

On Dec 23, 2022, at 10:04 AM, Webb, Todd (FHWA) <james.webb@dot.gov> wrote:

ADA

Thank you Mr. Russell. Are you available for a quick phone call?

Issues

Thank you,

Todd

ADA Program Analyst
United States Department of Transportation
Federal Highway Administration
Office of Civil Rights
1200 New Jersey Ave. S.E.
Washington, D.C. 20590
Office: (202) 366-5991

From: George H Russell <ghr@cyberclone.net>

Sent: Friday, December 23, 2022 10:52 AM

To: Webb, Todd (FHWA) <james.webb@dot.gov>; George Russell <ghr@cyberclone.net>

Subject: Re: REQUEST FOR INFORMATION - complaint DOT # 2022-0405 George Russell v. City of Huntsville, Texas

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Thank you Todd. The sidewalk in question is on the west side of University Avenue beginning at 14th Street and running south for about 100 feet. There is also a dangerous wooden set of steps that non-handicapped people use to access the museum from our parking lot across University Ave to the east. We had planned an ADA compliant ramp beginning at the driveway of the museum on 14th Street and up to join a planned new ADA compliant sidewalk. From a landing opposite the front steps of the museum, we planned to build a handicap ramp for the benefit of handicapped citizens including my wife who has yet to be able to visit the museum that she helped pay for.

I can take photos and send them to you if you wish or you may wish to come for a visit to see for yourself.

Please let me know how to transmit photos or videos if you prefer.

ghr

On 12/23/2022 8:46 AM, Webb, Todd (FHWA) wrote:

Subject: Re: ADA COMPLAINT

From: George H Russell <ghr@cyberclone.net>

Date: 6/14/2022, 6:55 PM

To: Aron Kulhavy <akulhavy@huntsvilletx.gov>, George Russell <ghr@cyberclone.net>

ADA

Thanks. When the grant money did not come through it was my understanding that funds would be found elsewhere. As you are well aware the city wastes hundreds of thousands (and probably millions of dollars every year.).

I know that you do the best you can under very trying circumstances .

ghr

On 6/14/2022 5:07 PM, Aron Kulhavy wrote:

George,

As you know, we applied for a grant for this project; however, we were unsuccessful in receiving funding. I'll have our new engineer pull up the old stuff on this project and look into it and see what we can do.

AK
Aron Kulhavy, AICP
City Manager
1212 Avenue M
936-291-5401

On Thu, Jun 9, 2022 at 3:38 PM George H. Russell <ghr@cyberclone.net> wrote:
9 June 2022

Aron,

Before I feel forced to file a formal ADA complaint with the Department of Justice, I want to give the City one more opportunity to follow through with the promise from May 2020 to replace the current DANGEROUS sidewalk with the sidewalk that we designed together and also be replace the VERY DANGEROUS wooden stairs from the sidewalk to University Ave.

Please confirm that the City will get the job done so that my wheelchair bound wife can eventually tour the museum that she paid half the cost to purchase and open.

We are missing the third opportunity to have the museum safe to visit on Juneteenth.

of the lack of any sidewalk on 14th Street and thus no real handicap access.

The only practical egress is via either one or two driveway entrances in front of two other museums and then north on the ADA friendly sidewalk I built to replace the damaged sidewalk that was unsafe. Heading north At the end of the section I replaced begins the section that the city said they would replace and make ADA compliant and safe at least two years ago. It is quite dangerous and the new ADA sidewalk will need a hand rail on the east side as the sidewalk is bounded by a steep slope down to the street. It will need to go all the way to the corner of University Ave and 14th Street where it meets two sets of concrete stairs.

Thanks. I took some photos if you will let me know how to transmit them to you.

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On 12/23/2022 11:41 AM, GEORGE RUSSELL wrote:

yes sir 936-581-4302

Sent from my iPhone

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Subject: Fwd: YELLOW CURBS, BAD SIDEWALK PATCH AND DANGEROUS SIDEWALK

From: "George H. Russell" <ghr@cyberclone.net>

Date: 6/9/2022, 3:42 PM

To: Aron Kulhavy <akulhavy@huntsvilletx.gov>, George Russell <ghr@cyberclone.net>

ADA

----- Forwarded Message -----

Subject:Re: YELLOW CURBS, BAD SIDEWALK PATCH AND DANGEROUS SIDEWALK

Date:Fri, 15 May 2020 15:30:45 -0500

From:Aron Kulhavy <akulhavy@huntsvilletx.gov>

To:George H. Russell <ghr@cyberclone.net>

CC:Kevin Byal <kbyal@huntsvilletx.gov>, jenny@cyberclone.net <jenny@cyberclone.net>, Sue Ann Delk <sueann@cyberclone.net>

George,

Thank you for the email. I'll pass along to public works and see about the yellow curbs. I thought we were done over there, but we can check again. I'll also inquire into staining the concrete on N 1/2 and hopefully that can be easily done.

Let's get together sometime next week and look at the 14th and university sidewalk. I want to hear firsthand your plans for it before it's sent along the way, if possible. I'm free most of next week except Tuesday so let me know what works for you.

Have a good weekend.

AK
Aron Kulhavy, AICP
City Manager
1212 Avenue M
936-291-5401

On Fri, May 15, 2020 at 3:22 PM George H. Russell <ghr@cyberclone.net> wrote:
15 May 2020

Aron:

YELLOW CURBS

For some reason the paint crews missed painting over yellow curbs that we had listed to be painted gray at the following addresses:

Subject: ADA COMPLAINT

From: "George H. Russell" <ghr@cyberclone.net>

Date: 6/9/2022, 3:37 PM

To: Aron Kulhavy <akulhavy@huntsvilletx.gov>, George Russell <ghr@cyberclone.net>

ADA

9 June 2022

Aron,

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Please confirm that the City will get the job done so that my wheelchair bound wife can eventually tour the museum that she paid half the cost to purchase and open.

