

Memo

Date: June 11, 2007
To: Patricia E. Ryan, Executive Director
From: John P. Gause, Commission Counsel
Re: [REDACTED]

PA07-0134

Respondent, [REDACTED] has requested administrative dismissal pursuant to Procedural Rule 2.02(H)(1) because it alleges that the Commission lacks jurisdiction over the above-referenced complaint. For the following reasons, I recommend that the request for dismissal be granted.

BACKGROUND

Complainant alleges unlawful public accommodations discrimination in that he was evicted from Respondent's rehabilitation center because of his national origin (Puerto Rico), ancestry (Hispanic), and because he contacted the Maine Human Rights Commission to find out what his rights were. Respondent states, in part, that it is a religious entity and that its Adult Rehabilitation Center operates as a religious program that is not a "place of public accommodation" under the Act.

Respondent states that beneficiaries in its free program are typically housed at the Adult Rehabilitation Centers from three to six months and receive spiritual counseling and work therapy. Respondent states that all beneficiaries are required to attend bi-weekly Christian religious worship services and a weekly Christian development class. Respondent states that the Centers are not healthcare providers and do not provide direct medical care to participants. Rather, the Centers refer beneficiaries to community clinics and other available medical services in the local area. Respondent states that the Centers encourage participation in alcohol and drug dependency programs.

The handbook that governs the operations of the Rehabilitation Centers (attached as Exhibit B to Respondent's request for dismissal) describes the primary purpose of the Centers as "the spiritual regeneration and rehabilitation of men and women who have undergone a process of disaffiliation from those significant ties which enable individuals to take advantage of the opportunities and cope with the tribulations of everyday life. . . . This makes for a complex operation requiring a carefully organized combination of spiritual endeavor; applied social, psychological and medical services; effective use of unique work therapy program and the practical application of sound business principles." It describes "rehabilitation" in the program as "the spiritual emphasis, to bring people into an effective relationship with God; work therapy; health and education; social and leisure-time activities; individual and group therapy; the living arrangements; the general aura of the center."

Respondent states that its objective is to make Jesus Christ an integral part of beneficiaries' lives; to instill in them a Christian philosophy of life, to teach them habits of industry and thereby make them moral, self-respecting and productive members of society. The handbook states that the "first objective of the rehabilitation program is to bring the beneficiary into a helpful and effective relationship with God."

ANALYSIS

I think that Respondent's Adult Rehabilitation Center is not a "place of public accommodation" because it does not fit within the categories of facilities listed in the Act, 5 M.R.S.A. § 4553(8). There are no categories that are similar to a religious-based rehabilitation program, which is what Respondent operates. The Act defines "[p]lace of public accommodation," in closest relevant part, as follows: "Place of public accommodation" means a facility, operated by a public or private entity, whose operations fall within at least one of the following categories: . . . place of lodging, . . . conducted for the . . . accommodation of . . . those seeking health . . . ; . . . other service establishment; . . . other place of . . . health; . . . [and] other social service center establishment." 5 M.R.S.A. § 4553(8)(A), (F), (I), (K). Although a rehabilitation program would generally fit within each of these categories, Respondent's focus is on religious indoctrination. Religious or spiritual services are not listed as examples.

I thoroughly researched this issue, and all of the cases I found held that religious-based programs were not "places of public accommodation" under analogous statutes. *See Wazeerud-Din v. Goodwill Home & Missions, Inc.*, 737 A.2d 683, 687-88 (N.J. Super. Ct. App. Div. 1999), *cert. denied*, 746 A.2d 458 (NJ 2000) (religious-based rehabilitation program not a "place of public accommodation" under New Jersey LAD); *Roman Catholic Archdiocese of Philadelphia v. Com., Pennsylvania Human Relations Com'n*, 548 A.2d 328, 331 (Pa.CmwltH.Ct. 1988) (Catholic school is "distinctly private" and not "public accommodation" under Pennsylvania Human Relations Act); ; *Vargas-Santana v. Boy Scouts of America*, 2007 WL 995002, *6 (D.Puerto Rico 2007) (church is not a "place of public accommodation" under Title II of the Civil Rights Act of 1964). The case of *Wazeerud-Din* dealt with a rehabilitation program that was very similar to Respondent's.

Accordingly, I do not think that Respondent's Center is a "place of public accommodation" under the Act, and I recommend that the case be dismissed.