Title III regulations, implemented and enforced by the Justice Department in *28 Code of Federal Regulations 36* (CFR), prohibit the denial of participation, participation of unequal

[1] The Department of Justice is in the final steps of proposing amendments to ADA Regulations implementing Title II and Title III. On January 21, 2009, the Department of Justice withdrew its draft final rules to amend the Department's regulations implementing Title II and Title III from the Office of Management and Budget (OMB) in response to a memorandum from the President's Chief of Staff directing the Executive Branch agencies to defer publication of any new regulations until the rules are reviewed and approved by officials appointed by President Obama. Department of Justice (January 26, 2009), Proposed ADA Regulations Withdrawn from OMB Review. In New or Proposed ADA Regulations. Retrieved March 1, 2009, from http://www.ada.gov/ADAregswithdraw09.htm.

benefit, or separate or different participation in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodation of any "place of public accommodation" by any person who owns, leases (or leases to), or operates a place of public accommodation (*28 CFR 36. 104)*. A "place of public accommodation" is defined as a facility, operated by a private entity, whose operations affect commerce, and falls within at least one of the following twelve categories:

- places of lodging, such as inns, hotels, motels;
- places serving food or drink, such as restaurants, bars;
- places of exhibition entertainment, such as motion picture houses, theaters, concert halls, stadiums;
- places of public gathering, such as auditoriums, convention centers, lecture halls;
- sales or rental establishments, such as bakeries and grocery stores;
- service establishments, such as laundromats, professional offices of health care providers, stations used for specified public transportation;
- places of public displays or collections, such as museums, libraries;
- places of recreations, such as parks and zoos;
- places of education, such as schools;
- places of exercise or recreation, such as bowling alleys, gyms, and golf courses (*28 CFR §104*).

Title III regulations define a private entity that owns, leases (or leases to) or operates a "place of public accommodation" as a "public accommodation." (*28 CFR 36.104*) A landlord who owns the building that houses a place of public accommodation and the tenant who owns or

operates the place of public accommodation are both "public accommodations" subject to this law, and may apportion responsibility by lease or other contract between themselves.

The prohibition against discrimination applies to the "public accommodation," that is the private entity, not the "place of public accommodation." Title III also applies to new construction and alterations done by "commercial facilities," which are defined as facilities whose operations will affect commerce and that are intended for nonresidential use by a private entity, like retail and rental facilities. Religious entities and private clubs are exempt from the requirements of Title III. Even if a religious entity leases space to a non-exempt entity, the religious entity would remain exempt. The exempt private entity, however, that leases to a non-exempt entity would lose its exemption and be subject to Title III for activities of the non-exempt entity. If the "place of public accommodation" is owned, leased (or leased to), or operated by a governmental entity, Title II applies, not Title III.

Case Law: Who is Covered at Special Events?

Clearly any private entity *owning, leasing, or operating* a "place of public accommodation" would be a "public accommodation" to which the ADA would be applicable. This has been interpreted to mean that the event sponsor, organizer, and/or operator, as well as the owner, lessee, and/or operator of the venue itself are responsible for accommodations under Title III. The owner, lessee, or operator of the fair grounds, concert hall, stadium, or convention hall is liable under Title III of the ADA alongside the operator, organizer, or sponsor of the event itself. The courts have held that the ADA does not apply in cases of a permittee, some franchisors and independent contractors. In one case, the court held that a company was not covered by the ADA when it merely had a permit to conduct business in an airport terminal from

the owner and operator of the terminal. The court found that the ADA does not apply "to entities which merely provide a service in a place of public accommodation, but rather, it only applies to entities which own, lease, or operate a place of public accommodation" (*136 American Law Review (ALR) Federal 1 §15 Permittees).* The permittee offering a service in an airport was found outside of Title III coverage. A franchisor, Dairy Queen, was also found to be outside of the coverage of the Title III because it had limited supervisory control over a franchisee's store and did not own or operate the store (*136 A.L.R Fed. 1 §14 Franchisor).* The control of non-structural aspects of the franchisee's operations, such as accounting and product preparation, was irrelevant. The relevant question was whether the franchisor specifically controls the franchisee's modifications to improve their accessibility to the disabled. In this case, the franchisor did have control over the original construction of the building, but that was at a time before the enactment of the ADA. The franchisor only had veto power over subsequent constructural modifications and this was insufficient to establish the level of control necessary under the statute. Independent contractors are also exempt from coverage under the ADA if they have no authority to control accessibility in the place in which they provide services (*136 A.L.R Fed.1 §1 Independent Contractor*).

