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6 **In the Matter of City of Medford Grant**
7 **Funding of Set Free Services**

NARRATIVE REPORT

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10 **I. Introduction.**

11 In 2021, the City of Medford granted a general fund grant in the amount of \$11,550 to
12 Set Free Services for the following purpose:

13 GFP funds will be used to pay for the food for the food pantry and meals, food for
14 the emergency food supply, Supplies for the Shower/laundry trailer, Supplies for
15 the clothing trailer, the cook, security and overhead expenses associated with Set
Free Services.

16 Similarly, the City had provided a Council Vision Fund grant to Set Free Services in 2020 for
17 purposes of operating the shower trailer and the food pantry.

18 Set Free Services represents in their grant materials that these services are provided
19 “without regard to demographic considerations” and states “We serve any and all who come to
20 us for help.”

21 On Thursday, June 9, 2022, groups entitled “Siskiyou Abolition Project” and “Siskiyou
22 Rising Tide” forwarded a document to local organizations entitled “Praying Away the Gay in
23 Southwestern Oregon: A report on Conversion Therapy, Pastor Chad McComas, and Rogue
24 Retreat.” (Hereinafter referred to as “the Siskiyou Report” for brevity). The Siskiyou Report
25 contained images of a particular flyer that was allegedly available at Set Free Christian
26 Fellowship in 2018 entitled “Same Sex Attraction.” It describes “Same Sex Attraction” as “The

1 Problem” caused by poor childhood experiences and “The Solution” being “God’s design and
2 desire for our sexuality[.]” After the release of the Siskiyou Report, Mr. McComas, the
3 executive director of Set Free Services, participated in a media interview discussed herein. This
4 investigation was prompted by those two events.

5 While the flyer described in the Siskiyou Report helped trigger this investigation, this
6 investigation is entirely separate from the Siskiyou Report. The Siskiyou Report makes a variety
7 of assertions and reaches a variety of conclusions and is, at times, unfocused.¹ Doing a point-by-
8 point discussion of the Siskiyou Report’s assertions would be well outside of the scope of this
9 investigation. The following, though, is relevant to this investigation: although the Siskiyou
10 Report discusses the shower and laundry trailer at Set Free Services and the fact that Rogue
11 Retreat clients also use it, it contains no specific allegation or evidence that Set Free Services
12 discriminates in who may engage in the shower/laundry services or food pantry services, or that
13 Set Free Services requires participation in Celebrate Recovery programming to engage in
14 shower/laundry or food pantry services. The fact that the City has launched its own investigation
15 of Set Free Services should not be seen as the City of Medford endorsing the conclusions
16 reached by the Siskiyou Report, or adopting the Siskiyou Report as the City’s own conclusions.

17 Regardless, undisputed contents of the flyer entitled “Same Sex Attraction,” combined
18 with the generalized allegation that LGBTQIA+ community members are made to feel
19 unwelcome when engaging in services supported by City of Medford grant funds (Siskiyou
20 Report, p. 7), combined with some excerpts from a KTVL interview with Mr. McComas,
21 warrants an objective investigation by the City itself. The City of Medford is committed to non-
22 discrimination and to ensuring that public services supported by City of Medford grant funding
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25 ¹ In addition to its primary concern about Celebrate Recovery programming, it contains complaints about
26 Chad McComas’ prior candidacy for City Council and his statements about leadership and the Bible made in the
capacity of a political candidate; it contains complaints about the City of Medford’s time-place-manner regulations
on camping, lying, and sleeping on public property that were adopted in response to the *Blake v. Grants Pass* federal
court opinion; and it contains a complaint about the dog policy at the Rogue Retreat’s Urban Campground that is
unrelated to LGBTQIA+ identity.

1 are available to all members of Medford’s diverse community without regard to LGBTQIA+
2 identity or other protected class.

3 **II. Legal Standards.**

4 **A. Law regarding grants to faith-based nonprofits.**

5 In 2017, the Supreme Court of the United States issued the decision *Trinity Lutheran*
6 *Church of Columbia, Inc. v. Comer*. In that case, a public entity provided grant funds for
7 replacing pea gravel playgrounds with pour-in-place rubber surfaces through Missouri’s Scrap
8 Tire Program. The Trinity Luther Church Child Learning Center applied for a competitive grant
9 for its preschool and daycare playground. The playground was affiliated with a faith-based
10 school but was open to neighborhood children as well as students of the Child Learning Center.
11 The state denied the grant solely on the basis of the applicant’s “religious character.” The
12 Supreme Court found that disqualification violated the Free Exercise Clause of the First
13 Amendment. The Court clarified that this was because this disqualification was due to “religious
14 identity” and not “religious uses of funding or other forms of discrimination.” (Footnote 3).

