

March 18, 2023

**BY EMAIL**

Ryan Porter, CEO  
LiveView Technologies  
support@lvt.com

**Re: LED Strobe Light – Americans with Disabilities Act Accommodation Request**

Dear Ryan Porter,

On March 17, 2023, I encountered a LiveView Technologies mobile security system in a parking lot in Sacramento, California similar to the one shown in the figure below.



I have been diagnosed with Autism Spectrum Disorder, a qualified disability under the Americans with Disabilities Act. The LiveView mobile system uses blue LED strobe lights that violate my

civil rights and prevent me from safely accessing the parking lot. Your business, which includes the sales, rental, manufacture, and operation of a device that uses LED strobe lights, is discriminating against me and others who cannot neurologically process LED strobe lights and because these LED strobe lights interfere with our ability to see, think, and concentrate.

The US Food and Drug Administration is the federal agency that regulates electromagnetic radiation from electronic products, and LED products specifically. Jeffrey Shuren ([jeff.shuren@fda.hhs.gov](mailto:jeff.shuren@fda.hhs.gov)) has been the Director of the Center for Devices and Radiological Health at the FDA since 2010 and he has not directed the FDA to publish any comfort, health, or safety regulations for LED products. The Administrative Procedure Act of 1946 requires that companies submit a petition to the FDA for approval to use LEDs in their products. The Soft Lights Foundation submitted a petition to the FDA on June 12, 2022, docket number FDA-2022-P-1151, to regulate LED products. The FDA has not acted on this petition. Therefore, LiveView Technologies has no legal basis for using LED strobe lights in their products.

LED strobe lights cause seizures, migraines, panic attacks, decreased vision, impaired cognitive functioning, nausea, and vomiting. LED strobe lights violate the basic human and civil right to visual freedom by pulsing high intensity visible radiation into the eyes and nerves of individuals without their permission. For information on the impacts of LED strobe lights on individuals with photosensitive epilepsy, refer to the February 7, 2022, article in *Epilepsia* titled [Visually sensitive seizures: An updated review by the Epilepsy Foundation](#)<sup>1</sup>

The Americans with Disabilities Act prohibits discrimination and requires that businesses provide equal access. Title III of the ADA is codified as Title 28 Part 36 in the Code of Federal Regulations. A parking lot is a place of public accommodation, serving the needs of the public as part of their use of public accommodations such as restaurants and gyms. The installation and operation of LED strobe lights creates a discriminatory barrier for those who cannot neurologically tolerate LED strobe lights, such as individuals with PTSD, autism, photosensitive epilepsy, migraineurs, and traumatic brain injury. LiveView Technologies does not directly provide the public accommodation, but since LiveView's system is mobile and creates the transient discriminatory barrier in the place of public accommodation, LiveView is the responsible party.

The case *Christianburg Garment Company vs. the EEOC* established that the defendant in an ADA discrimination lawsuit cannot recover attorney fees, even if successfully defending an ADA lawsuit. The California Unruh Civil Rights Act provides additional protection from discrimination and damage awards for cases of discrimination.

Therefore, given that LiveView has no authorization from the FDA and no legal justification to use LED strobe lights, and given that LED strobe lights cause serious adverse neurological impacts, and since LED strobe lights create discriminatory barriers that prevent equal access, then on behalf of myself and all others similarly situated, I request that LiveView disable the LED strobe lights on their products. This is not an undue burden and is a reasonable accommodation because the strobe lights are controlled via remote software and can easily be switched off.

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<sup>1</sup> <https://onlinelibrary.wiley.com/doi/10.1111/epi.17175>

Sincerely,

/s/ Mark Baker

President

Soft Lights Foundation

[mbaker@softlights.org](mailto:mbaker@softlights.org)