

1 THOMAS C. HORNE  
2 The Attorney General  
3 Firm No. 14000

4 Rose A. Daly-Rooney, No. 015690  
5 Cathleen M. Dooley, No. 022420  
6 Assistant Attorneys General  
7 Civil Rights Division  
8 400 West Congress Street, Suite S-215  
9 Tucson, Arizona 85701  
10 Telephone: (520) 628-6756  
11 Facsimile: (520) 628-6765  
12 civilrights@azag.gov  
13 Attorneys for Plaintiff

14 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
15 IN AND FOR THE COUNTY OF PIMA

16 STATE OF ARIZONA ex rel. THOMAS C.  
17 HORNE, The Attorney General, and THE CIVIL  
18 RIGHTS DIVISION OF THE ARIZONA  
19 DEPARTMENT OF LAW,

20 Plaintiff,

21 vs.

22 CHRISTIAN COMPANION SENIOR CARE,  
23 INC., an Oklahoma for profit corporation, and  
24 CHRISTIAN SENIOR HOME CARE, LLC,  
25 CHRISTIAN COMPASSION CARE, LLC, and  
26 CHRISTIAN COMPASSION CARE  
MINISTRY, INC., Arizona corporations,

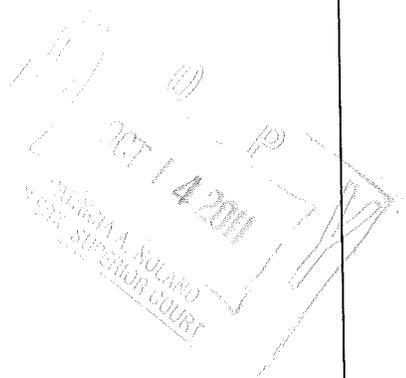
Defendants.

No. C20115255

**AMENDED COMPLAINT**

Assigned to Hon. Ted B. Borek

Div. 24



1 Plaintiff, the State of Arizona *ex rel.* Tom Horne, the Attorney General, and the Civil  
2 Rights Division of the Arizona Department of Law, alleges as follows:

3  
4 **INTRODUCTION**

5 This is an action brought under the Arizona Civil Rights Act (“ACRA”) to correct  
6 unlawful hiring and employment policies that discriminate on the basis of religion, to provide  
7 appropriate relief to Paul Nordstrom and the class of aggrieved persons, and to vindicate the  
8 public interest. Specifically, the State brings this matter to redress the injuries sustained by  
9 Paul Nordstrom and the class of similarly aggrieved persons when the Defendants’  
10 employment policies led to Paul Nordstrom being terminated from his employment at  
11 Christian Senior Home Care and numerous qualified applicants being rejected for employment  
12 on the basis of religion, in violation of the ACRA.

13 **JURISDICTION AND VENUE**

14  
15 1. Plaintiff, the Civil Rights Division of the Arizona Department of Law (“the Civil  
16 Rights Division”) is an administrative agency established by A.R.S. § 41-1401 to enforce the  
17 provisions of the Arizona Civil Rights Act, A.R.S. § 41-1401, *et seq.*

18 2. This Court has jurisdiction over this matter pursuant to A.R.S. § 41-1481(D) and  
19 Rule 4.2 of Arizona Rules of Civil Procedure.

20 3. The operation and the terms of the franchise agreement between Defendant  
21 Christian Companion Senior Care, Inc. (“Franchisor CCSC” or “Defendant”) and its Arizona  
22 franchisee, Christian Senior Home Care, LLC (“Franchisee CSHC” or “Defendant”), such as  
23 the required employment practices and policies, training, and franchise and national marketing  
24 fees, result in the minimal contacts necessary for this Court to exercise specific personal  
25 jurisdiction over the Defendant, which is incorporated in Oklahoma.  
26



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**BACKGROUND**

11. Franchisee CSHC and Franchisor CSCC are for profit corporations.

12. During the relevant time, Franchisor CSCC required its franchisees, such as CSHC, to pay an initial franchise fee of \$25,000-\$35,000, a monthly royalty fee of 5% of its billed revenue or \$300 (whichever is greater), and a National Marketing Fee (1% of each Franchisee's billed revenue).

13. Franchisee CSHC charge for its caregiving services, including an hourly rate of \$17.90 and daily rate of \$265.

14. Franchisee CSHC and the Franchisor CSCC are not affiliated with, supported by, or controlled by any particular church or religious organization.

15. Franchisee CSHC's Articles of Incorporation describe its type of business as care giving services.

16. Franchisee CSHC recruited Paul Nordstrom for a position as its Chief Operating Officer and prior to hiring Nordstrom, it inquired about his religious affiliation and determined that he is a Methodist.

17. On December 1, 2009, Franchisee CSHC hired Paul Nordstrom as its Chief Operating Officer.

18. After Franchisee CSHC hired Nordstrom, Chief Executive Officer Ron Swager asked Nordstrom to attend church services, listen to online sermons, and be baptized at Calvary Church, a non-denominational fundamental Christian church that Swager attended.

19. Nordstrom believed compliance with Swager's invitations to attend services, listen to online sermons, and be baptized at Calvary Church were conditions of his continued employment and began attending Calvary Church and listening to sermons.