We are missing the third opportunity to have the museum safe to visit on Juneteenth.

This really\seems like some form of bigotry as if the museum was about White Supremacy, the sidewalk would have been made safe years ago.

ghr

--

This email has been checked for viruses by Avast antivirus software.

<https://www.avast.com/antivirus>

Subject: Fwd: ADA

From: "George H. Russell" <ghr@cyberclone.net>

Date: 6/9/2022, 3:43 PM

To: Aron Kulhavy <akulhavy@huntsvilletx.gov>, George Russell <ghr@cyberclone.net>

----- Forwarded Message -----

Subject:ADA

Date:Tue, 1 Sep 2020 17:35:17 -0500

From:George H. Russell <ghr@cyberclone.net>

To:council@huntsvilletx.gov <council@huntsvilletx.gov>, Aron Kulhavy <akulhavy@huntsvilletx.gov>, George Russell <ghr@cyberclone.net>, moo <sue@cyberclone.net>, Jake Mienk <jmienk@itemonline.com>

1 September 2020

Dear Council and Aron:

Some months before the Juneteenth opening of our latest museum: MUSEUM OF AFRICAN AND AFRICAN AMERICAN ART, HISTORY AND CULTURE, I was hoping that the very dangerous non-ADA compliant city sidewalk in front of the museum would be replaced with a ADA stamped red brick sidewalk like the one recently constructed on the south side of the old Texan Cafe, and that a set of safe died concrete steps across Main Street could be constructed to replace the current dangerous steps so that visitors parking in the Museum of Texas furniture lot would have easy access to the museum unless handicapped in which case they would need to park in front of 1428 Main Street and use a new ADA compliant sidewalk to access the museum.

Covid 19 put a hickey into those plans but the city is back at constructing new sidewalks, even replacing some that meet ADA specs.

Therefore I cannot find an excuse for not meeting with me (with masks on of course) to plan the sidewalk so that my handicapped wife can someday visit the museum that she half paid of the costs of purchase of the building and the contents.

I believe that even "Lying Leonard" might stoop from his high horse to inform you that the city is knowingly allowing a non-ADA compliant sidewalk to endanger citizens without disabilities but also to prevent handicapped citizens from using the dangerous sidewalk at. The liability issue does not paint a pretty picture for the taxpayers.

Please communicate with me ASAP so that we can work to design a beautiful and appropriate sidewalk.

Thanks

AAA

Subject: Re: sidewalk meeting
From: Aron Kulhavy <akulhavy@huntsvilletx.gov>
Date: 3/4/2021, 3:31 PM
To: "George H. Russell" <ghr@cyberclone.net>

Thanks for the update to the house in my neighborhood and I know my neighbors will be glad to see work happening over there.

I also called in your sewer tap inspection and they should be in contact with you soon.

AK
Aron Kulhavy, AICP
City Manager
1212 Avenue M
936-291-5401

On Thu, Mar 4, 2021 at 3:26 PM George H. Russell <ghr@cyberclone.net> wrote:

Thank you. After we get everyone's plumbing operational and make the repairs to the holes in the floors, walls, and ceilings we will try to make the burned house at least look presentable from the street.

A public servant that uses his religious fanaticism to punish citizens that he believes will burn in hell no matter what, is unworthy of being a city employee, most especially if he is the Chief of Police and abuses his office to abuse non-Christian citizens.

I believe that religious discrimination is a violation of the law in Texas, is it not?

ghr

On 3/4/2021 3:06 PM, Aron Kulhavy wrote:

The meeting went better than I expected and I'm glad to hear you are willing to work with us to make this project happen. Now, hopefully we will get funding for it, but I leave that in the hands of our grant folks.

We'll keep you posted on how it turns out.

aK
Aron Kulhavy, AICP
City Manager
1212 Avenue M
936-291-5401

On Wed, Mar 3, 2021 at 9:06 PM George H Russell <ghr@cyberclone.net> wrote:

Thanks for taking time to meet with me. I do believe that working together we can make University Avenue in our Museum District both

Subject: Re: sidewalk meeting
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Date: 3/4/2021, 3:06 PM
To: George H Russell <ghr@cyberclone.net>

ADA

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Aron Kulhavy, AICP
City Manager
1212 Avenue M
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On Wed, Mar 3, 2021 at 9:06 PM George H Russell <ghr@cyberclone.net> wrote:

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ghr

On 3/3/2021 10:03 AM, Aron Kulhavy wrote:

> City hall at 1:30. See you there.

>

> Sent from my iPhone

>

>> On Mar 3, 2021, at 9:55 AM, George H Russell <ghr@cyberclone.net> wrote:

>>

>> Aron:

>>

>> What time and where will be the sidewalk meeting scheduled for today?

>>

>> ghr

>>

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ADA

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From: George H Russell <ghr@cyberclone.net>

Date: 3/3/2021, 9:06 PM

To: Aron Kulhavy <akulhavy@huntsvilletx.gov>, "ghr >> George Russell" <ghr@cyberclone.net>

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ghr

ADA

LII > U.S. Code > Title 42 > CHAPTER 126 > SUBCHAPTER III > § 12188

Quick search by citation:

Title

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Section

section

Go!

