

## The High Stakes Race to Implement the Right ADA Compliance Strategy

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*June 1, 2011*

For ATM deployers and operators planning to take a “wait-and-see” approach when it comes to implementing the new 2010 Americans with Disabilities Act (ADA) Standards, think again... And think quickly. The compliance deadline is less than 10 months away and the required changes are significant, even regarding existing ATM equipment.

The U.S. Department of Justice (DOJ) has just entered into a comprehensive settlement agreement with Wells Fargo & Company to resolve various ADA complaints. The DOJ initiated its preliminary investigation after receiving complaints about the bank’s relay and TTY / TDD services, although the final settlement agreement requires Wells Fargo to address all aspects of ADA Title III issues more comprehensively. This investigation is a clear wakeup call to all financial institutions and non-banks that offer any type of services. ADA compliance is not optional, and the consequences for making mistakes can be very high.

Tremont Capital Group estimates that this settlement will cost Wells Fargo approximately \$20,000,000, in addition to the significant cost of the infrastructural upgrades necessary to ensure compliance. Specifically, Wells Fargo will pay up to \$16,000,000 to compensate individuals who have been harmed by certain violations of Title III of the ADA. Wells Fargo will also make a \$1,000,000 donation to an approved non-profit organization that supports veterans with disabilities who sustained injuries while serving in Iraq or Afghanistan so that they can live independently in the community. Wells Fargo will also pay a civil penalty of \$55,000 to the United States government, and absorb all of its legal and administrative fees associated with this settlement and the coordination of compensation payment efforts.

Finally, the agreement requires Wells Fargo to take specific steps to improve access for customers with disabilities. While none of violations cited in the settlement were specific to ATMs, Wells Fargo explicitly agreed to ensure that the bank’s approximately 12,100 ATMs nationwide (Wachovia included) will allow equal access for individuals with disabilities, including individuals who are blind or have low vision and require speech output to use ATMs, by March 15, 2012.

As I often stress with my clients, the new 2010 ADA Standards are very real and have serious implications for everyone in the ATM industry. The compliance deadline is less than 10 months away. The new Standards are extremely complex and highly technical, so it is critical that those who are not truly ADA specialists retain outside expertise to help ensure your company meets its obligations. Tremont Capital Group has extensive experience working with banks and non-banks to create, review and implement ADA compliance strategies. To learn more about its services, or for assistance with ADA compliance, please contact Tremont Capital Group at 617-482-8866.

***Sam M. Ditzion is the CEO of Tremont Capital Group, a leading consulting firm that specializes in providing expert strategy consulting, accessibility compliance, litigation support, merger and acquisition advisory, valuation, and other services to the ATM and self-service kiosk industries. To learn more about the services provided by Tremont Capital Group, please visit [www.tremontcapitalgroup.com](http://www.tremontcapitalgroup.com) or call +1 617 482 8866.***