Federal Regulations Implementing the ADA: What Does Title III Require?

The Justice Department regulations implementing Title III call for the "public accommodation" to provide 1) an integrated setting for persons with disabilities; 2) an opportunity to participate; 3) and the removal of barriers or the making available alternate methods for access, unless alternate methods are not readily achievable. These three requirements prohibit:

- using administration procedures that discriminate, but not if the person with the disability poses a direct threat to the health or safety of others *28 CFR 36.204;*
- the application of eligibility criteria that screen out individuals with disabilities, but may impose legitimate requirements that are necessary for safe operation *28 CFR §36.301*;
- failure to make modifications in policies, practices, or procedures or to take steps that are necessary to prevent discrimination, unless the modification or steps would change the nature of the goods, services, facilities, privileges, advantages, or accommodations (*28 CFR §36.302).*

The ADA regulations and guidelines clarify these prohibitions by giving numerous examples of how to achieve participation in an integrated setting and what modifications should be made. For instance, for achieving participation in an integrated setting, the regulations set out seating requirements including the number of wheelchair seating spaces and seats with removable aisle-side armrests and the location of the wheelchair seating spaces so they are dispersed and provide "line of sight," and choice of admission prices comparable to those for members of the general public, as well as other requirements. Transportation provided by a public accommodation is generally subject to the provisions set out by the Secretary of Transportation for people engaged in the business of transporting people, and includes shuttle services, customer shuttle buses, student transportation, and transportation provided within recreational facilities, such as stadiums, zoos, amusement parks, and ski resorts (*28CFR §36.310*). Examples given in the regulations of modifications that prohibit access include:

- installing ramps, flashing alarm lights; a full-length bathroom mirror, offset hinges to widen doorways, accessible door hardware, grab bars in toilet stalls, a raised toilet seat, accessible paper cup dispensers at existing inaccessible water fountains;
- eliminating turnstiles or providing an alternative accessible path, making curb cuts in sidewalks and entrances;
- repositioning shelves, telephones, paper towel dispensers in bathrooms;
- rearranging tables, chairs, vending machines, display racks, and other furniture and toilet partitions to increase maneuvering space;
- adding raised markings on elevator control buttons; insulating lavatory pipes under sinks to prevent burns;
- creating designated accessible parking spaces:
- removing high pile, low density carpeting;
- installing vehicle hand controls in vehicles. (*28 CFR §36.304; The Appendix A*)

The regulations also set out the priorities in which these barriers should be removed, and alternatives to barrier removal. Title III regulations require design and construction of new facilities be readily accessible to and usable by individuals with disabilities, but it also sets out requirements for the design and construction of alterations to old facilities (*28CFR §36.401et seq.).*

Case Law: Compliance Not Required When Not Readily Achievable at Special Events

Participation in an integrated setting and barrier removal need be accomplished only when "readily achievable," meaning "easily accomplishable and able to be carried out without

much difficulty or expense." Rearranging tables, putting in ramps for a few steps, installation of grab bars and lowering telephones are examples of barrier removal that are "readily achievable" (*U.S. Equal Employment Opportunity Commission and the Department of Justice Civil Rights Division, Nov. 14, 2008*). In *Slaby v. Berkshire* (1996), a golf proprietor was not required to install an elevator in the clubhouse to allow disabled members to reach the second floor and basement. In another case, *Gathright-Dietrich v. Atlanta Landmarks, Inc.* (2006), the actual seating configuration of the theater was a character-defining feature of the building. The court held that the permanent removal of regular seats would require approval of the State Historic Preservation Officer, and the implementation of the proposals would require the theater to be closed for a period of time, would result in elimination of seats belonging to season ticket holders, and would result in a decrease in the number of total seats, impacting the theater's ability to compete with other venues. The court found that compliance was not readily achievable.