15 This holding is consistent with other Supreme Court case law. In the 2004 opinion *Locke*
16 *v. Davey*, the Supreme Court reviewed publicly-funded scholarship programs for college
17 education. It found that it was not an imposition of the free exercise clause for the state to refuse
18 to fund a student’s degree in theology. This is contrasted with the 2020 opinion *Espinoza v.*
19 *Montana Department of Revenue*, where the issue was not whether public scholarship funds
20 could support a theological degree specifically (i.e., training to become clergy), but instead any
21 education at a religious school based “solely because of the...religious character” of the grant
22 recipient. The *Espinoza* court found that denying grant support for schools simply because they
23 were “religiously affiliated” and “controlled by churches,” when the course of education at issue
24 was not theology, violated the Equal Protection Clause of the First Amendment.

25 While excluding faith-based groups from receiving grants violates the Free Exercise
26 clause of the First Amendment, using grant funds for “inherently religious” activities (as opposed

1 to nondiscriminatory social services provided by a faith-based group) violates the Establishment
2 Clause of the First Amendment. The Supreme Court directly addressed this issue in the 1988
3 case *Bowen v. Kendrick*. That case addressed the Adolescent Family Life Act, which provided
4 government funding for programs discouraging adolescent premarital sexual relations. That case
5 articulated that grant funding for “inherently religious” activities is Constitutionally
6 impermissible, but if grant funds have an “incidental and remote” effect of advancing religion,
7 the Establishment Clause is not violated. The *Bowen* case reaffirmed the test of the Supreme
8 Court case *Lemon v. Kurtzman* (1971) that stated that public funding of a faith-based nonprofit
9 does not violate the Establishment Clause if it (1) had a secular purpose, (2) did not have a
10 principal or primary effect of advancing religion, and (3) did not foster an excessive
11 entanglement with religion.

12 During the course of this investigation, on June 21, 2022, the Supreme Court issued yet
13 another opinion on this issue, *Carson v. Makin*. That case restated and reinforced the holdings of
14 *Espinoza* and *Trinity Lutheran*, discussed above, making clear that disqualifying grant recipients
15 “solely because of their religious character” would constitute a Free Exercise violation under the
16 First Amendment and was, as the Court stated, “odious to our Constitution”. The facts of that
17 case were not particularly comparable—dealing with subsidies for private schooling in school
18 districts with no public secondary education—and it is the City’s position that any effect of that
19 case allowing a recipient of public dollars to discriminate between clients is restricted to that
20 context and not applicable to recipients of City general fund grants.² Regardless, the Supreme
21 Court has once again made clear that a public entity violates the Free Exercise rights of a grant
22 applicant if a grant is denied based on the religious character of the grant applicant as opposed to
23 how the applicant will administer grant funds.

25 ² The *Breyer* dissent asserts that “Bangor Christian and Temple Academy, for example, have admissions policies
26 that allow them to deny enrollment to students based on gender, gender-identity, sexual orientation, and religion[.]”
To be totally clear, the City of Medford would not tolerate any such policy by any recipient of a City of Medford
grant, and does not read *Carson v. Makin* to authorize discriminatory practices by City of Medford grant recipients.

1 Furthermore, the United States Department of Justice addresses grant funding for faith-
2 based organizations. This guidance is not binding on City of Medford general fund grants, since
3 the frequently-asked questions only apply directly to recipients of federal grants, but it is
4 persuasive authority for navigating First Amendment issues with faith-based grant recipients.

5 The USDOJ explains³:

6 Grant funds may not be used for inherently religious activities such as worship,
7 prayer, proselytizing, or devotional Bible study. The funds are to be used to
8 further the objectives established by Congress such as reducing crime, assisting
9 victims of crime, keeping juveniles out of the life of crime, and mentoring youth
10 and adults.

11 A faith-based organization should take steps to ensure that its inherently religious
12 activities, such as religious worship or instruction are separate - in time or
13 location - from the government-funded services that it offers. However, you may
14 use space in your church, synagogue, mosque, or other place of worship to
15 provide Federally-funded services. In addition, there is no need to remove
16 religious symbols from these rooms. You may also keep your organization's name
17 even if it includes religious words, and you may include religious references in
18 your organization's mission statements. If you have any questions or doubts, you
19 should check with the official who administers your Federal funds.

20 The USDOJ goes on to explain that faith-based nonprofits must follow public accommodation
21 non-discrimination laws for clients of the grant-supported social service, without changing hiring
22 practices and other practices based upon their faith:

23 If our faith-based organization receives Federal funding, will it have to
24 discontinue its religious practice of considering the religion of applicants when
25 hiring employees?

