

B&B ordered to pay \$80,000 over refusal to host civil-union ceremony in 2011

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SPRINGFIELD — A bed-and-breakfast near Paxton that turned down a same-sex couple's request to hold a civil-union ceremony there in 2011 has been ordered to pay \$30,000 in damages to the couple and \$50,000 to their attorneys and to stop violating the Illinois Human Rights Act.

Michael R. Robinson, an administrative law judge appointed by the Illinois Human Rights Commission, entered a "recommended order and decision" awarding the damages to Todd and Mark Wathen of Tuscola.

"We are very happy that no other couple will have to experience what we experienced by being turned away and belittled and criticized for who we are," Todd Wathen said. "In addition, the monetary award represents a recognition by the judge that Mark and I suffered a real harm — that we were embarrassed and humiliated."

In September, Robinson ruled that Jim Walder violated the civil rights of the Wathens when he denied them the opportunity to hold their civil-union ceremony at the B&B he co-owns with his wife — the TimberCreek Bed-and-Breakfast west of Paxton.

The landmark ruling marked the first time that the Human Rights Commission made clear that businesses in Illinois must serve the entire public and cannot pick and choose based on their personal

religious views.

Following a public hearing held last November in Springfield to consider damages to be awarded to the couple, ACLU attorneys for the Wathens filed briefs to support the couple's request for a "cease and desist" order and for Walder to pay damages for emotional distress, attorneys' fees and costs. Lawyers for the B&B failed to respond in a timely matter, leading to the judge's ruling.

In his written decision last week, Robinson ordered the B&B to:

- Pay \$15,000 each to Todd and Mark Wathen as compensation for their emotional distress arising out of the issue.
- Cease and desist from violating the Human Rights Act by denying same-sex couples access to its facilities and services for marriages and civil unions.
- Offer the Wathens access to the facility, within one year, for an event celebrating their civil union.
- Pay the Wathens' attorneys \$50,000 in fees and \$1,218 in costs.

"It is critical that the judge ordered this entity to end its unlawful practices — practices that discriminate against gay and lesbian couples," said John Knight, LGBT Project director for the ACLU of Illinois. "It is important that we have a clear and undiluted message that denying services to gay and lesbian couples for marriage and civil union ceremonies simply is not permitted in our state."

Walder did not immediately return a call and email seeking comment Tuesday on whether he would fully comply with the judge's order. During November's hearing, he said he would never host same-sex civil unions or weddings at his B&B, even if Illinois law requires it.

"The principle in the Bible for Christians is that Christians need to follow the law unless it contradicts (the Bible)," Walder said.

As of Tuesday, the B&B's website, timbercreekbb.com, stated that the "upscale Christian country Bed & Breakfast" will not host civil unions or gay marriages.

"It is not an issue of fairness or equality, but an issue of right and wrong," the website says. "We cannot be part of what God condemns."

Shortly after Illinois approved civil unions in January 2011, the Wathens began planning theirs for June 4, 2011, the first Saturday after the law would be going into effect. After researching possible locations, Todd Wathen contacted the TimberCreek B&B — which advertised itself as a venue for weddings and other events — and asked if the facility would be holding civil-union ceremonies starting in June.

Walder denied his request, and a few days later he sent an unsolicited email lecturing the Wathens about their "gay lifestyle," adding that "it's not too late to change your behavior."

The Wathens said they never contacted another B&B after that. They ended up being wed in a small ceremony on June 4, 2011, in their back yard — where "no one can turn us away," Todd Wathen said.

Todd Wathen said only about 30 family members and friends attended their wedding due to a lack of space on their property — far short of the 125 they had hoped would have been present if the ceremony was held at a larger venue like the TimberCreek B&B.

"We did it, but it wasn't what we wanted," Todd Wathen said.

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