

July 16, 2007

*Via facsimile and first class mail*

Ken Zadnichek  
Wales West, LLC  
13650 Smiley Street  
Silverhill, Alabama 36576  
Fax: (251) 988-1950

Dear Mr. Zadnichek:

We write to express our great concern over your recent actions against the Glovers and their foster son, who is HIV-positive. It is our understanding that you refused to permit the Glovers' son to use Wales West pool and common bathing facilities based on obsolete and medically incorrect notions about how HIV is spread.

As you should be aware, medical experts have long concluded that HIV cannot be spread from the shared use of a swimming pool or common bathing facilities. Indeed, the Alabama Department of Public Health makes clear that, "You do not get HIV from an HIV-infected person by working together, playing sports, shaking hands, hugging, closed-mouth kissing, sharing drinking glasses, eating utensils or towels, using the same wash water or toilet, swimming in the same pool, or coming in contact with their sneezes, coughs, tears or sweat." See "Basic Facts About HIV and AIDS," available at [www.adph.org/aids/assets/HIVAIDSFactSheet.pdf](http://www.adph.org/aids/assets/HIVAIDSFactSheet.pdf).

Moreover, as a provider of a public accommodation, you should be aware that the Americans with Disabilities Act prohibits Wales West from discriminating against a person with a disability. See 42 U.S.C. § 12182. The Disability Rights Section of the Civil Rights Division of the U.S. Department of Justice offers the following examples of illegal discrimination under the ADA:

- A dentist who categorically refused to treat all persons with HIV/AIDS;
- A moving company that refused to move the belongings of a person who had AIDS, or that refused to move the belongings of a person whose neighbor had AIDS;
- A health club that charged extra fees to persons who were HIV-positive, or that prohibited HIV-positive members from using the steam room or sauna, or that limited the hours during which HIV-positive members could use the club's facilities;
- A day care center that categorically refused admission to HIV-positive children or the children of HIV-positive mothers;

- A funeral home that refused to provide funeral services for a person who died from AIDS-related complications; and
- A building owner who refused to lease space to a not-for-profit organization that provided services to persons living with HIV/AIDS.

See “Questions and Answers: The Americans With Disabilities Act and Persons With HIV/AIDS, available at [www.ada.gov/pubs/hivqanda.txt](http://www.ada.gov/pubs/hivqanda.txt). Your refusal to provide the Glovers’ son with full and equal access to Wales West’s facilities is no different.

Finally, the ADA prohibits public accommodations from imposing eligibility requirements that screen out or tend to screen out persons with disabilities. 42 U.S.C. § 12182(b)(2). It was inappropriate for you to require that the Glovers provide a doctor’s note or letter from county health officials merely confirming what you should already know. As a provider of public accommodations subject to the ADA, it is your responsibility to be aware of your legal obligations as well as basic public health knowledge. It is further inappropriate to require your customers to provide sensitive and private medical information without a legitimate business purpose.

Please confirm in writing by no later than **July 25, 2007** that Wales West and its employees will no longer engage in such discriminatory actions.

As always, please do not hesitate to contact us at (334) 265-2754, ext. 203.

Respectfully Yours,

ACLU FOUNDATION OF ALABAMA

ACLU AIDS PROJECT

Allison Neal  
Staff Attorney

Christine P. Sun  
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