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STATE OF WASHINGTON
BENTON COUNTY SUPERIOR COURT

STATE OF WASHINGTON,
Plaintiff

v.

ARLENE'S FLOWERS, INC., d/b/a
ARLENE'S FLOWERS AND GIFTS, and
BARRONELLE STUTZMAN,
Defendants.

NO.

COMPLAINT FOR INJUNCTIVE AND
OTHER RELIEF UNDER THE
CONSUMER PROTECTION ACT

The Plaintiff, State of Washington, by and through its attorneys Robert W. Ferguson, Attorney General, and Sarah A. Shifley, Assistant Attorney General, brings this action against the Defendants named below. The State alleges the following on information and belief:

I. JURISDICTION AND VENUE

1.1 This Complaint is filed and these proceedings are instituted under the provisions of the Unfair Business Practices–Consumer Protection Act, RCW 19.86.

1.2 The Attorney General is authorized to commence this action pursuant to RCW 19.86.080 and RCW 19.86.140.

1.3 The violations alleged in this Complaint were committed in whole or in part in Benton County, Washington, by the Defendants named herein.

1 1.4 Venue is proper in Benton County pursuant to RCW 4.12.020 and
2 RCW 4.12.025.

3 **II. DEFENDANTS**

4 2.1 Defendant Arlene’s Flowers, Inc., d/b/a Arlene’s Flowers and Gifts (“Arlene’s
5 Flowers”) is a Washington for-profit corporation engaged in the sale of goods and services,
6 including flowers for weddings.

7 2.2 Defendant Barronelle Stutzman is the president, owner, and operator of
8 Arlene’s Flowers.

9 2.3 Defendants Arlene’s Flowers and Barronelle Stutzman are collectively referred
10 to as “Defendants.”

11 **III. NATURE OF TRADE AND COMMERCE**

12 3.1 Defendants sell goods and services through a retail store located at 1177 Lee
13 Blvd, Richland, WA 99352 and have been at all times relevant to this action in competition
14 with others engaged in similar activities in the state of Washington.

15 3.2 The goods and services sold by the Defendants include flowers for weddings
16 and various related goods and services, including: wedding consultation, on-sight decorating
17 and decorations, and rental of Candelabras, Topiaries, Columns, Arches, etc.

18 3.3 Defendants advertise their goods and services, including flowers for weddings,
19 to the general public through various media including: signage outside of their retail store,
20 websites, and a Facebook page.

21 **IV. FACTS**

22 4.1 On Friday, March 1, 2013, during regular business hours, Robert Ingersoll
23 entered Defendants’ retail store with the intention of purchasing flowers for his upcoming
24 wedding.

25 4.2 Mr. Ingersoll had previously purchased goods and services from Defendants.

26

1 4.3 Mr. Ingersoll informed Ms. Stutzman that he wanted to purchase flowers for his
2 wedding.

3 4.4 In response, Ms. Stutzman stated to Mr. Ingersoll that she could not provide
4 flowers for his wedding "because of [her] relationship with Jesus Christ." Ms. Stutzman refused
5 to sell flowers to Mr. Ingersoll.

6 4.5 At the time, Ms. Stutzman was aware that Mr. Ingersoll is gay and that his
7 upcoming wedding for which he was seeking to purchase flowers would be to another man.

8 4.6 After Ms. Stutzman refused to sell him flowers, Mr. Ingersoll left the store.
9 Mr. Ingersoll did not make any other purchases.

10 **V. CAUSE OF ACTION**

11 5.1 Plaintiff realleges paragraphs 1.1 through 4.6 and incorporates them herein as if
12 set forth in full.

13 5.2 Defendants' retail business is a facility, open to the public, for the sale of goods
14 and services. Defendants advertise their goods and services, including flowers for weddings,
15 to the general public.

16 5.3 Defendants customarily sell flowers for weddings.

17 5.4 On March 1, 2013, Defendants refused to sell flowers to Mr. Ingersoll for his
18 wedding.

19 5.5 The fact that Mr. Ingersoll, a gay man, was seeking to purchase flowers for his
20 wedding to another man was a substantial factor in Defendants' refusal to sell him flowers.

21 5.6 Defendants discriminated against Mr. Ingersoll based on his sexual orientation
22 by refusing to sell him flowers for his wedding.

23 5.7 Pursuant to RCW 49.60.030(3), violations of Washington's Law Against
24 Discrimination are per se violations of the Consumer Protection Act, RCW 19.86. The
25 conduct described herein constitutes discrimination on the basis of sexual orientation in a place
26

1 of public accommodation in violation of RCW 49.60.215 and therefore constitutes a violation
2 of the Consumer Protection Act, RCW 19.86.

3 5.8 Notwithstanding RCW 49.60.030(3), the conduct described herein constitutes
4 an unfair practice in trade or commerce and an unfair method of competition that is contrary to
5 the public interest and therefore violates RCW 19.86.020 of the Consumer Protection Act.

6 **VI. PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff, State of Washington, prays for relief as follows:

8 6.1 That the Court adjudge and decree that Defendants have engaged in the conduct
9 complained of herein.

10 6.2 That the Court adjudge and decree that the conduct complained of in paragraphs
11 4.1 through 5.8 constitutes an unfair or deceptive act or practice in trade or commerce in violation
12 of the Consumer Protection Act, RCW 19.86.

13 6.3 That the Court issue a permanent injunction enjoining and restraining Defendants,
14 and their representatives, successors, assigns, officers, agents, servants, employees, and all other
15 persons acting or claiming to act for, on behalf of, or in active concert or participation with
16 Defendants, from continuing or engaging in the unlawful conduct complained of herein.

17 6.4 That the Court assess penalties, pursuant to RCW 19.86.140, of two-thousand
18 dollars (\$2,000) per violation against Defendants for each and every violation of RCW 19.86.020
19 caused by the conduct complained of herein.

20 6.5 That the Court make such orders pursuant to RCW 19.86.080 to provide that
21 plaintiff, State of Washington, have and recover from Defendants the costs of this action,
22 including reasonable attorney's fees.

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6.6 For such other relief as the Court may deem just and proper.

DATED this 9th day of April, 2013.

ROBERT W. FERGUSON
Attorney General WSBA # 32901
 FOR
SARAH A. SHIFLEY, WSBA #39394
Assistant Attorney General
Attorneys for Plaintiff