

April 10, 2013

*Via U.S. Mail and
Certified Mail, Return Receipt Requested*

Ms. Barronelle Stutzman
Arlene's Flowers and Gifts
1177 Lee Boulevard
Richland, Washington 99352

Re: Unlawful Discrimination Against Robert Ingersoll and Curt Freed

Dear Ms. Stutzman:

We are cooperating attorneys for the American Civil Liberties Union (ACLU) and the ACLU of Washington. We represent Robert Ingersoll and Curt Freed, and are writing in connection with your recent refusal to sell wedding flowers to them, in violation of the Washington Law Against Discrimination.

Mr. Freed was born and raised in the Tri-Cities area. He has been on the faculty of Columbia Basin College since 1994, where he is currently Vice President of Instruction. Mr. Ingersoll was raised in Colorado and New Mexico, and moved to Washington State in the late 1990s. In the last five years, he has worked at Goodwill in Richland, where he is currently an Operations Manager.

Mr. Freed and Mr. Ingersoll met in 2004. Their first several dates were hikes in the Yakima area. They fell in love, and have been a couple for almost nine years. Last fall, in hopeful anticipation of the passage of marriage equality legislation in Washington, Mr. Freed and Mr. Ingersoll became engaged to be married.

As you know, over the years Mr. Freed and Mr. Ingersoll have bought many, many flowers from you – for each other and for family members, for Valentine's Days, birthdays, anniversaries, and a number of other occasions. Mr. Freed and Mr. Ingersoll estimate that they have spent several thousand dollars at your flower shop. They have always admired your talents and viewed you as their florist.

After Mr. Freed and Mr. Ingersoll decided to get married last fall, and began planning their wedding for next September, they naturally planned to buy their wedding flowers from Arlene's Flowers. However, when Mr. Ingersoll came into your shop on March 1 to talk with you about flowers for their wedding, you told him you would not sell the couple wedding flowers because of your religious beliefs.

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Your refusal to sell flowers to Mr. Ingersoll and Mr. Freed for their wedding has hurt them very deeply. It is a disturbing reminder of the history of discrimination and disparate treatment that they and other gay men and women have experienced over the years. Your rejection is especially painful to Mr. Freed and Mr. Ingersoll because they felt they had a meaningful relationship with you and Arlene's Flowers. More to the point of this letter, your conduct was a violation of Washington law.

The Washington State Civil Rights Act, known as the Washington Law Against Discrimination, prohibits discrimination because of sexual orientation. RCW 49.60.030. The right to be free from discrimination includes the right to "full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement. . . ." *Id.* The statute defines "any place of public resort, accommodation, assemblage, or amusement" to include any place "for the sale of goods, merchandise [or] services. . . ." *Id.* This definition clearly includes businesses such as Arlene's Flowers, and prohibits Arlene's Flowers and other similar businesses from refusing to sell goods, merchandise, and services to any person because of their sexual orientation. Any person injured by an act in violation of the Washington Civil Rights Law is entitled to bring legal action, and to seek injunctive relief and actual damages, together with the costs of the lawsuit, including reasonable attorneys' fees. RCW 49.60.030(2).

You told Mr. Ingersoll that you would not sell flowers for his and Mr. Freed's wedding because of your religious beliefs. We respect your beliefs and your right to religious freedom. However, we live in a diverse country, and religious beliefs, no matter how sincerely held, may not be used to justify discrimination in the public spheres of commerce and governance. Instances of institutions and individuals claiming a right to discriminate in the name of religion are not new. Religious beliefs have been invoked to justify denying women the right to vote; to prohibit men and women of different races from getting married; and to support segregation in schools, businesses, and other public places. Just as courts have held that those forms of discrimination are not permitted, even on the basis of sincerely held religious beliefs, so is discrimination based on sexual orientation unlawful.

Mr. Freed and Mr. Ingersoll are private people; they have led a very quiet life together. Although they were initially reluctant to speak publicly about your refusal to serve them, they decided it was important to speak up. They hope that others will not have to go through what they've experienced. Although they are prepared to pursue their claims for unlawful discrimination against you in court if necessary, they would prefer to reach a resolution out of court.

Mr. Freed and Mr. Ingersoll are prepared to settle their claims against Arlene's Flowers on the following terms:

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- You agree not to refuse to provide flowers and other goods and services to any person on the basis of his or her sexual orientation.
- You agree to write a letter of apology to Mr. Freed and Mr. Ingersoll to be published in the Tri-City Herald.
- You agree to donate \$5,000 to the Vista Youth Center, in lieu of payment of attorneys' fees.

If this matter cannot be satisfactorily resolved, Mr. Freed and Mr. Ingersoll have authorized our law firm, acting as cooperating attorneys for the ACLU and the ACLU of Washington, to commence legal action against you for violation of the Washington Law Against Discrimination. Please inform us no later than April 17, 2013 whether you will agree to resolution on the terms stated above.

Very truly yours,



Michael R. Scott

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cc: Justin D. Bristol, Gourley Bristol Hembree (via email)
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Bob Ferguson, Washington State Attorney General (via email)

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