42 U.S. Code § 12188 - Enforcement

U.S. Code Notes

(a) IN GENERAL**(1) AVAILABILITY OF REMEDIES AND PROCEDURES**

The remedies and procedures set forth in [section 2000a-3\(a\) of this title](#) are the remedies and procedures this subchapter provides to any person who is being subjected to discrimination on the basis of [disability](#) in violation of this subchapter or who has reasonable grounds for believing that such person is about to be subjected to discrimination in violation of [section 12183 of this title](#). Nothing in this section shall require a person with a [disability](#) to engage in a futile gesture if such person has actual notice that a person or organization covered by this subchapter does not intend to comply with its provisions.

(2) INJUNCTIVE RELIEF

In the case of violations of sections 12182(b)(2)(A)(iv) and section ^[1] 12183(a) of this title, injunctive relief shall include an order to alter facilities to make such facilities readily accessible to and usable by individuals with disabilities to the extent required by this subchapter. Where appropriate, injunctive relief shall also include requiring the provision of an auxiliary aid or service, modification of a policy, or provision of alternative methods, to the extent required by this subchapter.

(b) ENFORCEMENT BY ATTORNEY GENERAL

(1) DENIAL OF RIGHTS

(A) Duty to investigate

(i) In general

The Attorney General shall investigate alleged violations of this subchapter, and shall undertake periodic reviews of compliance of covered entities under this subchapter.

(ii) Attorney General certification

On the application of a State or local government, the Attorney General may, in consultation with the Architectural and Transportation Barriers Compliance Board, and after prior notice and a public hearing at which persons, including individuals with disabilities, are provided an opportunity to testify against such certification, certify that a State law or local building code or similar ordinance that establishes accessibility requirements meets or exceeds the minimum requirements of this chapter for the accessibility and usability of covered facilities under this subchapter. At any enforcement proceeding under this section, such certification by the Attorney General shall be rebuttable evidence that such State law or local ordinance does meet or exceed the minimum requirements of this chapter.

(B) Potential violation

If the Attorney General has reasonable cause to believe that—

(i) any person or group of persons is engaged in a pattern or practice of discrimination under this subchapter; or

(ii) any person or group of persons has been discriminated against under this subchapter and such discrimination raises an issue of general public importance,

the Attorney General may commence a civil action in any appropriate United States district court.

(2) AUTHORITY OF COURT

In a civil action under paragraph (1)(B), the court—

(A) may grant any equitable relief that such court considers to be appropriate, including, to the extent required by this subchapter—

- (i)** granting temporary, preliminary, or permanent relief;
- (ii)** providing an auxiliary aid or service, modification of policy, practice, or procedure, or alternative method; and
- (iii)** making facilities readily accessible to and usable by individuals with disabilities;

(B) may award such other relief as the court considers to be appropriate, including monetary damages to persons aggrieved when requested by the Attorney General; and

(C) may, to vindicate the public interest, assess a civil penalty against the entity in an amount—

- (i)** not exceeding \$50,000 for a first violation; and
- (ii)** not exceeding \$100,000 for any subsequent violation.

(3) SINGLE VIOLATION

For purposes of paragraph (2)(C), in determining whether a first or subsequent violation has occurred, a determination in a single action, by judgment or settlement, that the covered entity has engaged in more than one discriminatory act shall be counted as a single violation.

(4) PUNITIVE DAMAGES

For purposes of subsection (b)(2)(B), the term “monetary damages” and “such other relief” does not include punitive damages.

(5) JUDICIAL CONSIDERATION

In a civil action under paragraph (1)(B), the court, when considering what amount of civil penalty, if any, is appropriate, shall give consideration to any good faith effort or attempt to comply with this chapter by the entity. In evaluating good faith, the court shall consider, among other factors it deems

relevant, whether the entity could have reasonably anticipated the need for an appropriate type of auxiliary aid needed to accommodate the unique needs of a particular individual with a [disability](#).

([Pub. L. 101-336, title III, § 308, July 26, 1990, 104 Stat. 363.](#))



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Subject: Tourism enhancement

From: "George H. Russell" <ghr@cyberclone.net>

Date: 5/20/2020, 5:40 PM

To: Aron Kulhavy <akulhavy@huntsvilletx.gov>, George Russell <ghr@cyberclone.net>

ADA

Aron:

I enjoyed your visit today and look forward to working with your staff to replace the dangerous sidewalk with one meeting ADA standards.

What I failed to mention due to me telling "too many war stories", was that I have office space and meeting space across the street in the LIBRARY OF TEXANA and would like to open a discussion about the City using the space to enhance tourism, provide space for docents to meet and be available to give tours when requested etc.

We wouldn't ask for the City to pay any rent but might ask for help with HVAC and water bills associated with the bathrooms.

Please call if you and your staff would like to take a look.

ghr

P. S. That broken up sidewalk on Sam Houston Ave. was installed by the City and belongs entirely to the City.

Subject: Re: Tourism enhancement
From: Aron Kulhavy <akulhavy@huntsvilletx.gov>
Date: 5/27/2020, 3:07 PM
To: "George H. Russell" <ghr@cyberclone.net>

ADA

George,

I have maintenance crew looking at the sidewalk. We may do the work in-house or contract it out. If we contract it out, I just need to make sure we have enough money in this year's budget to cover it. Should not be a problem, but you never know when it comes to construction projects.

Next time we catch up, I'd like to look at the meeting space and see if it could be of some use. Thank you for offering this space.

Finally, thanks for looking at the other sidewalk for me. That one is on our list to repair too.

