



Civil Rights Division

Disability Rights Section - NYA
950 Pennsylvania Ave. NW
Washington, DC 20530

For courier delivery:
Disability Rights Section
1425 New York Avenue, N.W.
Washington, DC 20005

July 30, 2013

VIA FACSMILE & U.S. MAIL

Mayor Ralph Van Brocklin
601 E. Main Street
Johnson City, TN 37601

Re: Investigation of Americans with Disabilities Act Complaint Against
The City of Johnson City

Dear Mayor Van Brocklin:

We are writing to inform you that the Department of Justice has opened an investigation of the City of Johnson City ("City") for an alleged violation of Title II of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §12131-12165, and its implementing regulations, 28 C.F.R. Part 35. This investigation is in response to a complaint from Tri-Cities Holdings ("TCH") alleging that the City's zoning ordinance is facially discriminatory with respect to clinical substance abuse treatment programs and has resulted in the denial of, or unjustified delay in granting of, zoning permits to such programs.

TCH alleges that the zoning ordinance restricts methadone treatment facilities in Johnson City within any zoning district whether commercial, residential, or mixed use. TCH also alleges that its program has been denied zoning permits because of city opposition based on discriminatory attitudes towards individuals recovering from substance abuse.

Title II of the ADA prohibits state and local governments from discriminating against individuals with disabilities on the basis of disability, including with respect to zoning laws and practices. Zoning laws that place restrictions on facilities for persons with disabilities that are not placed on comparable facilities are facially discriminatory and violate the ADA.

In order to resolve this matter amicably and expeditiously, we request that you provide the following information within thirty (30) days of your receipt of this letter.

The name, address, and telephone number of the individual to whom this office should direct any future questions and correspondence. Please indicate if this person has authority to negotiate a settlement of this matter.

1. A copy of the March 25, 2013 resolution approved by the Washington County Board of Commissioners regarding medical clinics for the City of Johnson City.
2. Please identify, by name, address, and business phone number, the court reporter responsible for transcribing the April 9, 2013 Johnson City Board of Zoning Appeals Hearing.
3. Please identify, by name of business and address, any methadone clinics that the City has permitted to operate since 2000. Additionally, please identify the current status of each such methadone clinic and in instances where the clinic is no longer in operation, please identify the reason.
4. Please provide copies of all materials provided to the public or submitted to the City at the May 28, 2013 fact finding hearing held at the Jones Meeting Center.
5. Please provide copies of any citizen letters or emails submitted during the 2013 calendar year to the City of Johnson City regarding the opening of a methadone clinic.
6. Please identify the City officials, by name and title, who attended the June 26, 2013 Tennessee Health Services and Development Agency Certificate of Need Hearing.
7. Your response to the allegations of this complaint, including what, if any, reason exists for requiring denying a methadone clinic from operating in the City of Johnson City.

Please be assured that all of the information you provide will be carefully considered as we attempt to determine whether any violations of the ADA exist. If any violations are identified, we will confer with you concerning appropriate corrective actions.

Finally, please be advised that under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, we may be required to release this letter as well as other correspondence and records related to the complaint in response to a request from a third party. Should we receive such a request, we will safeguard, to the extent permitted by FOIA, the release of information which constitutes an unwarranted invasion of privacy.

If you have any questions, please contact me at Lisa.Taylor@usdoj.gov or (202) 616-1622. Thank you for your cooperation.

Sincerely,



Lisa Taylor
Trial Attorney