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Gay Couple Sues Worcester Diocese For Refusing To Sell Mansion To Them

By Karen Anderson, WBZ-TV

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WORCESTER (CBS) — James Fairbanks and Alain Beret of Sutton are filing a lawsuit against the [Diocese of Worcester](#) claiming they were discriminated against in a real estate transaction. Fairbanks and Beret began negotiating for the purchase of Oakhurst, a mansion in Northbridge, but they say after a month the deal abruptly ended when the Church learned they were gay and would allow gay weddings to take place there.

WBZ NewsRadio 1030's Doug Cope reports

Fairbanks and Beret are represented by Sergio Carvajal who says the church's behavior is unlawful and it's also morally wrong. He says, "Clearly sexual orientation was the motivating factor in refusing to negotiate with Mr. Fairbanks and Mr. Beret the sale of the Oakhurst property." He explains, "The law says no person shall treat a buyer differently on account of their sexual orientation."

The Massachusetts Fair Housing Center is joining Carvajal in the suit.

[WBZ first interviewed Beret last month](#) when he discovered what he called "the smoking gun." It is an email from Monsignor Thomas Sullivan to his realtor that said: *"I just went down the hall and discussed it with the bishop. Because of the potentiality of gay marriages there.... we are not interested in going forward with these buyers. I think they're shaky anyway. So, just tell them that we will not accept their revised plan and the diocese is making new plans for the property. You find the language."*

The Diocese released this statement today:

"Given the fact that a lawsuit has been filed in Worcester today regarding the property in Whitinsville which previously housed the Oakhurst Retreat Center, all requests for comment are being referred to Reardon and Reardon located in Worcester. Since neither the Diocese of Worcester nor any of its directors have been served with a copy of the suit, we cannot comment on any specifics."

The Church's lawyers say this is not a case of discrimination, but a failed real estate transaction because the buyers didn't come up with financing.

Beret and Fairbanks say they never had a problem with financing. They say they had submitted a lower offer after learning it would cost \$500,000 to rehabilitate the mansion and bring it up to code.

Fairbanks says, "I think they have their facts wrong. We hadn't been denied by any bank. The banks that had expressed interest were waiting for the final purchase and sale agreement we had a bank in the community that we were supposed to deliver it to that week."

Beret says he doesn't know where the idea of gay marriages came from. "I never talked about gay marriage. They must have assumed that because we were gay, we would be gay magnets."

Fairbanks says they're extremely disappointed. "The town was very excited to work with us," he says. "People who have worked with us in the past, photographers and florists and people from the business were excited to work with us again."

They say they have run three successful similar businesses prior to this. Fairbanks says, "Money has never been an issue for us when we needed to buy a piece of property."

James Fairbanks says, "I'd like to see it never happen again to anyone else. People shouldn't be treated like this, and I think the Catholic Church should be better role models as to how they represent themselves to the public."

Oakhurst had previously been a facility where the church attempted to rehabilitate troubled priests, including pedophiles, according to Beret.

Carvajal's responded to claims from the Monsignor that the email was taken out of context, saying, "The email speaks for itself."

They are now asking for training for the church and its realtor, and \$750,000 for not being able to begin their business.

Defendants named in the suit include the Most Reverend Robert McManus, Bishop for the Worcester Diocese; the Reverend Monsignor Thomas J. Sullivan; the House of Affirmation; Eastern Alliance Realty, LLC of Shrewsbury, the agency for the sale, and its principals, LiSandra Rodriguez-Pagan and Angel L. Pagan.