AK
Aron Kulhavy, AICP
City Manager
1212 Avenue M
936-291-5401

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Date: 5/27/2020, 3:57 PM

To: Aron Kulhavy <akulhavy@huntsvilletx.gov>, George Russell <ghr@cyberclone.net>

Thanks for looking at the situation. I would hope that Bryan Elvin can be contracted as we have worked together on ADA projects for many years but if your guys do the job I would like to work with them to make sure that everything will fit together according to plan so that handicapped people can visit the museum, hopefully by Juneteenth.

Call my almost any time and I can meet you at the LIBRARY OF TEXANA to look at the space.

Did you get the affidavit that we were told is what the Mayor wanted in order to pay for the damages to the Children's Museum caused by the defective sewer line?

ghr

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ADA

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From: "George H. Russell" <ghr@cyberclone.net>

Date: 9/1/2020, 5:35 PM

To: "council@huntsvilletx.gov" <council@huntsvilletx.gov>, Aron Kulhavy <akulhavy@huntsvilletx.gov>, George Russell <ghr@cyberclone.net>, moo <sue@cyberclone.net>, Jake Mienk <jmienk@itemonline.com>

1 September 2020

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Subject: Re: REQUEST FOR INFORMATION - complaint DOT # 2022-0405 George Russell v. City of Huntsville, Texas

From: "George H. Russell" <ghr@cyberclone.net>

Date: 12/23/2022, 12:10 PM

To: "Webb, Todd (FHWA)" <james.webb@dot.gov>, George Russell <ghr@cyberclone.net>

ADA
Files

Todd,

I just returned to my office from the site. I just revised the plan because of the lack of any sidewalk on 14th Street and thus no real handicap access.

The only practical egress is via either one or two driveway entrances in front of two other museums and then north on the ADA friendly sidewalk I built to replace the damaged sidewalk that was unsafe. Heading north At the end of the section I replaced begins the section that the city said they would replace and make ADA compliant and safe at least two years ago. It is quite dangerous and the new ADA sidewalk will need a hand rail on the east side as the sidewalk is bounded by a steep slope down to the street. It will need to go all the way to the corner of University Ave and 14th Street where it meets two sets of concrete stairs.

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ADA Program Analyst
United States Department of Transportation
Federal Highway Administration
Office of Civil Rights
1200 New Jersey Ave. S.E.
Washington, D.C. 20590
Office: (202) 366-5991

Called 29 MARCH 2023

From: George H Russell <ghr@cyberclone.net>

Sent: Friday, December 23, 2022 10:52 AM

To: Webb, Todd (FHWA) <james.webb@dot.gov>; George Russell <ghr@cyberclone.net>

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Please let me know how to transmit photos or videos if you prefer.

ghr

On 12/23/2022 8:46 AM, Webb, Todd (FHWA) wrote:

Hello George Russell,

My name is Todd Webb with the Federal Highway Administration's Office of Civil Rights and I working on the intake of your complaint against the City of Huntsville, Texas.

1. Can you please confirm that the subject location and the limits of the sidewalk you mention in your complaint is along the north side of 15th Street between University Avenue and Avenue J?
2. Please provide the alleged ADA non-compliance with the sidewalk?

Thank you,

Todd Webb

ADA Program Analyst
United States Department of Transportation
Federal Highway Administration
Office of Civil Rights
1200 New Jersey Ave. S.E.
Washington, D.C. 20590
Office: (202) 366-5991



Virus-free. www.avast.com

The Ethician Foundation

ADA

Texas Non-Profit Foundation #30-0736697

A 501(c) 3 Operating Foundation

1401 19th Street

Huntsville, Texas 77340

936.295.5767 Telephone

936.294.0233 Fax

ghr@cyberclone.net

Faxed
again
21 MARCH 2023

5 February 2023

To: U.S. DEPARTMENT OF JUSTICE

Attn: ADA COMPLAINT

Fax: 202-307-1197

On 13 June 2022 I filed a formal complaint about the City of Huntsville's refusal to make the sidewalk in front of our "MUSEUM OF AFRICAN AND AFRICAN AMERICAN ART, HISTORY & CULTURE" safe for visitors to enter via the very dangerous city sidewalk in front of the museum.

The City promised that the sidewalk would be rebuilt in a beautiful historic pattern of either stamped bricks or brick pavers to correspond with our foundation's historic district not later than the grand opening of the museum on Juneteenth 2020.

To date nothing has been done to eliminate this public hazard.

Please file suit against the City if necessary to force the City to comply with AFA standards.

Thank you,

George H. Russell, President

The Ethician Foundation

Texas Non-Profit Foundation #30-0736697

A 501(c) 3 Operating Foundation

1401 19th Street

Huntsville, Texas 77340

936.295.5767 Telephone 936.294.0233 Fax

ghr@cyberclone.net

13 June 2022

To: U.S. DEPARTMENT OF JUSTICE

Attn: ADA COMPLAINT

FAX: 202-307-1197

For over two years the City of Huntsville, Texas, has promised to replace the very dangerous sidewalk in front of our MUSEUM OF AFRICAN & AFRICAN AMERICAN ART, HISTORY & CULTURE, yet has failed to do so.

My crippled senior citizen wife paid for 50% of the restoration of the 1890's building and the art and African artifacts in the museum but has never been able to enter the museum due to the dangerous city sidewalk in front.

It is far past time for the city to correct this dangerous situation that in no way complies with ADA rules and standards.

Please impress upon the City of Huntsville that according to my understanding, the city is in egregious violation of the ADA laws.