Case Law: Compliance Not Required When it Would Create a Direct Threat at Special Events

In *Fiedler v. American Multi-Cinema* (1994), the court held that there may not be a direct threat to other patrons in an emergency situation when the wheelchair seating was dispersed throughout a movie theater. The existence of a direct threat depended on the disabled person's condition, and could not be presumed. *In Anderson v. Little League Baseball, Inc.* (1994) the absolute ban on coaches in wheelchairs in the coaches' box, regardless of the coach's disability or the field or game conditions was discrimination under the ADA. This court set out the factors that must be considered in determining whether a "direct threat" exists: (1) the nature, duration,

and severity of the risk; (2) the probability that the potential injury will actually occur; and (3) whether reasonable modifications of policies, practices, or procedures will mitigate the risk.

Case Law: Compliance Not Required When Modifications Would Change the Nature of the Activity at Special Events

Modification or steps do not have to be taken to avoid discrimination if such changes would change the nature of the goods, services, facilities, privileges, advantages, or accommodations (*28 CFR §36.302*). In *PGA Tour, Inc. v. Martin* 532 U.S. 661 (2001), the Supreme Court held that it did not alter the nature of the competition by removing stamina from the set of qualities designed to be tested in competition when it found that the disabled golfer who suffered from a degenerative circulatory disorder should be allowed to use a golf cart during the sponsor's competitions.

Case Law: What Actions at Special Events are Prohibited? Structural and Architectural Conditions, Eligibility Requirements at Special Events

U.S. v. Hoyts Cinemas Corp. (2004) found that the ADA applied to angles of sight as well as lack of obstruction; the court held that *stadium-style movie theaters* providing wheelchair seating in sloped, non-stadium sections did not necessarily violate the ADA. The court remanded the case to deal with this issue on a theater-by-theater basis. In *U.S. v. AMC Entertainment, Inc.*(2002), a movie theater owner violated the ADA when it provided wheelchair seating only in front rows; in *U.S. v. Cinemark USA, Inc.* (2004) patrons were entitled to something more than merely unobstructed views, and factors, such as viewing angle, had to be at least roughly similar to those of other patrons. In *Louisiana Counseling and Family Services,*

Inc. v. Makrygiolas, LLC, (2008), a limited liability company (LLC) was liable under the ADA when it had the following structural and architectural conditions existing on its property that acted as barriers: unsafe gaps in a ramp on the property, too few disabled parking places, unmarked pathways leading from disabled parking spaces to the ramp, absence of any access ramps, barriers to access of disabled individuals to the property.

The eligibility criteria were found not to have been violated in a case in which the owner of a musical entertainment theater was sued by individuals suffering from respiratory ailments because the owner did not ban smoking. The court, in *Emery v. Caravan of Dreams* (1995), found that the use of eligibility criteria required an active judging, not a passive allowance of smoking. Active judging and, therefore, discrimination, was found in cases where all persons who were deaf were barred from playing on a golf course, individuals with cerebral palsy were barred from attending a movie theater, or individuals with Down's syndrome were limited to only particular areas of a restaurant. Because the only eligibility requirement in the *Emery* case was the possession of a ticket, the owner did not discriminate.

Settlements with the Justice Department in Regard to Special Events

In 1992, even before the federal regulations implementing the ADA were written, Woods & Kavanaugh (1992) and Kohl & Greenlaw (1992) predicted that this law would have a great affect on the hospitality industry, and so it did. At the end of the following decade, the Justice Department reported that there was increasing access to recreational activities (U.S. Department of Justice, Civil Rights Division, July 2000). As a result of settlements with the U.S. Justice Department, public accommodations offering recreational activities that agreed to make their places of public accommodation more accessible were Dover Downs, a major racing facility,

Yankee stadium, and MGM Grand Hotel, Casino, and Theme Park. These changes usually included removal of barriers and alterations to create more accessible wheelchair seating, parking, restrooms, concession areas, ticket windows, drinking fountains, telephones, and signs in compliance with the ADA standards for Accessible Design. The settlements also required training of staff to provide non-discriminatory service to people with disabilities.

