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Massachusetts Gay Couple Sues Catholic Diocese Over Failed Housing Bid

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Set back from the street among a lush green lawn and foliage, the Oakhurst Retreat and Conference Center, a 44-bedroom mansion in Northbridge, Mass., commands attention.

When the property came on the real estate market last May, Alain Beret and James Fairbanks of Sutton, Mass., jumped at the opportunity to purchase Oakhurst and its extensive grounds from the House of Affirmation Inc., an affiliate of the Worcester Diocese, as they were looking for an "exceptional property" where they could live and set up a new hospitality and special events business.

"We just fell in love with it," Beret told ABCNews.com, and the two men made an offer on Oakhurst. "We thought it had everything we were looking for to turn it into an inn, and we had said we intended to hold weddings, proms, various functions on the property." Beret and Fairbanks had made a business out of buying old properties, restoring them and turning them into special events venues.

But Beret and Fairbanks now find themselves in county court, waging a civil rights lawsuit against the House of Affirmation, the Roman Catholic Bishop of Worcester and others, claiming discrimination because of their sexual orientation, a violation of the Massachusetts General Laws. Beret, 59, and Fairbanks, 57, are married, and have been together for 34 years.

"Discriminating against a person who is gay is no different than discriminating against a person who is black, Latino, Jewish or female, said Sergio E. Carvajal, principal attorney at Carvajal & Nielsen, which joined with the Massachusetts Fair Housing Center in filing the suit in Worcester Superior Court.

Beret and Fairbanks, who are seeking unspecified compensatory and punitive damages, claim that in early 2012, according to the court filing, they began a search for "a unique and exceptional

property where they could reside and establish a new hospitality and special events business. They had already owned and operated two other special events facilities, including one at the Harding Allen Estate in Barre, Mass.

In May, Beret and Fairbanks viewed Oakhurst, which was publicly listed for sale on the website Multiple Listing Service, or MLS. They submitted a written offer for the property through LiSandra Rodriguez-Pagan, the real estate agent for the House of Affirmation, which accepted the offer, along with a \$75,000 deposit, according to the lawsuit. Beret and Fairbanks also paid \$2,620 for a property inspection. The inspection report revealed that Oakhurst needed costly repairs, and upon learning this, Fairbanks and Beret submitted a revised offer for the property.

"From the evidence that we have, it appears that there was some conversation between the broker and church officials" in which the men's sexual orientation and relationship was disclosed to senior members of the Diocese of Worcester, Carvajal, Beret and Fairbanks' attorney, told ABCNews.com.

According to the court filing, real estate agent Rodriguez-Pagan, who was also named as a defendant in the lawsuit, told the Diocese she believed Beret and Fairbanks were gay, and that they planned to host same-sex weddings at Oakhurst. Monsignor Thomas Sullivan, chancellor of the Diocese of Worcester, also a defendant, wrote in an email to Rodriguez-Pagan, included in the court filing, that "because of the possibility of gay marriages there, we are not interested in going forward with these buyers. I think they're shaky anyway. Just tell them we will not accept their revised plan."

"I never talked about gay weddings," Beret told ABCNews.com. "Never told anybody that we were gay. That has never been a part of the discussion."

Beret and Fairbanks "are very experienced businessmen," said Carvajal, their attorney. "They were going to use the property as an inn and one of the components of that is to host weddings, wedding receptions. As businessmen, they were open to any type of wedding or anniversary."

The Diocese returned the \$75,000 deposit to Fairbanks and Beret in June, informing the men that it would not proceed with the property purchase. "To my understanding," said Beret, "the property has probably been sold."

The Diocese said it never backed out of an agreement. "There was never a purchase and sale agreement signed in this case," James Gavin Reardon Jr., the attorney for the Diocese of Worcester, told ABCNews.com, because "the buyers failed to get financing for the property."

Not so, claim the plaintiffs. "There were a number of banks interested in funding this project," said Beret, who, along with Fairbanks, made a final offer of \$550,000 for four of the 26 acres initially offered, including the property that the mansion sits on.

"From a Diocese perspective," said Reardon, "this is not a case of discriminating against gay persons, and we look forward to demonstrating that in court."