

Marsha Vander Heyden  
151 West 25<sup>th</sup> Street 8<sup>th</sup> Rear  
New York, New York 10001-7204  
212-242-0525

marshatapestries@earthlink.net

September 24, 2015

Sent Certified

David L. Hunt J.D.  
Inspector General  
Office of Inspector General  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Received & Inspected

OCT 02 2015

FCC Mail Room

Re: DOJ ADA Complaint and Harassment by WBAI Personnel

Dear Mr. David L. Hunt J.D:

I am writing to inform you of recent communications I have sent to Mr. Berthold Reimers, General Manager of WBAI Radio in NYC and to Mr. John Proffitt Executive Director of Pacifica Radio in California which owns WBAI, Helen Mollick, Esq. Counsel to the Inspector General of the CPB, California AG Office and the US Department of Justice.

I am enclosing these documents as documentation of my complaint against WBAI Radio in NYC 99.5 FM a broadcasting entity owned by nfp Pacifica Radio Foundation of California.

Abuses have occurred for years and it is impossible and unknowable as to how to file a complaint with the Foundation for any offense or violation regardless of the type or extremity of the complaint.

Management are unreachable and unresponsive.

I believe they are in violation of their license obligations of developing programming reflecting the interests and needs of the populations in their broadcast radius and have intentionally excluded even large populations in their programming decisions.

I am especially concerned about the treatment of Indigenous peoples; but other communities including the disabilities community, the Muslim Communities and the multiple Asian communities are also of concern.

At issue also are tactics that have been used to keep these communities off the air such as using vast amounts of air time for music programming and then claiming that there is no air time available for information programming that would be the choice of these peoples.

I am unfamiliar with your methods of enforcement on these issues; however please accept these documents as explanations of the issues involved in the complaint which are of concern to myself and others.

Yours truly,

  
Marsha Vander Heyden

PS: I have included a September 22, 2014 DOJ document which has been honored in the breach. It states "The respondent (meaning Pacifica/WBAI and the landlady) may not use this information to retaliate against you for filing this complaint."

encl: Letter to Mr. Berthold Reimers dated 9/24/15, Letter to Mr. John Proffitt dated 9/24/15, Letter to Helen Mollick, Esq. Counsel to the Inspector General of the CPB, Letter to California AG Office 9/24/2015, Letter to US Department of Justice 9/24/2015, 9/22/2014 letter from DOJ

Cc

Helen Mollick, Esq  
Corporation for Public Broadcasting  
401 Ninth Street, NW  
Washington, DC 20004-2129

Re: PACIFICA RADIO  
California AG Office  
Registry of Charitable Trusts  
P.O. Box 903447  
Sacramento, CA 94203-4470  
(916) 445-2021

Ms. Carmen Romero  
Complaint Adjudication Section  
Civil Rights Division / Disability Rights Section  
US Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530





**U.S. Department of Justice**

Civil Rights Division

*Disability Rights Section-NYA  
950 Pennsylvania Avenue NW  
Washington, DC 20530*

15DRS-10                      3NY311

SEP 22 2014

Ms. Marsha Vander Heyden  
151 West 25th Street, 8-R  
New York, NY 10001-7204

Dear Ms. Vander Heyden:

The Disability Rights Section of the Civil Rights Division of the Department of Justice has received your correspondence alleging violation of title III of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12181-12189, and the Department of Justice's implementing regulation, 28 C.F.R. Pt. 36, which prohibit owners and operators of public accommodations and commercial facilities from discriminating on the basis of disability.

We are offering you an opportunity to resolve your complaint through informal means. The Department of Justice sponsors a mediation program designed to allow parties to resolve their ADA disputes quickly and satisfactorily. We have determined that your complaint is an appropriate candidate for referral to this service. We are enclosing information about the ADA Mediation Program for your review. Additional information about the ADA, including the regulations and other technical assistance materials, is available at [www.ADA.gov](http://www.ADA.gov).

Through this informal mediation process, an impartial third party assists disputing parties to develop mutually satisfactory solutions to their differences. Mediation typically involves one or more meetings between the disputing parties and the mediator. It may also involve one or more confidential sessions between one party and the mediator. A successful mediation results in a binding agreement between the parties. Mediation proceedings are confidential.

The role of a mediator is not to act as an advocate or judge, but, rather, to help the parties reach a mutual agreement. Mediation is informal, and representation by an attorney, while permitted, is not required. The mediators participating in this program have been trained in the legal requirements of the ADA. In addition, the mediators have access to neutral experts from the local disability rights community.

Mediation through this program is free and is available in your community through the Key Bridge Foundation. If you have questions about this service, you may call Lewis Dabney toll free at (888) 528-1609 (V) or (800) 630-1051 (TDD).



Participation in the service is voluntary, both for you (the complainant) and for the entity accused of violating the ADA (the respondent). If you would like us to refer your complaint to this mediation service, please carefully review and sign the enclosed Release for Referral to Mediation form and return it to us in the enclosed envelope within thirty (30) days of the date of this letter. Your return of the signed form will allow us to release your name, address, and telephone number, and other information provided to us in your complaint to the mediation service and will allow the mediation service to release that information to the respondent. Such disclosure is necessary to facilitate open communication between you and the respondent during the mediation meetings. ~~The respondent may not use this information to retaliate against you for filing this complaint. After we receive your signed release form, we will notify the mediation service and they will contact you.~~

In addition, upon receipt of the signed Release, we will notify the respondent of your complaint and recommend that the respondent enter into mediation. We will explain to the respondent that the Department of Justice will suspend any action pending resolution of the mediation and that participation in mediation will allow the respondent to complete this matter without the involvement of the Federal government.

If we do not receive the signed Release within thirty (30) days of the date of this letter, we will assume you do not wish to participate in the mediation project. If you decline to participate in mediation, our file on your complaint may be closed and no further action taken. If the respondent declines to participate in the mediation service, or if mediation is unsuccessful, your complaint will be retained by us to determine whether to pursue further investigation and/or litigation of the complaint.

We hope you will take advantage of this opportunity to resolve your ADA complaint.

Sincerely,



Lisa Levine  
ADA Mediation Program Officer  
Disability Rights Section

Enclosures