I have personally built more ADA compliant public sidewalks at my expense than any other citizen in the history of Huntsville but

at age 77 and with limited financial resources I believe that it is far past time for the city to correct the obvious hazard.

Even before the Grand Opening of the museum on JUNETEENTH 2020, I met with city planners and we designed a new ADA friendly sidewalk that could have been constructed in less than a week yet nothing has been done to date.

Thank you for your kind attention to this pressing safety issue.



George H. Russell, President

P. S. There remains a great deal of bigotry in Huntsville, Texas and it would appear that the "racists" on City Council have vetoed building a new safe sidewalk.

The reason I suspect this possibility is that a live hot wire from an ENTERGY power line was down in the driveway of the museum and we called day after day to have it disconnected so that no child, adult or animal would be electrocuted and finally I had to pull "the race card", which I hated to do, but it was disconnected and made safe almost immediately afterwards.

The Ethician Foundation

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Todd

ADA Program Analyst
United States Department of Transportation
Federal Highway Administration
Office of Civil Rights
1200 New Jersey Ave. S.E.
Washington, D.C. 20590
Office: (202) 366-5991

From: George H Russell <ghr@cyberclone.net>

Sent: Friday, December 23, 2022 10:52 AM

To: Webb, Todd (FHWA) <james.webb@dot.gov>; George Russell
<ghr@cyberclone.net>

Subject: Re: REQUEST FOR INFORMATION - complaint DOT # 2022-0405 George
Russell v. City of Huntsville, Texas

CAUTION: This email originated from outside of the Department of
Transportation (DOT). Do not click on links or open attachments unless you
recognize the sender and know the content is safe.

Thank you Todd. The sidewalk in question is on the west side of
University Avenue beginning at 14th Street and running south for about
100 feet. There is also a dangerous wooden set of steps that non-
handicapped people use to access the museum from our parking lot
across University Ave to the east. We had planned an ADA compliant
ramp beginning at the driveway of the museum on 14th Street and up to
join a planned new ADA compliant sidewalk. From a landing opposite
the front steps of the museum, we planned to build a handicap ramp for
the benefit of handicapped citizens including my wife who has yet to be
able to visit the museum that she helped pay for.

I can take photos and send them to you if you wish or you may wish to
come for a visit to see for yourself.

Please let me know how to transmit photos or videos if you prefer.

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Office of Civil Rights
1200 New Jersey Ave. S.E.
Washington, D.C. 20590
Office: (202) 366-5991



Subject: Re: REQUEST FOR INFORMATION - complaint DOT # 2022-0405 George Russell v. City of Huntsville, Texas

From: "George H. Russell" <ghr@cyberclone.net>

Date: 5/5/2023, 12:15 PM

To: "Webb, Todd (FHWA)" <james.webb@dot.gov>, George Russell <ghr@cyberclone.net>

ADA

This the link to the YouTube videos on the matter at 1404 University Ave in front of the MUSEUM OF AFRICAN AND AFRICAN AMERICAN ART, HISTORY, AND CULTURE. I designed a way to reach the current sidewalk from 14th Street.

The City has me on their hate list and so I have personally built handicap friendly sidewalks on some of our properties but there are more. I will send you links to video clips of some of the non-ADA compliant sidewalks.

The problem at 1515 19th Street should have been dealt with by the City decades ago, but the City wastes millions yet never has enough money to meet ADA pubic sidewalk requirements.

Thanks for your help.

George H. Russell

https://youtube.com/playlist?list=PLU2D_vZLGzWk5B5-qvkw5N7ZmMbTmTS6M

On 5/5/2023 8:33 AM, Webb, Todd (FHWA) wrote:

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You can email me the pictures directly.

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ADA Program Analyst
United States Department of Transportation
Federal Highway Administration
Office of Civil Rights
1200 New Jersey Ave. S.E.
Washington, D.C. 20590

From: George H. Russell <ghr@cyberclone.net>

Sent: Friday, December 23, 2022 1:11 PM

To: Webb, Todd (FHWA) <james.webb@dot.gov>; George Russell <ghr@cyberclone.net>

Subject: Re: REQUEST FOR INFORMATION - complaint DOT # 2022-0405 George Russell v. City of Huntsville, Texas

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Todd,

I just returned to my office from the site. I just revised the plan because

Subject: Fwd: REQUEST FOR INFORMATION - complaint DOT # 2022-0405 George Russell v. City of Huntsville, Texas

From: "George H. Russell" <ghr@cyberclone.net>

Date: 5/5/2023, 1:56 PM

To: "Webb, Todd (FHWA)" <james.webb@dot.gov>, George Russell <ghr@cyberclone.net>

ADA

----- Forwarded Message -----

Subject: Re: REQUEST FOR INFORMATION - complaint DOT # 2022-0405 George Russell v. City of Huntsville, Texas

Date: Fri, 5 May 2023 13:32:54 -0500

From: George H. Russell <ghr@cyberclone.net>

To: George H. Russell <ghr@cyberclone.net>

Here is the link to the "Neglecting the City: Government Corruption & Hypocrisy in Huntsville, Texas" video playlist.

