

Michael D. Behrens (MB 0354)  
 MESSINALAW FIRM, P.C.  
 961 Holmdel Road  
 Holmdel, New Jersey  
 Voice: (732) 332-9300  
 Fax: (732) 332-9301

Randall L. Wenger, Esq.+  
 PA. I.D. No. 86537  
 INDEPENDENCE LAW CENTER  
 23 North Front Street  
 Harrisburg, PA 17101  
 Telephone: (717) 657-4990  
 Facsimile: (717) 545-8107

Benjamin W Bull, Esq.\*  
 AZ I.D. No. 009940  
 Glen Lavy, Esq.\*  
 AZ I.D. No. 022922  
 Brian W. Raum, Esq.+  
 NY I.D. No. 2856102  
 ALLIANCE DEFENSE FUND  
 15333 N. Pima Road  
 Suite 165  
 Scottsdale, AZ 85260  
 Telephone: 480-444-0020  
 Facsimile: 480-444-0028

Attorneys for Plaintiff, Ocean Grove Camp Meeting Association of the United Methodist Church

+APPLYING TO APPEAR PRO HAC VICE

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF NEW JERSEY**

<p><b>OCEAN GROVE CAMP MEETING ASSOCIATION OF THE UNITED METHODIST CHURCH,</b></p> <p style="text-align: center;"><b>Plaintiff,</b></p> <p style="text-align: center;">v.</p> <p><b>J. FRANK VESPA-PAPALEO, in his official capacity as Director of the New Jersey Division on Civil Rights, Office of the Attorney General of New Jersey,</b></p> <p style="text-align: center;"><b>Defendant.</b></p>	§ § § § § § § § § § § § § § § §	<p><b>CASE NO. _____</b></p> <p><b>PLAINTIFF’S VERIFIED COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF</b></p> <p><b>JURY DEMAND</b></p>
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The Plaintiff, OCEAN GROVE CAMP MEETING ASSOCIATION OF THE UNITED METHODIST CHURCH alleges the following in support of its Complaint.

**I.**

**INTRODUCTION**

This is a federal civil rights action arising under the First Amendment of the United States Constitution. Specifically, the Plaintiff, Ocean Grove Camp Meeting Association of the United Methodist Church, is challenging the constitutionality of New Jersey's Law Against Discrimination ("LAD") to the extent the Defendant is applying this law in a manner which directly interferes with Plaintiff's First Amendment rights to free speech, free association and free exercise of religion.

The Defendant has accepted, and is in the process of investigating, two complaints by individuals who claim that the Ocean Grove Camp Meeting Association of the United Methodist Church has violated the New Jersey Law Against Discrimination because it has chosen not to open its places of worship and other facilities for same-sex "civil union" ceremonies. By so doing, the Division on Civil Rights, through its director, has violated the Plaintiff's First Amendment rights by subjecting this patently religious entity to an illegal investigation and threat of prosecution under the law. This unconstitutional application of the Law Against Discrimination is causing a substantial burden on, and chilling of, Plaintiff's rights to unfettered religious expression, association and free exercise of religion.

**II.**

**JURISDICTION AND VENUE**

1. The Court has subject matter jurisdiction over this case under 28 U.S.C. § 1331, as this

action arises under the First and Fourteenth Amendments to the United States Constitution; under 28 U.S.C. § 1343(a)(3), in that it is brought to redress deprivations, under color of state law, of rights, privileges and immunities secured by the United States Constitution; under 28 U.S.C. § 1343(a)(4), in that it seeks to secure equitable relief under an Act of Congress, specifically, 42 U.S.C. § 1983, which provides a cause of action for the protection of civil rights; under 42 U.S.C. § 1988(b) to award attorneys fees; under 28 U.S.C. § 2201(a) to secure declaratory relief; and under 28 U.S.C. § 2202 to secure injunctive relief and damages.

2. Venue is proper in the United States District Court for the District of New Jersey under 28 U.S.C. § 1391(b) in that the events giving rise to the claim occurred within the District.

All acts alleged herein of the Defendant, its officers, agents, servants, employees, or persons acting at its behest or direction, were done and are continuing to be done under the color of state law.

### **III.**

#### **IDENTIFICATION OF THE PARTIES**

3. The Plaintiff, Ocean Grove Camp Meeting Association of the United Methodist Church (hereinafter “Camp Meeting Association” or “Association”), is a religious not for profit corporation formed in 1869 for the advancement of its Christian mission.