In 1996, the Justice department entered into a settlement agreement with Mid-America Festivals, operator of the *Minnesota Renaissance Festival* in Shkopee, Minnesota. Mid-America agreed to provide better access including an accessible ticket window and telephones, portable restroom facilities, removal of all barriers to the food booths and shops. It also agreed to pay a penalty of $4,000 (*U.S. Department of Justice Settlement Agreement Under The Americans with Disabilities Act Between the United States of America and Mid-America Festivals Corporation, 1996*)

The settlement with *Mississippi Delta Blues Festival* called for a number of modifications including removal of barriers, and making parking, seating, and festival grounds accessible for people with hearing disabilities (*U.S. Department of Justice Enforcing the ADA: A Status Report from the Department of Justice, April 1994*.) In 1997, Walt Disney World agreed to provide sign language interpreters and captioning systems for more than 100 moving rides, parades, and staged performances (*U.S. Department of Justice, Civil Rights Division, January 17, 1997*).

In a settlement agreement between the U.S. and The New Orleans Jazz and Heritage Foundation, Inc. December 17, 2001, the Foundation agreed to train staff and volunteers to provide assistance in locating parking spaces designated for people with disabilities, maintain accessible routes throughout the parking lot, festival entrances/exits, grandstand, grandstand apron, tent show seating aisles, etc. The Foundation also agreed to assist people with disabilities

and their companions to locate accessible facilities, and to arrange temporary seats in the grandstand and tent show venues for people with disabilities and their companions. It agreed to provide three full-time qualified sign interpreters, to make public information regarding program and events available in Braille, large print, and audio recording versions of Jazz Fest programming information at the Access Center and all information booths. It agreed to provide information about accessible facilities and services on its website and in its maps and brochures; to provide the adequate number of van accessible parking, and parking signage, and to make its shuttle busses, portable toilets, telephones, permanent wheelchair seating, sales counters, and food booths more accessible; as well as to provide assistive listening devices. The Jazz Fest also agreed to designate one or more employees as the ADA Coordinator (*U.S. Department of Justice, Settlement Agreement Between The United State of America and The New Orleans Jazz and Heritage Foundation, Inc.*, 2001).

In the Status Report from the Department of Justice, October – December 2006, it was reported that many persons with disabilities and disability rights organizations were requesting that the Department refer their complaints to mediation (*U.S. Department of Justice, Civil Rights Division, Disability Rights Section, Oct. 9, 2008*). The results of cases mediated were: an outdoor entertainment venue in Oregon was found to be inaccessible and agreed to make several alterations including more accessible parking spaces, portable toilets, accessible seating in a central viewing area with companion seating, and to provide training to all employees. It also issued a formal apology. In another instance, an upper deck in a public arena was inaccessible to a person with a mobility disability. The arena made an elevator accessible and trained staff to direct patrons with mobility disabilities to it. In another case, a temporary event held in a parking lot of a convention center blocked accessible parking. The center agreed to remove

impediments to accessible parking, install a permanent drop-off site for patrons with disabilities, and to provide training for staff.

TITLE II GOVERNMENTALLY CONTROLLED "PLACES OF PUBLIC ACCOMMODATION"

Under Title II, which applies to state governments, state fairs have had to agree to similar Title III accessibility requirements. Minnehaha County, South Dakota agreed to make the Sioux Empire Fair more accessible by renovating several bathrooms, installing two TTY's at pay phones, creating an accessible path of travel through areas of the Fairgrounds, upgrading accessible parking, making vending and ticketing counters and booths accessible, providing materials to Fair volunteers and patrons regarding the accommodations available for people with disabilities, and adopting a policy that allowed patrons with mobility impairments to buy the same number of companion tickets to Fair concerts that other patrons are able to buy (*U.S. Department of Justice, Settlement Agreements, Settlement Agreement Between the United States of America and Minnehaha County, South Dakota, undated*).