It is a set of videos of non-ADA-compliant city sidewalks in front of our properties.

https://www.youtube.com/playlist?list=PLU2D_vZLGzWmOzxOk6OSlxgD7BRELIaTD

On 5/5/2023 12:15 PM, George H. Russell wrote:

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Federal Highway Administration
Office of Civil Rights
1200 New Jersey Ave. S.E.
Washington, D.C. 20590

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Sent: Friday, December 23, 2022 1:11 PM

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Subject: Re: REQUEST FOR INFORMATION - complaint DOT # 2022-0405 George Russell v. City of Huntsville, Texas

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Todd,

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The only practical egress is via either one or two driveway entrances in front of two other museums and then north on the ADA friendly sidewalk I built to replace the damaged sidewalk that was unsafe. Heading north At the end of the section I replaced begins the section that the city said they would replace and make ADA compliant and safe at least two years ago. It is quite dangerous and the new ADA sidewalk will need a hand rail on the east side as the sidewalk is bounded by a steep slope down to the street. It will need to go all the way to the corner of University Ave and 14th Street where it meets two sets of concrete stairs.

Thanks. I took some photos if you will let me know how to transmit them to you.

ghr

On 12/23/2022 11:41 AM, GEORGE RUSSELL wrote:

yes sir 936-581-4302

Sent from my iPhone

On Dec 23, 2022, at 10:04 AM, Webb, Todd (FHWA) <james.webb@dot.gov> wrote:

Thank you Mr. Russell. Are you available for a quick phone call?

Thank you,

Subject: DANGEROUS SIDEWALKS

From: "George H. Russell" <ghr@cyberclone.net>

Date: 8/7/2023, 3:42 PM

To: "Webb, Todd (FHWA)" <james.webb@dot.gov>, "council@huntsvilletx.gov" <council@huntsvilletx.gov>, Brenda Poe <bpoe@itemonline.com>, George Russell <ghr@cyberclone.net>

ADA

7 August 2023

To: Todd Webb: USDT "Office of Civil Rights

Attn: Complaint DOT # 2022-0405

Dear Mr. Webb,

The City of Huntsville, its Mayor, Council and City Manager obviously believe that the ADA does not apply to them and is a joke. At the last City Council Meeting I attempted to once again complain not only about the dangerous sidewalk in front of our Museum of African and African American Art, History and Culture, but also about many non-ADA complaint dangerous sidewalks in Huntsville.

The Mayor shut me down and refused to allow me to continue making a statement of importance to the community.

Last Saturday, a group of elderly African American women held a meeting about their elementary school during segregation and some had a difficult time entering the museum. Our security guard was on hand to help the more handicapped women.

I believe that the ONLY way to get the City's attention after 4 years of trying to get the sidewalk at 1404 University Ave. would be for your agency file non-compliance actions against the City of Huntsville and fine the maximum \$75,000 for a first offense and \$150,000 for subsequent offenses.

Also please demand that all public sidewalks are inspected and brought up to current ADA standards.

Thank you your past attempts to get the City to cooperate. I would suggest that your agency consider this to be a second violation based on the city's failure to comply, so if possible please fine the City \$225,000.

George H. Russell
936-581-4302

--

This email has been checked for viruses by Avast antivirus software.

www.avast.com

This really seems like some form of bigotry as if the museum was about White Supremacy, the sidewalk would have been made safe years ago.

ghr

--

This email has been checked for viruses by Avast antivirus software.

<https://www.avast.com/antivirus>

The material in this e-mail is intended only for the use of the individual to whom it is addressed and may contain information that is confidential, privileged, and exempt from disclosure under applicable law. If you are not the intended recipient, be advised that the unauthorized review, use, disclosure, duplication, distribution, or the taking of any action in reliance on this information is strictly prohibited. If you have received this e-mail in error, please notify the sender by return email and destroy all electronic and paper copies of the original message and any attachments immediately. Please note that neither City of Huntsville nor the sender accepts any responsibility for viruses and it is your responsibility to scan attachments (if any). Thank you.

Subject: Fwd: ADA

From: "George H. Russell" <ghr@cyberclone.net>

Date: 6/9/2022, 3:43 PM

To: Aron Kulhavy <akulhavy@huntsvilletx.gov>, George Russell <ghr@cyberclone.net>

----- Forwarded Message -----

Subject:ADA

Date:Tue, 1 Sep 2020 17:35:17 -0500

From:George H. Russell <ghr@cyberclone.net>

To:council@huntsvilletx.gov <council@huntsvilletx.gov>, Aron Kulhavy <akulhavy@huntsvilletx.gov>, George Russell <ghr@cyberclone.net>, moo <sue@cyberclone.net>, Jake Mienk <jmienk@itemonline.com>

1 September 2020

Dear Council and Aron:

Some months before the Juneteenth opening of our latest museum: MUSEUM OF AFRICAN AND AFRICAN AMERICAN ART, HISTORY AND CULTURE, I was hoping that the very dangerous non-ADA compliant city sidewalk in front of the museum would be replaced with a ADA stamped red brick sidewalk like the one recently constructed on the south side of the old Texan Cafe, and that a set of safe died concrete steps across Main Street could be constructed to replace the current dangerous steps so that visitors parking in the Museum of Texas furniture lot would have easy access to the museum unless handicapped in which case they would need to park in front of 1428 Main Street and use a new ADA compliant sidewalk to access the museum.

Covid 19 put a hickey into those plans but the city is back at constructing new sidewalks, even replacing some that meet ADA specs.

Therefore I cannot find an excuse for not meeting with me (with masks on of course) to plan the sidewalk so that my handicapped wife can someday visit the museum that she half paid of the costs of purchase of the building and the contents.

I believe that even "Lying Leonard" might stoop from his high horse to inform you that the city is knowingly allowing a non-ADA compliant sidewalk to endanger citizens without disabilities but also to prevent handicapped citizens from using the dangerous sidewalk at. The liability issue does not paint a pretty picture for the taxpayers.

