

Lesbian couple refused wedding cake files state discrimination complaint



Melissa Klein, co-owner of Sweet Cakes by Melissa in Gresham, with a customer earlier this year. (Everton Bailey Jr./The Oregonian)



By **Maxine Bernstein | The Oregonian/OregonLive**

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A same-sex couple who requested a cake for their wedding in January but were refused service by a Gresham bakery have filed a complaint with the state, alleging **Sweet Cakes by Melissa** discriminated against them based on their sexual orientation.

Oregon's Bureau of Labor and Industries' civil rights division will investigate to determine if the business violated the Oregon Equality Act of 2007, which protects the rights of gays, lesbians, bisexual and transgender people in employment, housing and public accommodations.

It's the 10th complaint to the state in the last five years involving allegations of discrimination in a public place based on sexual orientation or gender identity, according to the bureau.

Rachel N. Cryer, 30, said she had gone to the Gresham bakery on Jan. 17 for a scheduled appointment to order a wedding cake. She met with the owner, Aaron Klein.

Klein asked for the date of the wedding and names of the bride and groom, Cryer said.

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"I told him, 'There are two brides and our names are Rachel and Laurel,' " according to her complaint.

Klein responded that his business does not provide its services for same-sex weddings, she said.

"Respondent cited a religious belief for its refusal to make cakes for same-sex couples planning to marry," the complaint says.

Sweet Cakes, the Gresham bakery whose owners refused to make a wedding cake for a Portland lesbian couple.

Klein earlier this year told The Oregonian that he and his wife, Melissa, turn down requests to bake cakes for same-sex marriages because that goes against their Christian faith and cited their freedom of religious opinion. He has denied disparaging the couple.

Melissa Klein said the complaint was delivered to the bakery Tuesday. She said she and her husband had expected it because the same-sex couple had initially made an inquiry to the state attorney general's office.

"It's definitely not discrimination at all. We don't have anything against lesbians or homosexuals," she said. "It has to do with our morals and beliefs. It's so frustrating because we went through all of this in January, when it all came out."

The complaint will be assigned to an investigator. If substantial evidence of discrimination is found, the inquiry could lead to a settlement or to prosecution before an administrative law judge. A proposed order would be made to the labor commissioner, who serves as the final arbiter and decides if violations are warranted.

"We are committed to a fair and thorough investigation to determine whether there's substantial evidence of unlawful discrimination," said Labor Commissioner **Brad Avakian**. He advocated for the 2007 law when he was a state senator.

In the other nine discrimination complaints based on sexual orientation, four were unsubstantiated, three resulted in a negotiated settlement before a finding, one was privately settled and withdrawn, and one is pending -- a Portland case involving a bar called the P Club.

The law provides an exemption for religious organizations and parochial schools, but does not allow private business owners to discriminate based on sexual orientation, just as they cannot legally deny service based on race, age, veteran status, disability or religion.

"Everybody is entitled to their own beliefs, but that doesn't mean that folks have the right to discriminate," Avakian said, speaking generally.

An administrative law judge could assess civil penalties.

"The goal is never to shut down a business. The goal is to rehabilitate," Avakian said. "For those who do violate the law, we want them to learn from that experience and have a good, successful business in Oregon."

The bureau's civil rights division conducts about 2,200 investigations a year on all types of discrimination, Avakian said.

This summer, the bureau expects a ruling on the P Club complaint: Transgender customers complained that the North Portland bar told them not to return. **In that case, Avakian himself filed the complaint against the club**, accusing it of refusing service to patrons based on their gender identity. A deputy commissioner will serve as arbiter in that case.

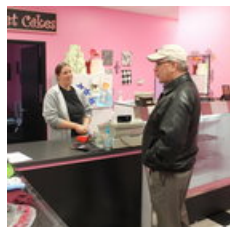
The labor bureau previously obtained negotiated settlements in the past on allegations by lesbian partners that they were denied a hotel room in Sutherlin, that a Eugene market and gas station subjected a gay man to homophobic jokes and that a Umatilla County event facility would not host a lesbian couple's wedding.

The bureau provides training to businesses to help them avoid potential violations of the relatively new law.

"I think you're going to see numbers (of complaints) increase with additional training and awareness," Avakian said.

-- Maxine Bernstein

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