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PMB 44671
Beaverton, OR 97008

February 29, 2024

BY EMAIL

Zain Naqvi, General Counsel
First National Realty Partners
ZNAQVI@FNRPUA.COM

Re: Request for Accommodation – LED Lights on LVT System

Dear Zain Naqvi,

The Soft Lights Foundation is a 501(c)(3) non-profit whose mission is to advocate for the protection of individuals from the harms of Visible Light radiation emitted by products that use Light Emitting Diodes. I write to you now on behalf of our client, Mark Baker, a California resident. Mr. Baker is also the Founder and President of the Soft Lights Foundation.

Mr. Baker has been diagnosed with autism spectrum disorder which is a qualifying disability under the Americans with Disabilities Act. Due solely to his disability, Mr. Baker is unable to neurologically tolerate the intense Visible Light radiation emitted by many products that use LEDs.

On February 29, 2024, Mr. Baker was struck by the intense blue LED lights from the LiveView Technologies spy camera system in operation at the Heritage Park Shopping Center in Suisun City, California. This blue LED light caused Mr. Baker eye pain and created a dangerous situation for Mr. Baker while he was driving because of the distraction caused by the blue LED lights. In the case of the LVT camera system, some of the blue LEDs are flashing, thus creating even more of a hazard for Mr. Baker. Flashing LED lights cause Mr. Baker to suffer anxiety, and at times have caused severe panic attacks.

Therefore, Mr. Baker requests accommodation so that Mr. Baker has full, safe, and equal access to all the facilities owned or operated by First National Realty Partners and to Suisun City streets and sidewalks. There are at least two LVT systems in operation at the Heritage Park Shopping Center.

The Soft Lights Foundation has expertise on the topic of LED lights. LEDs emit a powerful, intense, directed energy light, often with extreme levels of hazardous blue wavelength light and square wave flicker. Many individuals, especially those with neurological sensitivity to Visible Light radiation, are unable to tolerate the combination of intensity, extreme blue, digital flicker, and/or digital flashing that is typical of LED products. The adverse health effects from exposure to LED Visible Light radiation includes seizures, migraines, anxiety, impaired motor skills, and eye pain.

The US Food and Drug Administration is mandated by Congress to publish performance standards for LED products, as per 21 U.S.C. 360hh – 360ss. However, despite this mandate, the FDA

has failed to publish these performance standards. Nearly all LED products are unregulated, despite many of them having been shown to be hazardous to human and ecosystem health. Because of the failure of the FDA to comply with 21 U.S.C. 360hh – 360ss, Mr. Baker filed a lawsuit against the FDA.¹

The US Access Board is a federal government agency tasked with publishing guidelines for buildings and infrastructure. However, the Access Board has not published any guidelines for businesses in how to respond to accommodation requests for LED products. The Access Board is waiting for guidance from the FDA on this issue.

As per Title III of the ADA, a public accommodation shall not subject an individual on the basis of a disability to a denial of the opportunity of the individual to benefit from the facilities of a place of public accommodation.² Because the LED lights on the LVT system deny Mr. Baker the opportunity to benefit from the services provided by the Heritage Park Shopping Center fully, safely, and equally, the LVT systems creates an illegal discriminatory barrier.

As per 42 U.S.C. Chapter 126, Mr. Baker is requesting accommodation for the LED lights on the LVT systems. The accommodation that Mr. Baker is requesting is that both the top and bottom blue LED lights be turned off. Mr. Baker has already received this accommodation from the Woodland Crossing shopping center, and from the Klassen Smith construction company.^{3,4} LiveView Technologies is fully aware of the discriminatory nature of the LED lights on their systems, and it is easy for them to turn the LED lights off, without any adverse impact on the service they provide. Mr. Baker's accommodation request is reasonable, readily achievable, and not an undue burden to First National Realty Partners.

Ms. Baker requests approval of his accommodation request within 30 days. Ms. Baker reserves the right to file a discrimination lawsuit should First National Realty Partners fail to provide the requested accommodation or other mutually agreeable accommodation. Please direct all communications to me.

Sincerely,
/s/ Mark Baker
President
Soft Lights Foundation
mbaker@softlights.org
www.softlights.org

¹ http://www.softlights.org/wp-content/uploads/2024/01/Mark-Baker-vs.-FDA_filed.pdf

² <https://www.ada.gov/law-and-regs/regulations/title-iii-regulations/>

³ <https://www.softlights.org/wp-content/uploads/2024/01/Soft-Lights-Mail-Ace-Hardware.pdf>

⁴ <https://www.softlights.org/wp-content/uploads/2024/02/Soft-Lights-Mail-Request-for-Accommodation-Blue-LED-Lights-Klassen-Smith.pdf>