



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON

Consumer Protection Division
800 Fifth Avenue • Suite 2000 • MS TB 14 • Seattle WA 98104-3188
(206) 464-7745

March 28, 2013

VIA FEDERAL EXPRESS

Barronelle Stutzman
Arlene's Flowers, Inc.
1177 Lee Blvd.
Richland, WA 99352

Re: Violation of the Consumer Protection Act

Dear Ms. Stutzman:

I am an Assistant Attorney General in the Washington State Attorney General's Office. It has come to the attention of our Office that on or about March 1, 2013, you refused to sell floral arrangements to a same-sex couple for their wedding because of the couple's sexual orientation. Refusing to provide goods or services on the basis of a consumer's or consumers' sexual orientation is an unfair practice under Washington's Law Against Discrimination, RCW 49.60, and therefore violates the Washington Consumer Protection Act, RCW 19.86. Our Office is charged with enforcing the Consumer Protection Act.

In an effort to resolve this matter and to avoid further action by our Office, up to and including the filing of a lawsuit, we would like to provide you the opportunity to agree that, in the future, you will not discriminate against consumers based on their sexual orientation. This means that as a seller of goods or services, you will not refuse to sell floral arrangements for same-sex weddings if you sell floral arrangements for opposite-sex weddings.

I have enclosed an Assurance of Discontinuance (AOD) reflecting such an agreement for your review. If you agree to enter into this AOD, you agree not to discriminate against consumers based on their sexual orientation in the future. Please note that the AOD is not an admission by you that you violated the law and it does not include monetary payments or attorneys' fees, both of which are provided for under the Consumer Protection Act. However, if you fail to abide by the terms of the AOD after signing it, you could be subject to potential legal action including injunctions, civil penalties of up to \$2000 per violation, and attorneys' fees and costs.

ATTORNEY GENERAL OF WASHINGTON

Barronelle Stutzman

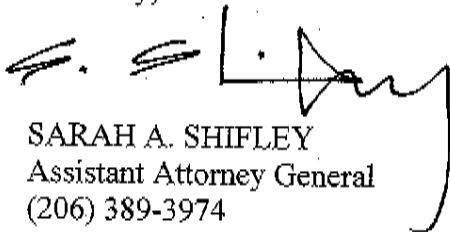
March 28, 2013

Page 2

It is our preference to resolve this matter in a fair, measured, and appropriate manner. We believe that the enclosed AOD does this. I would appreciate hearing from you no later than close of business, April 8, 2013, regarding your willingness to sign the AOD. I would also be happy to discuss this matter with you further, either in person or by telephone; if this is something you would like to do, please let me know and I will find a convenient time that works for both of us. However, if you do not respond or if you are not willing to sign the AOD, we will be required to pursue more formal options to address this matter.

You, or your counsel, may reach me by email at sarah.shifley@atg.wa.gov, or by telephone at the number listed below. Thank you in advance for your prompt attention to this letter.

Sincerely,



SARAH A. SHIFLEY
Assistant Attorney General
(206) 389-3974

SAS:lra

Enclosure

FAX: 206-589-5636

1
2
3
4
5
6
7
8
9
10
11
12

**STATE OF WASHINGTON
BENTON COUNTY SUPERIOR COURT**

In the matter of:

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

Respondents.

NO.

ASSURANCE OF
DISCONTINUANCE

13
14
15
16
17
18
19
20
21
22
23
24
25
26

The State of Washington, by and through its attorneys, Robert W. Ferguson, Attorney General, and Sarah A. Shifley, Assistant Attorney General, files this Assurance of Discontinuance pursuant to RCW 19.86.100.

I. INVESTIGATION

1.1 The Attorney General initiated an investigation into the business practices of Arlene's Flowers, Inc., d/b/a Arlene's Flowers and Gifts, and its president, owner, and operator, Barronelle Stutzman (collectively, "Respondents").

1.2 Respondents are engaged in the sale of goods or services in the state of Washington, including the sale of floral arrangements for weddings and other occasions, through a retail store located at 1177 Lee Blvd., Richland, WA 99352.

1.3 On or about March 1, 2013, Respondents refused to sell floral arrangements to a same-sex couple for their wedding because of the couple's sexual orientation.

1 **II. ASSURANCE OF DISCONTINUANCE**

2 2.1 The Attorney General deems and the Respondents acknowledge that the following
3 constitutes an unfair or deceptive act or practice in violation of the Consumer Protection Act,
4 RCW 19.86:

5 Discriminating against any person by directly or indirectly refusing to sell or
6 provide any goods or services – including flowers, floral arrangements, or other
7 floral services for a wedding – because of the person’s sexual orientation in
8 violation of Washington’s Law Against Discrimination, RCW 49.60.

9 2.2 Respondents agree that they will not engage in the above-identified unfair or
10 deceptive act or practice. Respondents further agree that they will not permit their agents,
11 employees, or any other people acting on their behalf, to engage in the above-identified act or
12 practice.

13 2.3 This Assurance of Discontinuance shall not be considered an admission of
14 violation for any purposes. However, failure to comply with this Assurance of Discontinuance
15 shall be *prima facie* evidence of a violation of RCW 19.86.020 and may result in imposition by
16 the Court of injunctions and civil penalties of up to \$2,000 per violation, attorneys’ fees and costs,
17 and any other relief that the Court may order pursuant to RCW 19.86.

18 2.4 Nothing in this Assurance of Discontinuance shall be construed so as to limit or
19 bar any other person or entity from pursuing available legal remedies against the Respondents.

20 DATED this ____ day of _____, 2013.

21
22 Approved for entry:

23
24 _____
25 JUDGE/COURT COMMISSIONER
26

1 Presented by:

Agreed to, Approved for Entry, Notice of
Presentation Waived:

2
3 ROBERT W. FERGUSON
Attorney General

4
5
6 SARAH A. SHIFLEY, WSBA #39394
Assistant Attorney General
7 Attorneys for State of Washington

BARRONELLE STUTZMAN
Respondent

8 ARLENE'S FLOWERS, INC.
9 By:
Respondent