In a later status report from April – June 2007 from the Department of Justice (2008), an informal settlement was reached when a California *state fair* was not fully accessible to persons with disabilities because an employee of the state fair did not think the person with a spinal cord injury, who had difficulty climbing stairs, should have access to the elevator (U.S. Department of Justice, Civil Rights Division, Disability Rights Section, Oct. 9, 2008). In the same case, another person with a disability could not be directed to the wheelchair seating because the staff member did not know where it was. The state fair agreed to better train its employees and revise its language in its contracts with vendors to assure compliance with the ADA. In another

governmentally controlled place of public accommodation, a settlement agreement was reached July 23, 2008 with Humboldt County Fairgrounds in Ferndale, California. The County agreed to modify its parking, aisles, signs, routes, ticket office, ramps, entrances, offices, and telephones to make them accessible under the Title II of the ADA. It also agreed to appoint a responsible employee to make sure the requirements of Title II were met (U. S. Department of Justice. (July 23, 2008).

RECOMMENDATIONS FOR SPECIAL EVENTS ORGANIZERS

At any special event, the private entity who is in control of the physical aspects of a "place of public accommodation," whether as organizer, owner, operator, lessor, or lessee, is subject to Title III of the ADA. If the special event is given by a governmental unit, it would be subject to Title II of the ADA and the same requirements as under Title III. The cases, settlements, and mediations that have been made in the past between the Department of Justice and the private entities would seem to indicate that there are important steps that should be taken to avoid liability under Title III.

- The private entity who is presenting a special event should obtain information and answers to questions at the ADA website found at http://www.ada.gov/publicat.htm.
- The ADA Title III Technical Assistance Manual should be located at http://www.ada.gov/taman3.html and the ADA regulations located at http://www.ada.gov/reg3a.html.

- The Regulations and the Technical Assistance Manual should be used as a check-off sheet of requirements for accessibility at the place of public accommodation where the special event will be given.
- An inspection of the place of public accommodation should be made, noting those areas that need modification to meet Title III requirements.
- An analysis should be done to determine if the modification needed is unduly burdensome, if it will change the nature of the activity, or if to make such a modification would pose a direct threat to the public.
- As the analysis is done, note that modifications often found in the settlement agreements include achieving the proper amount of accessible parking, making routes and aisles accessible, improving signage, lowering ticket counters, booths, and telephones, and providing accessible restrooms.
- If it is determined that the modification is not unduly burdensome, that it will not change the nature of the activity, or that such modification would not pose a direct threat to the public, the modification should be done, or such a modification should be negotiated into the contract to secure the venue (Fenich, 2008).
- Note that interpreters and Braille information on websites and in maps and brochures are often required of larger corporations who are better prepared financially to provide them.
- Check the Tax Incentive Package at http://www.ada.gov/archive/taxpack.pdf, which explains tax credits available for meeting some of the ADA requirements.
- One of the most significant areas of liability seems to arise from the lack of training of employees in the requirements of Title III of the ADA. The Justice Department not only expects physical modifications to be made to the place of public accommodation in order

to make it accessible to people with disabilities, but it expects the staff and volunteers of the private entity to be aware of the modifications and be able to assist people with disabilities in locating and using the modifications. Several of the settlement agreements required that the private entity designate an employee to coordinate compliance with Title III and training of other employees in awareness of it.

CONCLUSION

While meeting the requirements of the law when hosting or producing special events can sometimes seem costly, the price of not doing so can often result in far greater costs. Parties who own, lease (or lease to), or operate a place of public accommodation should be proactive in staying informed of the requirements of Title III of the ADA and making reasonable efforts to provide for patrons with disabilities as provided for in the Act. Moreover, adhering to the ADA will make the special event more attractive to people with disabilities and increase attendance. These authors agree with commentators that recommend that the private and public sectors, as well as the disability community itself, play important roles in increasing educational efforts to increase awareness of accessibility under Title III (Hernandez, McCullough, Balcazar & Keys 2008; Short Ends Film Festival, 2007). Increased awareness, training, and enforcement are vital to the achievement of the goals of Title III.

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