

October 31, 2024

BY EMAIL

Laurinda Gallelli, Executive Vice President of Property Management
Gallelli Real Estate
lgallelli@gallellire.com

Re: Discriminatory Blue LED Lights

Dear Laurinda Gallelli,

I have been diagnosed with autism spectrum disorder which is a qualified disability under the Americans with Disabilities Act. On October 29, 2024, I was a passenger in a vehicle driving south on Highway 101 in San Luis Obispo when I was struck by intense, pulsing blue LED lights on a video surveillance system located behind the DSW store at the Madonna Plaza. The video surveillance system, and the blue LED lights violated my civil rights due to the digital pulsing and extreme intensity. I grunted in agony and involuntarily closed my eyes due to the blue LED lights.

28 C.F.R. 35.151(b)(1) states, "Each facility or part of a facility altered by, on behalf of, or for the use of a public entity in a manner that affects or could affect the usability of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by individuals with disabilities, if the alteration was commenced after January 26, 1992." The alteration of adding blue LED lights to Madonna Plaza made the altered area not readily accessible and not usable by individuals with neurological disabilities such as autism, epilepsy, PTSD, and migraines. The blue LED lights deny individuals with disabilities full and equal access to Highway 101 and Madonna Plaza facilities and are thus discriminatory and unlawful. Incident reports describing adverse reactions such as non-epileptic and epileptic seizures, migraines, anxiety, panic attack, and thoughts of suicide due to exposure to LED Lights have been submitted to the US Food and Drug Administration.

I have contacted other businesses about similar blue LED lights, all of which were associated with video surveillance systems. In all cases, the blue LED lights have been removed or turned off. The following is the list of businesses that I have contacted regarding blue LED lights.

- NAPA Auto Parts – Turned off the blue LED lights on an in-store video surveillance system after one email.
- Best Buy – Turned off the blue LED lights on the LVT video surveillance system for all Best Buy stores across the entire country after a few email communications.
- Target - Turned off the blue LED lights on a video surveillance system for a Target store in Sacramento, California after a few email communications.

- Engstrom Properties – Turned off the blue LED lights on an LVT video surveillance system after a few email communications.
- Klassen Smith Construction – Turned off the blue LED lights on an LVT video surveillance system after a few email communications.
- Petrovich Development Company – Turned off the blue LED lights on one LVT system and removed a second LVT system entirely after I filed a discrimination lawsuit.
- Regency Centers – Removed the LVT system entirely after I filed a discrimination lawsuit.

Because I am unable to neurologically tolerate the intensity and digital pulsing of the blue LED lights on the video surveillance system, I am requesting that the blue LED lights be turned off, as they create an unlawful discriminatory barrier for me. In California, the Unruh Civil Rights Act provides for a statutory damage award of \$4,000 per incident for such discrimination. I do not intend to collect that damage award for the October 29, 2024, incident if Gallelli Real Estate agrees to turn off the blue LED lights upon receipt of this letter.

Please contact me to inform me of Gallelli Real Estate's decision and actions.

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