20. However, in early January 2010, Nordstrom stopped attending Calvary Church services or listening to online sermons and did not agree to be baptized in the Calvary Church.

1           21. While performing his job, Nordstrom accepted a job application from an  
2 applicant whose religious affiliation was The Church of Jesus Christ of Latter Day Saints  
3 (“LDS”) and was reprimanded by Swager for taking an application from a non-Christian in  
4 violation of Franchisor CCSC’s hiring policies.

5           22. On January 31, 2010, approximately three weeks after Nordstrom stopped  
6 attending services at Calvary Church, Franchisee CSHC terminated his employment as Chief  
7 Operating Officer.

8           23. Franchisee CSHC implemented and continues to implement the hiring and  
9 employment policies imposed by the Franchisor CCSC that are contained in its Operating  
10 Manual.

11           24. Franchisee CSHC—and other franchisees operating consistent with the  
12 Franchisor CSCC’s requirements as stated in the Operations Manual—have the following  
13 discriminatory hiring practices:

- 14           a. hire only “spiritually-mature” (also referred to as “contagious”) Christians for  
15           the positions of Caregiver, Nurse, Scheduler, Community Representative,  
16           General Manager, and other similar positions, except Bookkeeper;
- 17           b. define a spiritually-mature Christian as a Christian who believes in the  
18           Trinitarian nature of God (Father, Son, and Holy Ghost), accepts that  
19           salvation is by faith and not by works, and believes that the Scripture is the  
20           word of God and is authoritative in all things it addresses;
- 21           c. do not hire any non-Christian believers, such as Muslims, Buddhists, atheists,  
22           and agnostics for any of its positions;
- 23           d. do not hire individuals affiliated with the Church of Jesus Christ of Latter Day  
24           Saints, Jehovah’s Witnesses, and Christian Science faiths because the tenets  
25           of these faiths are allegedly not consistent with one or more of the  
26           Franchisor’s three requirements for a spiritually mature Christian;

- 1 e. hire Catholics and Seventh Day Adventists only if they profess that they have  
2 accepted Christ as their Savior; and  
3 f. test individuals to whom they wish to make a job offer to determine whether  
4 the applicant is a spiritually-mature Christian.

5 25. During the relevant period, Franchisee CSHC received numerous employment  
6 applications for its various positions from applicants who met or exceeded the minimum  
7 qualifications but were rejected because they were not Christians who professed the three  
8 “spiritually-mature” tenets.

9 26. On July 19, 2010, Nordstrom filed a dual charge of employment discrimination  
10 on the basis of religion with the Civil Rights Division and the U.S. Equal Employment  
11 Opportunity Commission.

12 27. Since Nordstrom’s charge of discrimination, Franchisee CSHC’s Chief  
13 Executive Officer, Ronald Swager, incorporated two additional business entities—Christian  
14 Compassion Care, LLC and Christian Compassion Ministry Care, Inc.,—to provide in home  
15 senior care and upon information and belief, those entities operate under the same  
16 discriminatory employment policies alleged in paragraph 24 of this Amended Complaint.

17 28. The Civil Rights Division conducted an investigation of Nordstrom’s charge of  
18 discrimination and, on June 29, 2011, issued a Reasonable Cause Determination concluding  
19 that Franchisor CSCC’s and Franchisee CSHC’s hiring and employment policies violate the  
20 Arizona Civil Rights Act and that Nordstrom’s termination was motivated by religious  
21 discrimination in violation of the ACRA.

22 29. Franchisee CSHC and Nordstrom executed a tolling agreement with the Civil  
23 Rights Division to participate in conciliation until October 17, 2011.

24 30. Franchisor CCSC did not execute the tolling agreement or enter into a  
25 Conciliation Agreement.

26 31. The parties have not entered into a Conciliation Agreement.





1  
2 C. Grant a permanent injunction prohibiting Defendants, their successors, assigns  
3 and all persons in active concert or participation with Defendants, from engaging in any  
4 employment discrimination on the basis of religion in violation of the ACRA.

5 C. Order Defendants to make Paul Nordstrom whole and award his back pay and  
6 pecuniary damages in amounts to be determined at trial.

7 D. Order Defendants to make the class of qualified applicants who were denied  
8 employment because of religion whole and award their back pay and pecuniary damages in  
9 amounts to be determined at trial.

10 D. Order Defendants to make changes to their employment policies and practices  
11 related to hiring to preclude them from denying employment opportunities because of religion  
12 and to comply with ACRA.

13 E. Order the State to monitor Defendants' compliance with ACRA.

14 F. Award the State its costs incurred in bringing this action.

15 G. Grant such other and future relief as this Court may deem just and proper in the  
16 public interest.

17 DATED this 14th day of October, 2011.

18 THOMAS C. HORNE  
19 Attorney General

20  
21 By Rose A. Daly-Rooney  
22 Rose A. Daly-Rooney  
23 Assistant Attorney General  
24 Civil Rights Division  
25 400 West Congress Street, Suite S-215  
26 Tucson, Arizona 85701

#2364273