

<p><b>STATE OF COLORADO</b>  <b>OFFICE OF ADMINISTRATIVE COURTS</b>  633 17th Street, Suite 1300  Denver, Colorado 80202</p> <hr/> <p>DAVID MULLINS,</p> <p>Complainant,</p> <p>vs.</p> <p>MASTERPIECE CAKESHOP, INC. and any  successor entity, and JACK C. PHILLIPS,</p> <p>Respondents.</p>	<p style="text-align: center;">^ COURT USE ONLY ^</p> <hr/> <p><b>CASE NUMBER</b></p> <p>2013 CR _____</p>
<p><b>NOTICE OF HEARING AND FORMAL COMPLAINT</b></p>	

**YOU ARE HEREBY NOTIFIED** pursuant to § 24-34-306(4), C.R.S. (2012), that a hearing will be held before an Administrative Law Judge on behalf of the Colorado Civil Rights Commission at 9:00 a.m. on the 23<sup>rd</sup> day of September, 2013, on the fourteenth floor at the Office of Administrative Courts, 633 17<sup>th</sup> Street, Denver, Colorado, to determine whether Respondents violated § 24-34-601(2), C.R.S. (2012), when it denied Complainant full and equal enjoyment of its services, facilities, privileges, advantages and accommodations at its place of business because of Complainant's sexual orientation.

Pursuant to the authority set forth in sections 24-34-305(1)(d) and 24-34-306(4), C.R.S. (2012), the Colorado Civil Rights Commission, having determined that the circumstances warrant a hearing, hereby charges and alleges:

1. Respondent Masterpiece Cakeshop, Inc. ("Masterpiece Cakeshop"), is a place of public accommodation as defined by § 24-34-601(1), C.R.S. (2012), and is therefore subject to the jurisdiction of the Colorado Civil Rights Commission.
2. Respondent Jack C. Phillips ("Phillips") is the owner of Masterpiece Cakeshop and was the person who refused, withheld from, or denied to Complainant the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of Masterpiece Cakeshop in violation of § 24-34-601(2), C.R.S. (2012), and is therefore subject to the jurisdiction of the Colorado Civil Rights Commission.
3. Timeliness and all other jurisdictional and procedural requirements of title 24, article 34, parts 3 and 4 have been satisfied.

4. On or about July 19, 2012, David Mullins ("Complainant") was a patron in Respondents' place of business when he was subjected to a discriminatory practice and unlawful conduct by Respondents because of his sexual orientation.

5. Respondent Masterpiece Cakeshop is a Colorado corporation.

6. Masterpiece Cakeshop was formed by Jack C. Phillips and James F. Sanders on or about December 2, 1992, with Phillips as President.

7. Masterpiece Cakeshop operates in Lakewood, Colorado, as a bakery supplying cakes for special occasions.

8. At all times relevant to this Complaint, Phillips was represented as and was the owner of Masterpiece Cakeshop.

9. On or about July 19, 2012, Complainant was present at Respondent's bakery at 3355 S. Wadsworth Blvd., Lakewood CO 80227, with his fiancé, Charlie Craig, and Craig's mother, Deborah Munn.

10. Complainant and Craig planned to travel to Massachusetts to get married, then have a wedding reception upon their return to Denver, Colorado.

11. Complainant and Craig were attended to by Phillips.

12. While Complainant and Craig were looking at pictures of available wedding cakes, they informed Phillips that the cake was for them.

13. Upon learning that the wedding cake was for Complainant and Craig, Phillips said that his standard business practice is to deny service to same-sex couples.

14. Based upon Phillips's response and refusal to provide service because of Complainant's sexual orientation, Complainant, Craig, and Munn left the business.

15. On July 20, 2012, in an effort to obtain more information about why Phillips refused service to Complainant, Munn called Phillips.

16. Phillips informed Munn that because he was a Christian, he was opposed to making wedding cakes for any same-sex couples.

17. Respondents have not asserted that Masterpiece Cakeshop is a business that is principally used for religious purposes.

18. Phillips stated that on July 19, 2012, Complainant, Craig, and Munn visited his bakery and said they wished to purchase a wedding cake.

19. Phillips stated that he told Complainant and his group that he does not create wedding cakes for same-sex weddings.

20. Phillips stated that during the July 20, 2012 telephone conversation with Munn, he told her that he refused to sell a wedding cake to her son based upon his religious beliefs against same-sex marriage and because Colorado does not recognize same-sex marriages.

21. Phillips stated that he could sell a birthday cake, shower cake, or other cake for Complainant and Craig, but not a wedding cake.

22. Upon information and belief, Respondent creates wedding cakes for heterosexual couples.

23. Upon information and belief, Respondent was contacted by a patron who claimed to be a dog breeder and wanted to host a “dog wedding” between two dogs, and Respondent did not object to creating a “dog wedding” cake.

24. Respondent’s action of refusing to sell a wedding cake to Complainant due to his sexual orientation is a violation of § 24-34-601(2), C.R.S. (2012).

25. Complainant filed a charge of discrimination with the Colorado Civil Rights Division on September 4, 2012.

26. On or about March 5, 2013, the Director of the Colorado Civil Rights Division, through an Authorized Designee, found probable cause that Respondents had discriminated against Complainant.

27. Efforts to settle the charge of discrimination have been unsuccessful.

The Complainant seeks the following relief:

1. That Respondents be ordered to allow complainant the full use and enjoyment of their services, facilities, privileges, advantages and accommodations and the opportunity to participate in all activities of its cakeshop and restore to him all benefits, rights, and privileges he would have received as a patron effective immediately.

2. That Respondents be ordered to cease and desist their practices of discriminating against homosexual customers because of their sexual orientation and to immediately discontinue their policy and practice of refusing to sell wedding cakes to same-sex couples.

3. That Respondents be ordered to adopt a corrective policy which will allow complainant and other similarly situated homosexual persons the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of Masterpiece Cakeshop.

4. That Respondents be ordered to disseminate to the public its policy that the use of the facility, and all other goods, services, benefits and privileges of Masterpiece Cakeshop will be provided without regard to sexual orientation, disability, sex, race, color, creed, marital status, national origin, or ancestry.

5. That Respondents be ordered to report to the Colorado Civil Rights Commission all remedial action taken to eliminate the discriminatory practices until such time as it has been established that such discriminatory practices have ceased.

6. That Respondents be ordered not to retaliate against Complainant in any way.

7. That Respondents be ordered to provide any other relief which may be available to Complainant by virtue of operation of law and any other relief the Colorado Civil Rights Commission deems just and proper.

Respondents may file a verified answer prior to the date of the hearing. The hearing will be conducted pursuant to sections 24-34-306 and 24-4-105, C.R.S. (2012). Failure to answer the complaint at hearing may result in entry of default judgment against the Respondents.

Dated this 31<sup>st</sup> day of May, 2013.

BY THE COMMISSION:



Commissioner