4. The Defendant, J. Frank Vespa-Papaleo is, and was at times relevant to this Complaint, Director of the New Jersey Division on Civil Rights, Department of Law and Public Safety, Office of the Attorney General of New Jersey. Defendant Vespa-Papaleo has the authority to investigate and prosecute discrimination complaints brought pursuant to the New Jersey Law

Against Discrimination through the New Jersey Division on Civil Rights. Mr. Vespa-Papaleo is sued in his official capacity as the Director of the New Jersey Division on Civil Rights.

#### IV.

#### STATEMENT OF FACTS

5. The Camp Meeting Association was founded in 1869 on the Jersey Shore as a Christian ministry to create a permanent Christian camp meeting community. Throughout its history the Association has endeavored to promote spiritual birth, growth and renewal through worship, education, cultural and recreational programs for persons of all ages in a Christian seaside setting.

6. The preamble to the Camp Meeting Association's charter explains the purpose of the Organization as follows:

Recognizing the truth and beauty of the Scripture declaration, 'The earth is the Lord's and the fullness thereof,' and being especially impressed with the propriety of having a portion of the land skirting the sea consecrated to sacred uses, we, whose names hereunto annexed, with a single eye to Divine glory, and in humble dependence upon our heavenly Father's aid, to hereby solemnly covenant together, to use certain land, which has been providentially committed to our trust for these high and holy purposes. And we further declare it to be our design, to keep these lands a perpetual oblation upon Christ's altar, enjoining the same duty upon those who may succeed us. To this end we mutually pledge our Christian honor, adopting the following as our Charter. . . .

7. The Camp Meeting Association is a non-profit corporation governed by a Board of Trustees. The by-laws stipulate that all full (voting) Trustees must be members of the United Methodist Church; there must be a minimum of ten members who are clergy, and ten members who are non-clergy. Other (non-voting) Trustees must "be a member of a Christian Church in good and regular standing." Presently there are 25 voting members of the Board of Trustees.

8. The Camp Meeting Association owns all of the land, consisting of approximately one square mile, in the Ocean Grove community. While much of the land is leased to home and business owners, the Association maintains control over significant portions of the real property. This control includes the entire beach front (and extends 1000 feet into the Atlantic Ocean), the *boardwalk*, *several parks*, and numerous facilities and structures dedicated to its Christian mission.

9. The Association owns and controls these facilities and structures dedicated to religious worship and other ministry related activities. One such structure is the Great Auditorium which was constructed in 1894 and has a seating capacity of more than 6,000 people. This magnificent building is used throughout the summer for Sunday morning worship services and other functions directly related to the Association's religious purposes. The Camp Meeting Association also owns and controls the Boardwalk Pavilion, Bishop Janes Tabernacle, Thornely Chapel, and the Youth Temple as well as an administrative building, the Auditorium Pavilion and two garages.

10. The Boardwalk Pavilion is a wood framed building located on Ocean Avenue at Ocean Pathway directly adjacent to the main boardwalk. The Boardwalk Pavilion (and its predecessor) has housed Camp Meeting Association worship services since the 1880s. In the past ten years, over 1,800 Camp Meeting Association events have been held in the Boardwalk Pavilion. Generally (during the season of May 15-September 15), the Camp Meeting Association uses the Boardwalk Pavilion seven days a week for a variety of programs.

11. One of its primary uses is a popular contemporary worship service called "Pavilion Praise" which is held in the Boardwalk Pavilion every Sunday at 9:00 a.m. from early June

through mid-September. The religious service hosts between 400 and 500 congregants each Sunday.

12. The Boardwalk Pavilion is also the home of: the “Breakfast Club”, a Bible School program held Monday through Friday mornings for middle-school and high school children; Gospel Music Ministry programs, 2-3 times a day during the season including Christian testimony, prayer, Bible preaching and teaching. The Boardwalk Pavilion also houses the Summer Band Concert Series sponsored by the Camp Meeting Association. These concerts and their corresponding rehearsals are free of charge and directly related to the Camp Meeting Association’s outreach ministry to the community.

13. The Association considers all of its events to be instrumental in bringing members of the community to faith in Jesus Christ.

14. When the Boardwalk Pavilion is not housing a Camp Meeting Association event, the public is permitted to enter onto the premises to sit, rest, and enjoy a respite from the sun, wind and rain *At all times*, however, members of the public are required to abide by rules and regulations promulgated by the Camp Meeting Association.

