

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

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NOV 01 2011
HUMAN RIGHTS COMMISSION
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IN THE MATTER OF:

MARK WATHEN)
Complainant)
v.)
BEALL MANSION)
BED & BREAKFAST)
Respondent.)

Charge No. 2011-SP-2486
Dept. of Human Rights
SWITCHBOARD

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COMPLAINT OF CIVIL RIGHTS VIOLATION

Pursuant to the Illinois Human Rights Act ("Act"), 775 ILCS 5/1-101 to 5/10-104, the Complainant, Mark Wathen, by his attorneys, the Tsamis Law Firm, P.C. and John Knight of the Roger Baldwin Foundation of ACLU, Inc., complains of a civil rights violation against Respondent, Beall Mansion Bed & Breakfast, as follows:

JURISDICTION

1. Complainant Mark Wathen ("Mark") is a gay man who filed charge number 2011-SP-2486 with the Department against Respondent on March 1, 2011.
2. On August 4, 2011, the Director issued a Notice of Substantial Evidence to the Complainant regarding the above-referenced charge.
3. This Complaint has been filed within ninety (90) days after receipt of the Notice of Substantial Evidence.

THE PARTIES

4. Complainant resides in Mattoon, Illinois with his civil union partner, Todd Wathen.
5. Respondent is a bed and breakfast inn located at 407 East 12th Street, Alton, Illinois

62002.

6. Respondent is a business co-owned solely by Jim Belote and Sandy Belote.

7. Respondent is a “place of public accommodation,” since it is “an inn, hotel, motel, or other place of lodging” and is not “an establishment located within a building that contains not more than 5 units for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor”, since it is a “place of public gathering”, and since it is an “establishment serving food or drink.” 775 ILCS 5/5-101(A)(1), (2) & (4).

FACTS

8. Todd and Mark Wathen (“the Wathens”) have been a loving, committed couple for almost ten years, since January 2003.

9. The Wathens had been hoping for several years to be able to enter into a legally recognized union to both celebrate and protect their relationship with one another. As a result, they were excited to learn about the possibility that a civil union bill might become law in Illinois.

10. On January 31, 2011, Governor Pat Quinn signed legislation to make Illinois the sixth state to allow same-sex couples to enter into civil unions. The law had an effective date of June 1, 2011.

11. Following passage of the new law, the Wathens began looking for a location that would be convenient for their family members from Kentucky and Missouri to travel to, that had facilities for their civil union ceremony, and that had rooms where their family members could spend the night while in Illinois.

12. Todd Wathen (“Todd”) performed a Google search for possible locations for their civil union ceremony in Central or Southern Illinois and identified Respondent as a business offering wedding services and rooms where the Wathens’ family members could stay.

13. The Wathens agreed that Todd would contact Respondent to check on availability and, if possible, make reservations for rooms and arrangements for holding their ceremony at Respondent’s facility.

Todd Wathen’s E-Mail Exchange and Phone Conversation with Mr. Belote

14. On February 2, 2011 at 4:45 p.m., Todd sent an e-mail to Respondent requesting service. Specifically, he wrote:

“Will you all be doing the Same-Sex Civil Union Ceremony’s [sic] that will be starting on June the 1st????”

A true and accurate copy of Todd’s e-mail exchange with Mr. Belote is attached hereto as

Exhibit A.

15. After receiving no response from Respondent, Todd placed a phone call to Respondent on February 3, 2011 and spoke with Mr. Belote.

16. In this phone conversation, Todd asked Mr. Belote if Respondent’s business would offer same-sex civil union ceremonies beginning June 1, 2011.

17. During their phone call, Mr. Belote replied to Todd that Respondent would only host traditional weddings.

18. Todd inquired what Mr. Belote meant by “traditional.”

19. Mr. Belote responded to Todd, during the same phone call, that “traditional weddings” meant weddings between a man and a woman.

20. Todd inquired of Mr. Belote whether he thought this was discrimination.

21. Mr. Belote replied to Todd that Respondent would keep “our weddings traditional” and therefore would not host civil union ceremonies for same-sex couples.

22. Mr. Belote’s reply ended the phone conversation between Todd and Mr. Belote.

23. Following his phone conversation with Mr. Belote, Todd called Mark and told him of the phone conversation with Mr. Belote.

