

June 7, 2017

Dear Mr. Williams,

Thank you for responding, but NO. Your responsibilities are greater than regurgitating a fraudulent report produced by the very entity that has taken control of Michigan CILs.

You are entitled to your opinion but you are not entitled to your own facts. Let's go through your statements one by one. Your pants are on *fire*, sir.

Declaration of Compliance

False Statement 1: "...as we have explained in earlier emails, phone calls, and in-person meetings, they are compliant with the requirements of the programs overseen by the Independent Living Administration".

Your staff has been doing a lot of talking about me without me, so that may be the source of your confusion on this issue. **Never, until this point, has any ILA employee stated that Michigan's IL Program is in compliance.**

Furthermore, determining compliance or non-compliance would require Kimball to do his job, and *that hasn't happened*. It's evident that you are declaring Michigan's entire IL Program "in compliance" in an effort to avoid doing what your agency is funded to do. That's not acceptable.

Consumer Control

False Statement 2: "...federal law does not preclude close working relationships between the SILC and the DSE or vocational rehabilitation agencies".

Centers for Independent Living are defined in federal law, and for you to simply decide that those laws have no meaning is outrageous. Federal law defines a CIL as a cross-disability, consumer controlled, community-based organization.

In fact, Centers for Independent Living were created as non-profit entities specifically to limit the role of the state in tax-payer funded organizations that are legislated to be controlled by consumers. **It's sickening to see the ILA endorse the take-over of Michigan CILs by vocational rehabilitation. You are using laws designed to protect consumers to legitimize the very practices those laws are intended to protect us from.** Federal law may not "preclude close working relationships," but it certainly doesn't allow for phony-baloney "Centers for Independent Living" that are run by vocational rehabilitation. That's not what consumer control means. You know it. I know it. Kimball knows it. Why are you pretending otherwise?

False Statement 3: "The federal IL Program has always relied on staff members' self-disclosure of disability status as a means of determining compliance with this requirement. We believe that attempting to determine an individual's disability by any other approach would undercut such requirements as be extremely invasive and counterproductive."

This statement is an attempt to mischaracterize my position.

No one has ever suggested that you do anything but your job, which entails more than rubber-stamping the 704 Report. Federal legislation requires you to review America's IL Program. Yet no functioning review tool

exists; no formal complaint process for CILs and SILCs exists; no onsite reviews are taking place in Michigan; and my IL Specialist has been unreachable for two and a half years. Your refusal to do your job has had a direct and negative impact on my ability to access CIL services.

Furthermore, when the ILA is presented with direct evidence that people identifying as disabled for the purpose of consumer control openly identify as non-disabled during SILC public meetings, no action is taken. **To argue that the ILA is relying on self-disclosure is disingenuous.** The ILA has decided that falsified 704 data is good enough because your objective is to find an excuse for not doing your job.

The [last audit done in Michigan](#) (2013) indicated that the CIL under review was out of compliance with consumer control requirements and was not following proper procedure with CSRs, which led to incorrect 704 data. Obviously, this implies that RSA had had some way of measuring consumer control beyond a number written in the 704 Report. RSA did less than the bare minimum to meet its requirements under the law. Apparently we can expect even less the ILA.

Like Michigan CILs, ILA has adopted the medical model by conflating disability and diagnosis. Under his theory, consumer control has no meaning. Nearly every person in the world has experienced some form of diagnosis in their lifetime. In Independent Living, disability is *experienced*. CILs led by “behavior modification” specialists, vocational rehabilitation counselors, sheltered workshops managers, and group home owners (many of whom openly identified as non-disabled) are not CILs. Common sense and respect for IL values and the law seem to have no place in this discussion.

False Statement 4: “I have reviewed the issues you have raised and the steps taken by Kimball Gray and others on my staff in response to them. In all cases, they were thorough. They reviewed the information you provided and additional information we obtained from the Statewide Independent Living Council and Centers for Independent Living.”