15. Over the years, the Camp Meeting Association has permitted some of its facilities, including the Boardwalk Pavilion, to be used for wedding ceremonies. The Boardwalk Pavilion has not been rented to other groups for any other purposes. Other Association properties used for weddings have included the Bishop Janes Tabernacle, Thornely Chapel, and on rare occasions, the Great Auditorium.

16. The Camp Meeting Association has consistently applied standards of conduct in connection with the use of the property it owns and controls. These standards are consistent with

the United Methodist *Book of Discipline* which is promulgated by the Church's "General Conference." The General Conference is the United Methodist Church's worldwide governing body which meets every four years and sets policy for Church members.

17. The United Methodist Church *Book of Discipline* states the following in regard to marriage:

We affirm the sanctity of the marriage covenant that is expressed in love, mutual support, personal commitment, and shared fidelity between a man and a woman.... Ceremonies that celebrate homosexual unions shall not be conducted by our ministers and shall not be conducted in our churches....

Social Principles, Par. 65 C.

18. Regarding homosexuality, the *Book of Discipline* states,

Homosexual persons no less than heterosexual persons are individuals of sacred worth. All persons need the ministry and guidance of the church in their struggles for human fulfillment, as well as the spiritual and emotional care of a fellowship that enables reconciling relationships with God, with others, and with self. Although we do not condone the practice of homosexuality and consider this practice incompatible with Christian teaching, we affirm that God's grace is available to all. We commit ourselves to be in ministry for and with all persons.

Social Principles, Par. 65G.

19. In March of 2007, Harriet Bernstein contacted the Camp Meeting Association in an effort to rent the Boardwalk Pavilion to celebrate a same-sex "civil union" ceremony with her partner, Luisa Paster.

20. The Camp Meeting Association denied Ms. Bernstein's request to use the Boardwalk Pavilion because the requested use was inconsistent with the Association's religious beliefs as reflected in the United Methodist *Book of Discipline* and the Holy Bible. On March 5, 2007, Ms. Bernstein emailed Camp Meeting Association President Scott Rasmussen, asking him to take the

matter of holding her same-sex “civil union” ceremony in the Boardwalk Pavilion before the Board of Trustees for consideration.

21. Mr. Rasmussen responded to Ms. Bernstein’s email. He explained that the Association was unable to accommodate her request to hold a same-sex “civil union” ceremony in the Boardwalk Pavilion, because the use would violate the established policies of the United Methodist Church. He did invite her, however, to participate in the ministries and programs of the Association.

22. Shortly thereafter the Asbury Park Press contacted the State of New Jersey’s Department of the Public Advocate, seeking to know if the Association’s policy was legal. The Asbury Park Press ran an article on May 10, 2007, in which New Jersey State Public Advocate Ronald Chen stated that the Association’s policy banning same-sex “civil unions” at the Boardwalk Pavilion “appear[ed] to violate the law” and indicated that the policy should be reversed (Bill Bowman, *Civil Union Ban May Contradict State Statute*, Asbury Park Press, May 10, 2007, available at <http://www.app.com/apps/pbcs.dll/article?AID=/20070510/NEWS/705100388/1004/NEWS01>).

23. On April 1st, 2007, Mr. Rasmussen directed his staff to discontinue future rentals of the Boardwalk Pavilion for traditional wedding ceremonies. Mr. Rasmussen took this action because of the pending threat of state prosecution under New Jersey’s Law Against Discrimination.

24. On June 19, 2007, Ms. Bernstein and Ms. Paster filed a complaint with the New Jersey Division on Civil Rights.



25. Bernstein and Paster allege that the Camp Meeting Association discriminated against them based on their *impending* “civil union” status by denying their request to rent the Boardwalk Pavilion for a “civil union” ceremony.

26. Defendant accepted Ms. Bernstein’s and Ms. Paster’s complaint and have subjected the Camp Meeting Association to an investigation and threat of prosecution, all of which has interfered with and chilled the Association’s constitutional rights.