Please communicate with me ASAP so that we can work to design a beautiful and appropriate sidewalk.

Thanks

1237 19th (Ave L 1/2 side)

1921 M

1913 N

1925 N

1923 N 1/2

1421 19th (Ave O side)

BAD SIDEWALK PATCH

After the sewer contractors jack hammered out a portion of our brown sidewalk at 1911 Ave N 1/2, they finally replaced it with bright white concrete. It may be possible for Slick (Bryan Elvin) to die the concrete to match the original sidewalk. We always tone down the bright ugly white concrete to resemble historical dirt paths or stamped red concrete to resemble historical brick sidewalks.

DANGEROUS SIDEWALK

We really hope to be able to open the new MUSEUM OF AFRICAN AND AFRICAN AMERICAN ART, HISTORY AND CULTURE on JUNETEENTH so replacing the very dangerous non-ADA compliant city sidewalk is very important. I suggest that the city retain "Slick" as the contractor as he has built many ADA compliant sidewalks, drives etc. for me.

Please let me know when we can get together with "Slick" and formulate a plan of action.

Thanks,

ghr

The material in this e-mail is intended only for the use of the individual to whom it is addressed and may contain information that is confidential, privileged, and exempt from disclosure under applicable law. If you are not the intended recipient, be advised that the unauthorized review, use, disclosure, duplication, distribution, or the taking of any action in reliance on this information is strictly prohibited. If you have received this e-mail in error, please notify the sender by return email and destroy all electronic and paper copies of the original message and any attachments immediately. Please note that neither City of Huntsville nor the sender accepts any responsibility for viruses and it is your responsibility to scan attachments (if any). Thank you.

The Ethician Foundation

Texas Non-Profit Foundation #30-0736697

A 501(c) 3 Operating Foundation

1401 19th Street

Huntsville, Texas 77340

936.295.5767 Telephone

936.294.0233 Fax

ghr@cyberclone.net

ADA

12 May 2021

To: Tammy Gann: City of Huntsville Economic Development Director

Subject: Handicap access to our MUSEUM OF AFRICAN and AFRICAN AMERICAN ART HISTORY and CULTURE

As we were working on adapting an 1890's home in our Ethician Museum District on University Avenue, we asked the City to attempt to find funding to repair and rebuild a dangerous non-ADA city owned public sidewalk in front of the museum.

Handicapped citizens, including my wheelchair bound wife, who provided 50% of the funding to establish the museum are unable to enter the museum to admire the art and artifacts so a safe sidewalk is very important to all visitors, especially those with special needs.

Thus we are HIGHLY SUPPORTIVE of the proposed project and I am personally willing to work with city staff to see the sidewalk project reach fruition.

Our museum district contains 12 historic buildings and is important to the continued development of tourism which I have long considered to be the cleanest industry that there is.

Please approve that project so that my 75 year old wife can eventually visit the museum that would not even be there is it wasn't for her financial help.

George H. Russell, President

Subject: RE: REQUEST FOR INFORMATION - complaint DOT # 2022-0405 George Russell v. City of Huntsville, Texas
From: "Webb, Todd (FHWA)" <james.webb@dot.gov>
Date: 5/5/2023, 8:33 AM
To: "George H. Russell" <ghr@cyberclone.net>

ADA

Hello Mr. Russell,

You can email me the pictures directly.

Thank you,

Todd Webb

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United States Department of Transportation
Federal Highway Administration
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1200 New Jersey Ave. S.E.
Washington, D.C. 20590

From: George H. Russell <ghr@cyberclone.net>
Sent: Friday, December 23, 2022 1:11 PM
To: Webb, Todd (FHWA) <james.webb@dot.gov>; George Russell <ghr@cyberclone.net>
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Thanks. I took some photos if you will let me know how to transmit them to you.

ghr

On 12/23/2022 11:41 AM, GEORGE RUSSELL wrote:

yes sir 936-581-4302

Sent from my iPhone

COMPLAINANT CONSENT/RELEASE FORM

Your Name: George H. Russell

Address: 1401 19th Street, Huntsville, Texas 77340

Complaint number(s): AL 2022-0405.pdf

Please read the information below, check the appropriate box, and sign this form.

I have read the Notice about Investigatory Uses of Personal Information provided by the Federal Highway Administration (FHWA). I understand that in the course of an investigation, it may become necessary for FHWA to reveal my identity to persons at the organization or institution under investigation. I am also aware of the obligations of FHWA to respond to requests under the Freedom of Information Act. I understand that it may be necessary for FHWA to disclose information, including personally identifying details, which it has gathered as a part of its investigation of my complaint. In addition, I understand that, as a Complainant, I am protected from intimidation or retaliation for having taken action or participated in action to secure rights protected by non-discrimination statutes enforced by FHWA.

CONSENT/RELEASE

☒ CONSENT GRANTED - I have read and understand the above information and authorize FHWA to reveal my identity to persons at the organization or institution under investigation. I hereby authorize FHWA to receive material and information about me pertinent to the investigation of my complaint. I understand that the material and information will be used for authorized civil rights compliance and enforcement activities. I further understand that I am not required to authorize this release, and do so voluntarily.

☐ CONSENT DENIED - I have read and understand the above information and do not want FHWA to reveal my identity to the organization or institution under investigation, or to review, receive copies of, or discuss material and information about me, pertinent to the investigation of my complaint. I understand this is likely to impede the investigation of my complaint and may result in the closure of the investigation.


