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Gay Sutton couple accuse church officials over property bid

DIOCESE OF WORCESTER SUED, SEX BIAS ALLEGED



Alain J. Beret, left, and James Fairbanks, right, appear at a press conference this morning, along with one of their lawyers, Sergio E. Carvajal of the Worcester law firm Carvajal & Nielson. (T&G Staff/DAN GOULD)

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WORCESTER — Two Sutton men filed a lawsuit today accusing Diocese of Worcester officials of unlawfully discriminating against them on the basis of sexual orientation during

the course of negotiations for the sale of church property in Northbridge.

James Fairbanks and Alain J. Beret, a married gay couple, allege in their Worcester Superior Court suit that their offer to buy the Oakhurst Conference and Retreat Center, a 44-bedroom mansion in Northbridge, was rejected by church officials solely because they are gay and might have held same-sex weddings on the property.

The diocese has denied the allegation.

Mr. Fairbanks and Mr. Beret said they planned to renovate the aging mansion and turn it into a banquet facility that would host weddings and other events, as well as their personal residence. Owned by House of Affirmation Inc., an affiliate of the diocese, the site at 120 Hill St. in Northbridge was formerly known as the House of Affirmation, a treatment center for pedophile priests that closed in the 1980s.

On June 8, a day after Mr. Fairbanks and Mr. Beret made a revised \$550,000 offer for Oakhurst and 6 acres of the 26-acre site, Monsignor Thomas Sullivan sent the following email to the diocesan broker, according to the suit.

"I just went down the hall and discussed it with the bishop. Because of the potentiality of gay marriages there, something you shared with us yesterday, 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 email was later inadvertently forwarded to Mr. Beret, according to the suit, which seeks unspecified monetary damages for alleged violations of state housing discrimination laws and infliction of emotional distress.

Msgr. Sullivan, who oversees the sale of diocesan property, is named as a defendant in the suit, along with the House of Affirmation Inc., Bishop Robert McManus and Eastern Alliance Realty, LLC, which acted as an agent for the diocese in the negotiations.

Sergio E. Carvajal, one of the lawyers representing Mr. Fairbanks and Mr. Beret, said at a press conference this morning outside the courthouse that the lawsuit was being filed in conjunction with the nonprofit Massachusetts Fair Housing Center.

Msgr. Sullivan has denied in the past that the deal for Oakhurst fell through because of the potential buyers' sexual orientation or the prospect of gay marriages being performed there.

"They couldn't come up with the money. This happens all the time," he said in July.

Speaking at today's press conference, Mr. Beret, a lawyer who formerly practiced law in California and Vermont, disputed that financing was a problem.

"Financing was not an issue. I'd love to know which bank turned me down," he said.

Diocesan spokesman Raymond L. Delisle referred all questions concerning the lawsuit to

James G. Reardon Jr., lawyer for the diocese.

"From the diocese point of view, this case is not about discrimination against gay persons. It's simply a failed real estate transaction," Mr. Reardon said.

"The buyers never came up with sufficient financing. They never signed a purchase and sale agreement. They tried to re-work the negotiations for the property, so the deal never went through.

He also said no one from the diocese ever asked or knew the sexual orientation of Mr. Fairbanks or Mr. Beret.

"And we look forward to demonstrating that in court."