27. On June 21, 2007, two days after filing the complaint, Bernstein told the Asbury Park Press she was completely unaware the Association considered the Boardwalk Pavilion to be a religious building. “Truthfully, I never had a clue that they considered that one of their houses of worship because we wouldn’t even think to ask if that was the case” (Bill Bowman, *Civil Union Denial Spurs Bias Claim in Ocean Grove*, Asbury Park Press, Jun. 21, 2007, available at <http://www.app.com/apps/pbcs.dll/article?AID=200770621003>). In the same article, Bernstein stated, “If we can reach some agreement on this, that would be preferable to us going along this route. We do not wish to cause any kind of conflict.” *Id.* At the time the article was released, she and Paster had already contracted with another entity to use a beachfront gazebo for their same-sex “civil union” ceremony.

28. In an effort to resolve this matter the parties agreed to submit to non-binding mediation. On July 27, 2007, the parties met with a state appointed mediator. Unfortunately, they were not able to resolve this issue.

29. In early April 2007, a second couple, Janice Moore and Emily Sonnessa, requested to use the Boardwalk Pavilion for a same-sex “civil union” ceremony. Again, the Association informed this couple the Pavilion could not be used for this purpose. This request was made after the

Association instituted a policy whereby the Pavilion would not be made available for any non-camp meeting functions including weddings.

30. On July 3, 2007, Moore and Sonnessa filed a complaint with the New Jersey Division on Civil Rights claiming that the Camp Meeting Association discriminated against them based on their *impending* “civil union” status. The Association has not yet responded to this complaint.

31. On July 20, 2007, Michael Davenport contacted the Camp Meeting Association and requested the use of another one of the Association’s houses of worship – Thornley Chapel. On August 1, 2007, the Association informed Mr. Davenport that it would not permit this worship facility to be used for a “civil union” ceremony because such use was inconsistent with the Holy Bible, the United Methodist *Book of Discipline* and its Wesleyan Holiness tradition.

32. The Camp Meeting Association does not in any way endorse same-sex “civil unions” because such arrangements are contrary to its religious doctrine and mission. The Association believes if it is forced to permit the celebration of same-sex “civil unions” in its facilities, it would be thrust into government compelled expressive association with those who promote same-sex “civil unions”. Such forced association would severely compromise the Association’s desire to communicate to the general public a message consistent with its religious views on marriage and family.

**FIRST CAUSE OF ACTION**

**VIOLATION OF PLAINTIFF’S RIGHT TO  
FREEDOM OF SPEECH**

33. Plaintiff incorporates the preceding paragraphs herein the same as though pleaded in full.

34. The Camp Meeting Association has a distinct religious mission and desires to advance that mission through what it explicitly and implicitly communicates to the community.

35. The Camp Meeting does not wish to endorse same-sex “civil unions.”

36. By accepting and investigating discrimination complaints against the Camp Meeting Association, specifically discrimination on the basis of civil union status based on the New Jersey Law Against Discrimination, Defendant is applying the law in violation of the Camp Meeting Association’s First Amendment rights to free speech.

37. Defendant is violating the Camp Meeting Association’s free speech rights by threatening to force the Association to use its facilities to celebrate same-sex “civil union” ceremonies. Such use of the Association’s facilities would communicate approval of such “unions” which is inconsistent with the Association’s views.

38. Because of Defendant’s threat of prosecution and unconstitutional investigation the Camp Meeting Association has been chilled in its First Amendment expression and has felt compelled to limit the use of its Boardwalk Pavilion for traditional weddings because of fear of prosecution. Thus, Defendant has violated Plaintiff’s rights under the Free Speech Clause of the First Amendment to the United States Constitution as incorporated and applied to the States through the Fourteenth Amendment.

## **SECOND CAUSE OF ACTION**

### **RIGHT OF EXPRESSIVE ASSOCIATION**

39. Plaintiff incorporates the preceding paragraphs herein the same as though pleaded in full.

40. The Camp Meeting Association has a distinct religious mission and endeavors to abide by the Holy Bible and the United Methodist *Book of Discipline* which do not support “civil unions.” The *Book of Discipline* specifically prohibits using Church facilities to conduct “civil union” ceremonies.

41. The Camp Meeting Association desires to communicate its support of traditional marriage consisting of one man and one woman consistent with the teachings of the Holy Bible and United Methodist Church.

42. Plaintiff’s right of expressive association will be violated if it is forced to symbolically join with those who desire to use the Camp Meeting Association’s facilities for activities inconsistent with the Holy Bible and doctrine of the United Methodist Church. Such forced association would cause it to express a message contrary to Biblical teaching as interpreted by the Association and the United Methodist Church.

