

STATE OF NEW JERSEY  
OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION ON CIVIL RIGHTS  
DOCKET NUMBER: PN34XB-03012

\_\_\_\_\_  
JANICE MOORE and )  
EMILY SONNESSA, )  
 )  
Complainants, )  
 )  
-vs- )  
 )  
OCEAN GROVE CAMP )  
MEETING ASSOCIATION, )  
 )  
Respondent. )  
\_\_\_\_\_ )

FINDING OF NO PROBABLE CAUSE

On July 7, 2007, a verified complaint was filed in the above matter. An investigation of the allegations set forth in the complaint has been conducted. The results of that investigation having been evaluated, it is on this 29<sup>th</sup> day of December 2008, determined pursuant to N.J.S.A. 10:5-14 and N.J.A.C. 13:4-10.2(e) that there is no probable cause to credit the allegations of the complaint, and the file is therefore closed.



\_\_\_\_\_  
J. FRANK VESPA-PAPALEO, ESQ., *DIRECTOR*  
NEW JERSEY DIVISION ON CIVIL RIGHTS  
OFFICE OF THE ATTORNEY GENERAL

## **FINDINGS OF INVESTIGATION**

### **Janice Moore and Emily Sonnessa v. Ocean Grove Camp Meeting Association DCR Docket No. PN34XB-03012**

This matter arose on July 7, 2007, when Complainants filed a verified complaint alleging that Respondent unlawfully discriminated against them based on their impending civil union status, in violation of N.J.S.A. 10:5-12(f) of the New Jersey Law Against Discrimination.

#### **SUMMARY OF COMPLAINT:**

Janice Moore and Emily Sonnessa (Complainants) alleged that, in April 2007, they applied to Respondent for permission to use its Boardwalk Pavilion for their civil union ceremony, and Respondent denied their request. Complainants further alleged that, at the time of their application, Respondent routinely permitted the public to use its Boardwalk Pavilion for weddings and other events.

#### **SUMMARY OF RESPONSE:**

Respondent admitted that, although it permitted its Boardwalk Pavilion to be used for weddings in the past, it refused to permit Complainants to use its Boardwalk Pavilion for a civil union ceremony. Respondent contended that it informed Complainants that it could not permit use of the Boardwalk Pavilion for a civil union ceremony because such use would conflict with its religious beliefs. Respondent contended that the New Jersey Law Against Discrimination (LAD) does not apply to religious organizations in connection with the rental of real property, and further contended that it is not required to permit civil union ceremonies in its Boardwalk Pavilion based on its rights under the First Amendment to the U.S. Constitution.

#### **BACKGROUND:**

Respondent Ocean Grove Camp Meeting Association is a non-profit corporation founded in 1869. Respondent describes itself as a ministry organization, rooted in Methodist heritage, with a mission "to provide opportunities for spiritual birth, growth and renewal through worship, education, cultural and recreational programs for persons of all ages in a Christian seaside setting." Among other properties, Respondent owns the Boardwalk Pavilion in Ocean Grove, Neptune Township, New Jersey.

Complainants are a lesbian couple who reside in Ocean Grove, Neptune Township, New Jersey.

#### **SUMMARY OF INVESTIGATION:**

The investigation uncovered insufficient evidence to support the conclusion that Respondent discriminated against Complainants based on civil union status. Instead, the investigation disclosed that Respondent treated Complainants in the same manner as all other applicants, regardless of civil union status, because at the time Complainants applied for permission to use the Boardwalk Pavilion for their civil union ceremony, Respondent had ceased granting permission to anyone for use of the Boardwalk Pavilion for weddings or similar events.

The investigation disclosed that, beginning at least as early as 2002, Respondent permitted the

public to reserve its Boardwalk Pavilion for exclusive use for events, mostly for weddings and occasionally for other events such as memorial services. The investigation disclosed that in 2007, Respondent charged a uniform fee of \$250 for use of the Pavilion, and usually collected either full payment or a portion of that fee as a deposit at the time a reservation was made. The investigation disclosed that Respondent used a printed "Facilities Use Request Form" to take reservations for events in any of nine different facilities, including the Boardwalk Pavilion. That form required users to disclose only the following information: date and time of requested use; name, address and phone number of person in charge of the event; name, address and telephone number of person making the request; type of event; and any set-up instructions or special needs. The investigation disclosed that, in granting approvals for use of the Pavilion for weddings, Respondent did not distinguish between religious or secular weddings, or between Christian weddings and religious weddings of other faiths.

