



**OFFICE OF THE ATTORNEY GENERAL**  
**Leonardo M. Rapadas**  
**Attorney General of Guam**

Department  
Operating Policy:  
ADA 2

TITLE	RESPONSIBLE PARTY	RESPONSIBLE STAFF
Facilities Compliance Inspection relative to the Americans with Disabilities Act	Office of the Attorney General ADA Coordinator	ADA Coordinator and DISID Staff

**PURPOSE:**

To establish an inspection program for accessible parking, entry way, path of travel and accessible public bathrooms of existing buildings/facilities in compliance with the Americans with Disabilities Act Amendments Act of 2008 (ADAAA) and the Americans with Disabilities Act Accessibility Guidelines (ADAAG).

**SCOPE:**

This policy applies to all facilities that are covered under Title II and Title III of the Americans with Disabilities Act Amendments Act of 2008. This includes all existing buildings, (1) premises, and/or facilities used or occupied by the Government of Guam to deliver services, (2) facilities that serve the general public and, (3) facilities owned or operated by private entities and/or non-profit organizations. The program does not apply to buildings that will be or are being constructed, nor does the program include reviewing architectural plans for accessibility, as these functions are the purview of the Guam Department of Public Works. This policy does not intend to cover the entire gamut of the scope of the ADAAA inspection.

**PROCEDURES:**

A. Overall Guidelines:

1. The Office of the Attorney General ADA Coordinator is responsible for developing compliance inspection program for the Office of the Attorney that is consistent with and follows the standards the Americans with Disabilities Act Architectural Guidelines (ADAAG) and guidelines issued by the U.S. Department of Justice. The ADA Coordinator may consult with DISID staff for technical assistance.
2. The ADA Coordinator and/or designees are responsible for conducting inspections and for reporting to the Attorney General:
  - a. Notification to Conduct Facilities Compliance Inspection (P&P Form 4.10)
  - b. Record preliminary findings on an inspection report form;
  - c. Notify the permit holder and/or operator of any findings of violation during any inspection that violates any applicable law or rule using the Compliance Notice form.
3. The ADA Coordinator will utilize the following tools approved by DISID leadership to monitor compliance with the ADA:
  - a. Notification to Conduct Facilities Compliance Inspection (P&P Form 4.10)
  - b. ADAAG Checklist for Existing Facilities for accessible parking, entry way, path of travel, service counter, and accessible public bathrooms;
  - c. Notification of Compliance or Non-Compliance (P&P Form 3.10).
  - d. Notification of Formal Submission of Report to the US Department of Justice (P&P Form 108.13)



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4. The Notification of Compliance/Non-Compliance shall:
  - a. Set forth the specific areas that need compliance according to violations found, to include the ADAAG reference for the violation;
  - b. Establish a specific and reasonable period of time for correction of the violations found;
5. Failure to comply by the Office of the Attorney General Service Providers with any notice issued in accordance with the provisions of any applicable laws, rules or regulations may result in enforcement of immediate fines, and/or the suspension of the contract of the service provider by Attorney General.
6. Notices provided for under this section shall be deemed to have been properly served when:
  - a. A copy of the inspection report form or other notice has been delivered personally to the permit holder or person in charge by the ADA Coordinator, or
  - b. Such notice has been sent by registered or certified mail return receipt requested to the last known address of the permit holder by the ADA Coordinator.

**B. Receipt of Complaint Regarding Non-Compliance**

1. When a complaint is received by the Office of the Attorney General ADA Coordinator regarding the accessibility of a parking area, entry way, path of travel, service counter, or public bathroom, the ADA Coordinator shall, within ten (10) days of receipt of the complaint, conduct a preliminary inspection of the alleged violation.
2. Upon completion of inspection, the facility manager/operator will be given a copy of the completed ADAAA Compliance checklist and Notification of Compliance/Non-Compliance (P&P Form 3.10) which will indicate the specific areas of compliance/non-compliance and the grace period to comply as well as date of re-inspection.
3. At the end of the grace period of compliance, the ADA Coordinator will conduct a follow-up inspection.
4. If the facility is found compliant, the case will be closed. Otherwise, said facility will be afforded an additional grace period to comply of not more than thirty (30) days with a strong warning that non-compliance will result in elevating the matter to the US Department of Justice (P&P Form 108.13).
5. At the end of the additional grace period and the facility is still not compliant relative to the initial complaint, the ADA Coordinator will inform the complainant that he/she may contact DISID to provide technical assistance in filing the formal complaint with the US Department of Justice.