43. By accepting and investigating discrimination complaints against the Camp Meeting Association, specifically discrimination on the basis of civil union status based on the New Jersey Law Against Discrimination, Defendant is applying the law in violation of the Camp Meeting Association’s First Amendment rights to free speech.

44. Defendant is violating the Camp Meeting Association’s First Amendment right of association by threatening to force the Association to use its facilities to celebrate same-sex “civil union” ceremonies. Such use of the Association’s facilities would communicate approval of such “unions” which is inconsistent with the Association’s views

45. Because of Defendant’s threat of prosecution, the Camp Meeting Association has been chilled in its First Amendment expressive association rights and has felt compelled to limit the

use of its facilities because of fear of prosecution. Thus, Defendant has violated Plaintiff's rights under the Free Speech Clause of the First Amendment to the United States Constitution as incorporated and applied to the States through the Fourteenth Amendment.

### **THIRD CAUSE OF ACTION**

#### **FREE EXERCISE OF RELIGION**

46. Plaintiff incorporates the preceding paragraphs herein the same as though pleaded in full.

47. The Camp Meeting Association has a distinct religious mission consistent with the beliefs of the United Methodist Church which teaches that homosexual conduct is inconsistent with Holy Scripture and that its facilities should not be used to conduct same-sex "civil union" ceremonies.

48. By accepting and investigating a discrimination complaint, specifically discrimination on the basis of civil union status based on the New Jersey Law Against Discrimination, Defendant is applying the law in violation of the Camp Meeting Association's First Amendment right to the free exercise of religion.

49. By threatening to force the Camp Meeting Association to facilitate same-sex "civil unions," the Defendant has chilled the Association's free exercise rights by causing it to cease using its facilities for purposes consistent with its sincerely held religious beliefs. Similarly, any order which would compel the Association to use its facilities in a manner inconsistent with its sincerely held religious beliefs would substantially interfere and burden the Association's free exercise of religion in violation of the First Amendment.

50. The New Jersey Law Against Discrimination is not a law of “general applicability” in that it includes exceptions for certain religious organizations and others.

51. Defendant cannot demonstrate a compelling governmental interest necessary to justify its abridgement of the Camp Meeting Association’s free exercise rights.

52. Defendant’s actions thus constitute a violation of Plaintiff’s rights under the Free Exercise Clause of the First Amendment to the United States Constitution as incorporated and applied to the States through the Fourteenth Amendment.

### **JURY DEMAND**

53. Plaintiff requests a trial by jury.

### **PRAYER FOR RELIEF**

Plaintiff respectfully prays for following relief:

A. An order declaring that the New Jersey Law Against Discrimination is unconstitutional as applied to prohibit the Camp Meeting Association from insuring that its buildings, facilities and property under its control are used for purposes consistent with its sincerely held religious beliefs.

B. An order granting injunctive relief preventing Defendant or anyone else from applying the New Jersey Law Against Discrimination in a manner which would prohibit the Camp Meeting Association from insuring that its buildings, facilities and property under its control are used for purposes consistent with its sincerely held religious beliefs.

C. Nominal damages;

- D. Reasonable attorney's fees and costs;
- E. Such other relief as is reasonable and just.

Respectfully submitted,

Date: August 11, 2007

By: /s/ Michael D. Behrens  
Michael D. Behrens, Esq.  
MB 0354  
MESSINA LAW FIRM, P.C.  
961 Holmdel Road  
Holmdel, New Jersey 07733  
Telephone: (732) 332-9300  
Facsimile: (732) 332-9301

Benjamin W Bull, Esq.\*  
AZ I.D. No. 009940  
Glen Lavy, Esq.\*  
AZ I.D. No. 022922  
Brian W. Raum, Esq.+  
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Harrisburg, PA 17101  
Telephone: (717) 657-4990  
Facsimile: (717) 545-8107

Counsel for: Plaintiff

+*Motion Pro Hac Vice pending.*

**VERIFICATION**

Pursuant to 28 U.S.C. § 1746, I, Scott Rasmussen, verify the following under the penalties of perjury and the laws of the United States:

I am President of the Ocean Grove Camp Meeting Association of the United Methodist Church. I have read the foregoing Verified Complaint and the facts therein are true and correct to the best of my knowledge.

Dated this 11th day of August, 2007

/s/ Scott Rasmussen  
Scott Rasmussen