SIGNATURE

9/6/23
DATE

USES OF PERSONAL INFORMATION

NOTICE OF COMPLAINANT/INTERVIEWEE RIGHTS AND PRIVILEGES

Complainants and individuals who cooperate in an investigation, proceeding or hearing conducted by Federal Highway Administration (FHWA) are afforded certain rights and protections. This brief description will provide you with an overview of these rights and protections.

A Respondent may not force its employees to be represented by Respondent's counsel, nor may it intimidate, threaten, coerce or discriminate against any employee who refuses to reveal to Respondent the content of an interview. An employee does, however, have the right to representation during an interview with FHWA. The representative may be Respondent's counsel, the employee's private counsel, or anyone else the interviewee authorizes to be present.

The laws and regulations which govern FHWA's compliance and enforcement authority provide that no Respondent or other person shall intimidate, threaten, coerce or discriminate against any individual because he/she has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing conducted under FHWA's jurisdiction, or has asserted rights protected by statutes DOJ enforces.

Information obtained from Complainant or other individuals which is maintained in FHWA's investigative files may be exempt from disclosure under the Privacy Act of 1974 (5 USC 552a) or the Freedom of Information Act (FOIA) (5 USC 552). The Privacy Act protects individuals from misuse of personal information held by the Federal Government. FOIA gives the public access to certain files and records of the Federal Government.

FHWA has jurisdiction to investigate complaints of discrimination on the basis of disability against public entities and recipients of Federal financial assistance. FHWA also is authorized to conduct reviews of Federal funding and public entities to assess their compliance with civil rights laws.

Information that FHWA collects is analyzed by authorized personnel within the agency. This information may include personnel records or other personal information. FHWA staff may need to reveal certain information to persons outside the agency during the course of the investigation. FHWA also may be required to reveal information to an individual who requests it under the provisions of the FOIA.

FHWA does not reveal the names or other identifying information about an individual unless it is necessary for the completion of an investigation or for enforcement activities against a Respondent, or unless such information is required to be disclosed under FOIA or the Privacy Act. FHWA will keep the identity of Complainants confidential

except to the extent necessary to carry out the purposes of the civil rights laws, or unless disclosure is required under FOIA, the Privacy Act, or otherwise required by law.

Subject: FOR INFORMATION - Complaint DOT # 2022-0405 The Ethician Foundation on behalf of George Russell v. City of Huntsville, Texas
From: FHWA.ADAcomplaints <FHWA.ADAcomplaints@dot.gov>
Date: 9/6/2023, 2:57 PM
To: George H Russell <ghr@cyberclone.net>

Dear George Russell:

Please see the attached acknowledgment letter, concerning Complaint DOT # 2022-0405 The Ethician Foundation on behalf of George Russell v. City of Huntsville, Texas. Also attached is Use of Personal Information - Notice of Complainant/Interviewee Rights and Privileges and Complainant Consent/Release Form.

Sincerely,

J. Todd Webb
ADA Program Analyst
FHWA Office of Civil Rights

— Attachments: —

Russell AL 2022-0405.pdf	175 KB
Use of Personal Info & Complainant Consent Release Form.pdf	137 KB



U.S. Department
of Transportation
**Federal Highway
Administration**

1200 New Jersey Avenue, SE.
Washington, DC 20590

August 23, 2023

In Reply Refer To: HCR-40
DOT # 2022-0405

George Russell
The Ethician Foundation
ghr@cyberclone.net

Dear George Russell:

This letter acknowledges receipt by the Federal Highway Administration (FHWA) Office of Civil Rights of your complaint of discrimination against the City of Huntsville, Texas, alleging violations of the Americans with Disabilities Act of 1990 (ADA) and/or Section 504 of the Rehabilitation Act of 1973 (Section 504).

The FHWA has determined that it has jurisdiction over your complaint. Your complaint has been transferred to FHWA Texas Division Office for investigation. All future correspondence should reference DOT #2022-0405 and be addressed to:

Al Alonzi
Division Administrator, Texas Division
Federal Highway Administration
300 East 8th Street, Rm 826
Austin, Texas 78701

Under the Freedom of Information Act (FOIA), it may become necessary to release correspondence and records upon request. Therefore, enclosed are the "Complainant Consent/Release Form" and the "Notice of Investigatory Uses of Personal Information" fact sheet. Please sign and date the "Complainant Consent/Release Form" and return it to this Office at the address above or by email to FHWA.ADAcomplaints@dot.gov.

If the issues raised in your complaint have been resolved, or if you are no longer interested in pursuing your complaint, please notify Jodi McCann, in FHWA Office of Civil Rights as soon as possible at FHWA.ADAcomplaints@dot.gov.

Sincerely,

JAMES

TODD WEBB

Digitally signed by JAMES
TODD WEBB
Date: 2023.08.23 07:28:26
-04'00'

J. Todd Webb

ADA Program Analyst

Office of Civil Rights

cc: Irene Rico, Associate Administrator, FHWA Office of Civil Rights
Al Alonzi, Division Administrator, FHWA Texas Division Office
Edward Ofori, Deputy Division Administrator, FHWA Texas Division Office
Yolanda Morris, Acting Civil Rights Specialist, FHWA Texas Division Office
Sharon Field, ADA Program Team Leader, FHWA Office of Civil Rights
James Esselman, Senior Attorney Advisory, FHWA Office of Chief Counsel
Irene Marion, Director, Departmental Office of Civil Rights
Barbara Dougherty, Deputy Director, Departmental Office of Civil Rights
Yvette Rivera, Associate Director, Equity and Access Division,
Departmental Office of Civil Rights