24. Even though Mr. Belote had answered Todd’s questions about hosting their civil union the day before, on February 4, 2011 at 10:36 a.m., Mr. Belote responded to Todd’s February 2, 2011 e-mail to Respondent:

“At this point we will just be doing traditional weddings.”

Exhibit A.

25. Todd responded to Mr. Belote on February 4, 2011 at 11:38 a.m, via e-mail:

“What is [sic] traditional weddings????”

Exhibit A.

26. On February 4, 2011 at 11:43 a.m., Mr. Belote replied to Todd via e-mail:

“Weddings as opposed to civil unions.”

Exhibit A.

27. Todd responded to Mr. Belote on February 4, 2011 at 12:05 p.m., via e-mail:

“Don’t you feel that is discriminating against me and my partner, since it will become law for civil unions [sic], starting June 1st????”

Exhibit A.

28. Mr. Belote responded to Todd Wathen, via e-mail, on February 4, 2011 at 3:12 p.m.:

“We apologize for any misunderstanding.

Illinois civil union bill is not just for same-sex couples. It’s for opposite sex couples as well. At this time we don’t do civil unions (same sex or opposite sex). Nor do we do wedding rehearsal dinners (same sex or opposite sex). Nor do we

do many other types or events (same sex or opposite sex.) Additional events and services may or may not be added to our r'epertoire [sic] at some time in the future.

All couples (same sex and opposite sex) and singles (male and female) have come and enjoyed our elegant overnight accommodations and all are most genuinely welcome.”

Exhibit A.

Respondent's Website

29. Respondent maintains a public website – www.beallmansion.com – for the purpose of soliciting business.

30. Upon information and belief, Respondent's website has been maintained at the same domain during all relevant dates herein.

31. When Todd Wathen reviewed Respondent's website prior to his e-mail exchange and phone call with Mr. Belote, Respondent's website solicited business for various events, including “weddings and receptions[,]” proclaiming that Beall is “perfect for anniversary parties, fundraising events, bridal and baby showers, and any other special event that you want to make *truly* special.” A true and accurate copy of a page from Respondent's website on February 20, 2011 is attached hereto is **Exhibit B**.

32. Upon information and belief, Respondent's website remained unchanged from the date Todd Wathen first reviewed Respondent's website prior to his e-mail exchange and phone call with Mr. Belote until on or about February 22, 2011, with respect to the two above-referenced representations.

33. The Wathens contacted Respondent because it advertised that it was available for weddings and other special occasions.

34. Upon information and belief, on or about February 22, 2011, Respondent's website changed to omit "any other special event that you want to make *truly* special." A true and accurate copy of Respondent's website on February 22, 2011 is attached hereto as **Exhibit C**.

CIVIL RIGHTS VIOLATION OF THE ILLINOIS HUMAN RIGHTS ACT

35. Complainant hereby incorporates by reference and re-alleges the above, paragraphs 1 through 34, as though fully set forth herein this claim.

36. The Illinois Human Rights Act ("Act") is intended to prevent and eliminate discriminatory practices in places of public accommodation because of an individual's sexual orientation. 775 ILCS 5/1-102(A).

37. It is a civil rights violation under the Act "for any person on the basis of unlawful discrimination to . . . [d]eny or refuse to another the full and equal enjoyment of the facilities, goods, and services of any public place of accommodation." 775 ILCS 5/5-102(A).

38. On February 3, 2011 and February 4, 2011, Respondent refused, withheld from, and denied the Wathens the full and equal enjoyment of its facilities and services based on their sexual orientation. Respondent's denial to the Wathens of its facilities to hold their civil union ceremony and host their guests and of its services was discriminatory based on their sexual orientation and had a disparate impact on them because of their sexual orientation.

39. As a result of Respondent's violation of the Act, Complainant has suffered substantial mental and emotional distress as well as the stigmatizing injury and deprivation of personal dignity that accompanies denials of equal access to places of public accommodation.

WHEREFORE Complainant respectfully requests the following relief:

- A. An order directing Respondent to cease and desist from any violation of the Act;

- B. Actual damages for the injury and loss suffered by Complainant;
- C. Interest on the Complainant's actual damages;
- D. An order mandating that Defendant pay Complainant's reasonable attorney's fees and costs pursuant to 775 ILCS 5/8A-104(G); and
- E. Any additional relief that the Commission deems just and appropriate.