The investigation disclosed that on or about March 5, 2007, Harriet Bernstein and Luisa Paster, who are another lesbian couple from Ocean Grove, applied to Respondent for permission to reserve the Boardwalk Pavilion for their civil union ceremony, to be held on September 30, 2007. The investigation disclosed that Respondent's president, Scott Rassmussen, decided to deny their request to use the Boardwalk Pavilion for their civil union ceremony, and Respondent informed them of that decision on March 5, 2007. In a March 6, 2007 response to an email from Bernstein, Rassmussen explained that Respondent does not permit its facilities to be used for purposes that conflict with the clearly established policies of the United Methodist Church. He further explained that United Methodist Church policy "recognizes marriage only in terms of a covenant relationship between one man and one woman," and provides that civil union ceremonies "shall not be conducted by our ministers and shall not be conducted in our churches."

The investigation disclosed that on April 1, 2007, in response to the Bernstein/Paster application, Rassmussen decided that Respondent would cease permitting the public to reserve use of the Boardwalk Pavilion for weddings and other events. On that day, Rassmussen directed Respondent's staff, including Respondent's volunteer wedding coordinator and newly hired Chief Administrative Officer, Scott Hoffman, to discontinue any future rentals of the Boardwalk Pavilion to the public for any purposes.

The investigation disclosed that, on or about April 3, 2007, Janice Moore and Emily Sonnessa (Complainants) applied to Respondent for permission to use the Boardwalk Pavilion for their civil union ceremony. Respondent refused their request, and on the day of their application, Respondent's Chief Administrative Officer, Scott Hoffman, advised Complainants that they could not use the Boardwalk Pavilion for their civil union ceremony because same-sex civil unions conflict with Respondent's religious beliefs. Although Respondent contends that Hoffman informed Complainants that Respondent was no longer permitting the Boardwalk Pavilion to be reserved for weddings or similar events, Complainants deny that Hoffman or any other representative of Respondent advised them that Respondent had discontinued its longstanding practice of permitting the Pavilion to be used for weddings.

Although the investigation disclosed evidence that some weddings took place in the Pavilion after April 1, 2007, the investigation disclosed that, during and after April 2007, Respondent granted no additional approvals for the Boardwalk Pavilion to be used for weddings. The investigation disclosed that all weddings that subsequently took place had been scheduled before April 1, 2007. The investigation disclosed no evidence that Respondent made any public announcement

explaining that weddings would no longer be permitted in the Pavilion. Thus, Complainants and others who observed weddings taking place might reasonably, but mistakenly, conclude that Respondent was continuing to accept new reservations for weddings to be held in the Pavilion.

The investigation disclosed that, after it decided to cease permitting the Boardwalk Pavilion to be used for weddings and other events, Respondent revised its Facilities Use Request Form to designate only the Bishop James Tabernacle, Thornley Chapel and the Youth Temple as facilities that could be reserved for wedding and event use. These facilities all appear to be churches. The investigation disclosed that, if and when applicants inquired about use of the Boardwalk Pavilion, Respondent's staff advised them that Respondent was no longer permitting it to be reserved for weddings and similar events.

Based on all of the above, the investigation disclosed that, as of the time these Complainants applied for use of the Pavilion, Respondent affirmatively changed the manner in which the public would be permitted to use the Pavilion, and applied those changes uniformly to all persons, regardless of civil union status or sexual orientation. Thus, the investigation failed to disclose sufficient evidence to support a reasonable suspicion that Complainants were treated less favorably than other applicants based on their civil union status.

#### **COMPLAINANTS' REBUTTAL:**

Information obtained during the investigation was shared with Complainants. Complainants were offered the opportunity to rebut this information, but they failed to provide information or evidence to support the allegation of unlawful discrimination.

#### **CONCLUSION:**

In summary, the investigation uncovered insufficient evidence to support the conclusion that Respondent discriminated against these Complainants based on civil union status. The investigation disclosed that Respondent previously permitted the Boardwalk Pavilion to be used for weddings and similar events, and it appears that Respondent may have denied earlier applicants use of the Boardwalk Pavilion based on civil union status. However, the investigation disclosed that, at the time Complainants applied for permission to use the Pavilion, Respondent had ceased permitting any of the public to use the Pavilion for weddings or similar events. Thus, the investigation disclosed insufficient evidence to support the conclusion that Complainants were treated less favorably than other applicants based on civil union status. Because the investigation did not show sufficient evidence of differential treatment based on civil union status, it is not necessary to address Respondent's defenses under the First Amendment to the United States Constitution in this case.

#### **RECOMMENDATION:**

Based on the investigation, it is recommended that this case be closed, NO PROBABLE CAUSE.