Recent FOIA requests reveal this statement to be false. What would I find if I submitted a FOIA request of all documents related to Kimball’s “thorough” inquiry into these matters? A FOIA request from February of this year revealed that no communication had taken place between Kimball and Disability Network West Michigan, except an email from the DNWM Executive Director slandering consumers attempting to attend board meetings and a copy of the fraudulent report from MDHHS referenced in your letter. That email contained several false statements, in addition to blatant disrespect for IL values. **Lying to the federal government in order to keep state and federal dollars flowing is a crime.**

In the last 20 years, MRS and Michigan CILs have been moved in and out of 4 departments. Each move diminished the knowledge of state administrators about IL and the fundamental differences of Centers and other social programs. The current contract analyst assigned to the Michigan SILC and CILs has demonstrated that he makes no distinction between the IL model of community-based, consumer-controlled services and government-controlled public services. **The degradation of consumer-designed and delivered IL services is clearly related to the total lack of compliance monitoring for fidelity to IL history and philosophy.**

False Statement 5: “Some of the issues you raise pertain to matters of state law, rules or practices over which ACL has no purview.”

False. [Part of Kimball’s job is ensuring that Michigan’s IL Program complies with state and federal law.](#) Michigan’s [CILs and SILCs are not complying with state and federal law](#) and onsite reviews are not being conducted. Michigan CILs have gone to such extremes that [they have violated our Constitutional rights](#) – in

addition to our rights under the [ADA and Rehabilitation Act](#). That tells me that the ILA will not take action, no matter how egregiously Michigan CILs treat consumers.

Much of the information I have provided you with is evidence of a *culture* of corruption and is not necessarily illegal. That's not an excuse for you to do nothing. Kimball's job description obviously gives him the authority to require that CILs – at minimum – provide the core services and promote IL philosophy. Under no theory are CILs run by vocational rehabilitation for the benefit of the businesses and governmental agencies exploiting the disability community acceptable under the Rehabilitation Act.

Open Meetings

This issue became irrelevant in October of 2016, when the contract between Disability Network West Michigan and the state expired. That contract clearly [required Michigan CILs to conduct open meetings](#). When Kimball refused to provide guidance for over two years, despite requests from the P&A and numerous consumers, the state took that opportunity to rewrite the contract. Because the ILA refused to do the job it is funded to do, consumers are now without access to any CIL board meetings and we are also without recourse.

False Statement 6: “We are pleased to find that the board meetings at Disability Network West Michigan (DNWM) most often open to the public”.

That is a flat out lie. Disability Network West Michigan made a false statement – that board meetings during a specific period were open to the public. The state repeated that false statement to you, and now you are repeating it to me as though that makes it true. Except it isn't true. *Did you forget that I actually live this experience? I am the person actually attempting to attend those meetings. Asking me to believe that my CIL's board meetings are open to the public when they clearly are not is **absurd**.*

Kimball is fully aware that those board meetings are not and have never been “generally open to the public”. He was copied on nearly weekly emails I sent to Muskegon's CIL requesting the date, time, and location of those meetings over the course of years. I attempted to attend several meetings and documented with video evidence that they are not open to the public.

- Watch video footage of DNWM throwing consumers out of their “open” Board Meetings [here](#) and [here](#).
- [Watch video footage of the ONLY open meeting ever conducted by DNWM, in which the board votes to close all board meetings to the public](#) and replace them with public input sessions “as necessary”. (No open board meetings or public input sessions have been held since.)

Again, lying to the federal government in order to keep state and federal dollars flowing is a crime.

While we were being thrown out of “open” board meetings; while we were [physically barricaded from the ADA Celebration](#); when our CIL [threatened to sue us for using our First Amendment rights](#), Kimball did *nothing*.

Conclusion: You have all of the evidence and resources you need in order to act, including the authority, the funds, and the legal and moral responsibility. At this point, I have to conclude that the ILA is unwilling to do the job it is funded to do.

This weekend, we will host the 2nd annual Rally for Disability Pride. It will be very difficult for me to share the news with consumers that the ILA has betrayed us and that no one cares that we remain without access to CIL services despite a fully-funded IL Program.

Eleanor Canter
Consumer
Muskegon, MI