Respectfully submitted by,



One of Complainant's attorneys

ATTORNEYS FOR COMPLAINANT

Betty Tsamis
Tsamis Law Firm, P.C.
1509 W. Berwyn, Suite 201E
Chicago, IL 60640
(866) 703-5509, Office
ARDC No.: 6288664

John Knight
ARDC No. 6201433
Harvey Grossman
ARDC No. 1071629
Roger Baldwin Foundation
of ACLU, Inc.
180 North Michigan Avenue
Suite 2300
Chicago, Illinois 60601
(312) 201-9740

A "USA Top 100 Gold Inn & B&B" Award Winning Property

From: Wathens poms [mailto:wathenspoms@hotmail.com]
Sent: Friday, February 04, 2011 11:38 AM
To: bepampered@beallmansion.com
Subject: RE: Weddings

What is traditional weddings????

From: bepampered@beallmansion.com
To: wathenspoms@hotmail.com
Subject: RE: Weddings
Date: Fri, 4 Feb 2011 10:36:21 -0600

Dear Todd:

At this point we will just be doing traditional weddings. Thank you for writing.

Jim & Sandy Belote *and staff*
BEALL MANSION An Elegant Bed & Breakfast Inn
407 E. 12th St.
Alton, IL 62002-7230 USA
local 618-474-9100 • *int'l* +1-618-474-9100
toll free 1-866-The-BEALL (1-866-843-2325)
www.beallmansion.com • *mobile* www.beallmansion.mobi
bepampered@beallmansion.com

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From: Todd Wathen [mailto:wathenspoms@hotmail.com]
Sent: Wednesday, February 02, 2011 4:45 PM
To: bepampered@beallmansion.com
Subject: Weddings

Will you all be doing the Same-Sex Civil Union Ceremony's that will be starting on June the 1st???? Thanks Todd Wathen



Betty Tsamis

From: Wathens poms <wathenspoms@hotmail.com>
Sent: Thursday, February 17, 2011 3:20 PM
To: btsamis@tsamislaw.com
Subject: FW: Weddings

From: bepampered@beallmansion.com
To: wathenspoms@hotmail.com
Subject: RE: Weddings
Date: Fri, 4 Feb 2011 15:12:00 -0600

We apologize for any misunderstanding.

Illinois civil union bill is not just for same-sex couples. It's for opposite sex couples as well. At this time we don't do civil unions (same sex or opposite sex). Nor do we do wedding rehearsal dinners (same sex or opposite sex.) Nor do we do many other types of events (same sex or opposite sex.) Additional events and services may or may not be added to our repertoire at some time in the future.

All couples (same sex and opposite sex) and singles (male and female) have come and enjoyed our elegant overnight accommodations and all are most genuinely welcome.

Thank you very much.

From: Wathens poms [mailto:wathenspoms@hotmail.com]
Sent: Friday, February 04, 2011 12:05 PM
To: bepampered@beallmansion.com
Subject: RE: Weddings

Don't you feel that is discriminating against me and my partner, since it will become law for civil unions, starting June 1st???

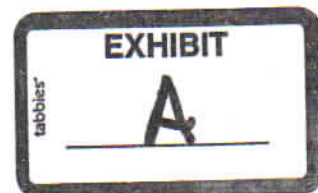
From: bepampered@beallmansion.com
To: wathenspoms@hotmail.com
Subject: RE: Weddings
Date: Fri, 4 Feb 2011 11:43:12 -0600

Weddings as opposed to civil unions.

Jim & Sandy Belote *and* staff
BEALL MANSION An Elegant Bed & Breakfast Inn
407 E. 12th St.
Alton, IL 62002-7230 USA
local 618-474-9100 • *int'l* +1-618-474-9100
toll free 1-866-The-BEALL (1-866-843-2325)
www.beallmansion.com • *mobile* www.beallmansion.mobi
bepampered@beallmansion.com

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The BEALL MANSION
407 E. 12th St.
Alton, Illinois 62002-7230
USA
Crescent Tl. Lunon Mo.
Tel: 618-474-9100
618-474-9100
1-866-The-BEALL
www.thebeallmansion.com

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2/20/2011

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Alton Illinois 62002-7230
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For special events of two to one hundred—no other property in the area can compare with The BEALL MANSION.

