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October 13, 2009

Henry Claypool, Director
Office on Disability
The U.S. Department of Health and Human Services
2000 Independence Avenue, S.W.
Room 637D
Washington, D.C. 20201

Dear Mr. Claypool,

Thank you for referring our complaint to the Office for Civil Rights, Region IV, Atlanta, GA, regarding the violations of the FDDC to the requirements of OMB Circular A-122, Attachment B, Paragraph 25, which states:

Using a nonpartisan approach, grantees would be free to advocate a particular position or viewpoint so long as there is a sufficiently full and fair exposition of the pertinent facts to enable the policymaker to form an independent opinion or conclusion. In such an analysis, a grantee would refrain from presenting unsupported opinions, distorted facts, inflammatory and disparaging terms, or conclusions based more on strong emotional feelings than on objective factual conclusions.

We received a response from Roosevelt Freeman/ H.I Barbour III with a transaction number: 99282 and will forward this correspondence to him.

Since we last contacted you in our letters of May 13 and May 26, 2009, we learned on June 10 that the FDDC would establish a Work Group to study residential options to begin on July 24, 2009 and continue for a total of four sessions. Some organizations were invited which support legislation to amend Florida Statute 419.001 exempting group homes of six or fewer residents from the distancing requirements of 1,000 feet if part of a planned residential community. We assumed that the FDDC was making an honest attempt to withhold judgment against planned residential communities and be willing to reverse their support of discriminatory distancing, quota and density requirements contained in Florida Statute 419.001.

We discovered that on August 19th after the first Work Group meeting on July 24, 2009, Debra Dowds, Executive Director of FDDC, posted her comments to Medicaid program Home and Community Based (HCBS) Waivers, CMS – 2296-ANPRM)* in which she reaffirmed the solid position against planned residential communities, again alleging segregation, institutionalization and misuse of Medicaid Waiver funding of non community-based services. She did not disclose this to the Work Group members prior to the second scheduled meeting of the Work Group on August 25. At that meeting three representatives of residential initiatives were scheduled to speak. We were expecting the Council to adopt the required position of neutrality both inside and outside the context of the Work Group.

We find this to be an egregious violation of public trust in the promise to study and visit planned residential communities in a fair way in accordance with the Council's responsibility of advising, educating and informing. The explanation Ms. Dowds offered was the *time constraint*; however, this would not have ruled out a fair representation of both sides of the issue required by law of a federally funded agency.

We have asked Ms. Dowds to acknowledge this publicly, and take steps to rectify the situation. This could be accomplished by amending comments to CMS to reflect the current status of the Work Group's progress and to desist from blocking legislation for choice of planned residential communities with inflammatory language and unsupported allegations.

We have also asked her to respond in writing to the questions we have posed in a letter to her on September 30th (enclosed) in response to her comments to CMS, and requested floor time to address those concerns and questions in our next scheduled work group meeting on Oct. 15th. To date, Ms. Dowds has not responded. Unless Ms. Dowds responds to our legitimate concerns and questions, we consider the FDDC's stated position to advocate on behalf of persons with developmental disabilities so much empty rhetoric.

We respectfully request that this matter be investigated. We feel that FDDC's advocacy position is not addressing the concerns and needs of a significant number of the population of people with developmental disabilities nor in keeping with their mandate to adopt and maintain a position of fair representation in their dealings with federal agencies and the Florida Legislature.

*<http://www.regulations.gov/search/Regs/home.html#documentDetail?R=0900006480a164ec>

Enclosed:

Our recent letter to Ms. Dowds and the FDDC

Prior letters to you, 5/13/09 and 5/26/09

Supporting letters from advocates: Lucille Pavinski, Rev. Richard Stimson, Jack Kosik, Tito Balducci, Ven Sequenza

Sincerely,

Lila Klausman, Pres

Parents Planning Programs (PPP), Inc.

Member Florida Family Care Council Area 7

Cc: Debra Dowds and members of the FDDC and Work Group, et al.

Gov. Charlie Crist

Roosevelt Freeman, Regional Manager

Dep't. of Health and Human Services Office for Civil Rights, Region IV, Atlanta , GA