**where special events are truly special*

Conveniently located on Millionaire's Row—with its eleven and a half foot ceilings and crystal chandeliers, period antiques and marble and bronze statuary, The BEALL MANSION is the place to entertain and to impress.

Perfect for anniversary parties, fund raising events, bridal and baby showers and small corporate retreats



For more information on holding your special event in the turn-of-the-century elegance of The BEALL MANSION please call Jim at (618) 474-9100 or Toll Free 1-866-The-BEALL (1-866-843-2325).

*Elegant Accommodations | Business Accommodations |
Weddings & Receptions | Museum Tours*

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STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION



IN THE MATTER OF:


MARK WATHEN)	
Complainant)	Charge No. 2011-SP-2486
)	
v.)	
)	
BEALL MANSION)	
BED & BREAKFAST)	
)	
Respondent.)	

APPEARANCE

Tsamis Law Firm, P.C. enters its appearance on behalf of the Complainant, MARK WATHEN.

Dated: 11/1/2011

Respectfully submitted,
Tsamis Law Firm, P.C.


Betty Tsamis
ATTORNEYS FOR COMPLAINANT

Betty Tsamis
Tsamis Law Firm, P.C.
1509 W. Berwyn, Suite 201E
Chicago, IL 60640
(866) 703-5509, Office
ARDC No.: 6288664

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION



IN THE MATTER OF:

MARK WATHEN)	
Complainant)	Charge No. 2011-SP-2486
)	
v.)	
)	
BEALL MANSION)	
BED & BREAKFAST)	
)	
Respondent.)	

SERVICE

I ask that Commission serve a copy of the Complaint in this case on the Respondent by sending it to:

Jim Belote
Co-Owner of Beall Mansion Bed & Breakfast
407 East 12th Street
Alton, Illinois 62002

STATE OF ILLINOIS
ILLINOIS DEPARTMENT OF HUMAN RIGHTS

CHICAGO OFFICE
100 RANDOLPH STREET
SUITE 10-100 INTAKE UNIT
CHICAGO, ILLINOIS 60601
(312) 814-6200
(312) 814-1579 TDD

SPRINGFIELD OFFICE
DEPARTMENT OF HUMAN RIGHTS
222 SOUTH COLLEGE, ROOM 101
SPRINGFIELD, ILLINOIS 62704
(217) 785-5100
(217) 785-5125 TDD

CHARGE NO: 2011SP2486
Control number: 11M0218.07
CHARGE OF DISCRIMINATION

I, Mark Wathen, 1120 S. 14th St, Mattoon, IL 61938, 217-317-2106, believe I have been personally aggrieved by a civil rights violation committed on Feb 3, 2011, by:

RESPONDENT

Beall Mansion Bed & Breakfast
407 E. 12th St
Alton, IL 62002

The particulars of the alleged civil rights violation are as follows:

- L. A. **ISSUE/BASIS**
1. Denied equal enjoyment of facilities on Feb 3, 2011, because of sexual orientation, homosexual.
- B. **PRIMA FACIE ALLEGATIONS**
1. I attempted to utilize the services offered at Respondent in Feb 2011.
 2. I was qualified to receive the benefits available at Respondent.
 3. My sexual orientation is homosexual.
 4. Respondent is a place of public accommodation.
 5. On Feb 3, 2011, I was denied the equal enjoyment of Respondent's facility in that I was not allowed to book the facility for the celebration of a same sex civil union.
 6. Respondent has not prevented heterosexuals from the enjoyment of its facilities.

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MAR 01 2011

Dept. of Human Rights

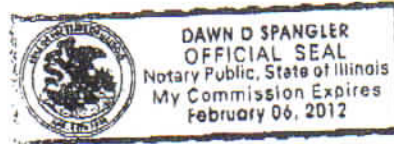
Complainant: Mark Wathen
Control No.: 11M0218.07
Page 2

I, Mark Wathen, on oath or affirmation state that I am the Complainant herein, that I have read the foregoing charge and know the contents thereof, and that the same is true and correct to the best of my knowledge.

Mark Wathen 2/28/11
Complainant's Signature/Date

Subscribed and sworn to
before me this 28th day
of February, 2011.

Dawn D Spangler
NOTARY PUBLIC SIGNATURE
IDHR #6 FORM



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