26 In most circumstances, no. There is no general Federal law that prohibits faith-
based organizations that receive Federal funds from hiring on a religious basis.
Neither does Title VII of the Civil Rights Act of 1964, which applies regardless of
whether an organization receives Federal funds, prohibit faith-based organizations
from hiring on a religious basis. This Act protects Americans from employment
discrimination based on race, color, religion, sex, national origin, age, and
disability. But the Civil Rights Act also explicitly recognizes the fundamental
rights of faith-based organizations to hire employees who share their religious
beliefs. The United States Supreme Court unanimously upheld this special
protection for faith-based groups in 1987, and it has been the law since then.
Thus, a Jewish organization can decide to hire only Jewish employees, a Catholic
organization can decide to hire only Catholics, and so on, without running into
problems with the Civil Rights Act.

...
while a faith-based organization may be entitled to consider the religion of a job

³ <https://www.justice.gov/archive/fbci/faq.html>

1 applicant, no federal grantee may discriminate among whom it serves on the basis
2 of religion. All grantees must serve otherwise qualified persons in need of the
3 funded social service, regardless of the beneficiaries' religion and regardless
4 whether or not the beneficiaries participate in any religious activity.

5 (Emphasis added). Both the USDOJ guidance and the Supreme Court case law points at the
6 same distinction: public funding can be provided to faith-based nonprofits, and should not be
7 conditioned on the nature of the faith-based nonprofit's religious teachings. However, the social
8 service programs specifically supported by those grant funds should not constitute religious
9 training or indoctrination, and should be administered in a non-discriminatory manner.

10 **B. Conversion Therapy.**

11 On May 18, 2015, the Governor signed HB 2307 which was effective that same day,
12 prohibiting “mental health professionals and social health professionals” from practicing
13 conversion therapy if the recipient of the therapy was under the age of 18. Conversion therapy is
14 defined in Oregon law as “providing professional services for the purpose of attempting to
15 change a person’s sexual orientation or gender identity, including attempting to change behaviors
16 or expressions of self or to reduce sexual or romantic attractions or feelings toward individuals of
17 the same gender.” ORS 675.850(2)(a)(A). The specified individuals prohibited from offering
18 conversion therapy to minors are as follows:

- 19 • (i) A licensed psychologist as defined in ORS 675.010;
- 20 • (ii) A psychologist associate licensed under ORS 675.065;
- 21 • (iii) An occupational therapist or occupational therapy assistant both as
22 defined in ORS 675.210;
- 23 • (iv) A regulated social worker as defined in ORS 675.510;
- 24 • (v) A licensed marriage and family therapist or licensed professional
25 counselor both as defined in ORS 675.705; and
- 26 • (vi) An individual who provides counseling as part of an educational or
training program necessary to practice any of the professions described in sub-
subparagraphs (i) to (v) of this subparagraph.

27 ORS 675.850(2)(B).

28 This statute is based upon the increasingly-recognized principle that conversion therapy
29 is both harmful and ineffective. Academic research published in the *Proceedings of the National*

1 *Academy of Sciences of the United States of America* in 2008 identified physical differences in
2 the brain correlating with homosexuality, research that is consistent with LGBTQIA+ identities
3 being “neurobiological entities” and not “learned effects.”⁴ Academic research published in the
4 *Journal of the American Medical Association Psychiatry* has linked conversion therapy to
5 increased suicide risk in transgender individuals.⁵ The author does not mean to imply that these
6 two scientific studies are the only two studies criticizing the efficacy or even the safety of
7 conversion therapy—in fact, the legislative history of HB 2307 (2015) notes additional studies
8 “suggesting the potential for psychological harm” resulting from conversion therapy, and noting
9 “no scientific evidence that such efforts are effective.”⁶

10 However, at the current time, Oregon law does not restrict either (1) conversion therapy
11 performed by individuals who are not licensed professionals, or (2) conversion therapy provided
12 to adults. In other words, Bible-based conversion therapy by individuals not holding themselves
13 out as licensed professionals, although wholly unsupported by science, is still legally considered
14 constitutionally-protected religious practice.

15 **III. Factual Investigation.**

16 **A. The organizations at issue.**

17 This report will contain references to three separate organizations: Set Free Services, Set
18 Free Christian Fellowship, and Rogue Retreat.

19 Set Free Services (hereinafter SFS) and Set Free Christian Fellowship (hereinafter SFCF)
20 are two separate organizations as per Oregon Secretary of State records. They share principal
21 place of business at 1032 West Main, and appear to share a website found at setfreemedford.org.
22 However, they are not identical in all respects. Not only do they have separate Oregon Secretary
23 of State registrations, but they also have separate budgets and accounting and file separate tax
24 returns. They have separate leadership. SFS’s President is Russ Hearing; SFCF’s President is

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26 ⁴ <https://www.pnas.org/doi/epdf/10.1073/pnas.0801566105>

⁵ <https://jamanetwork.com/journals/jamapsychiatry/article-abstract/2749479>

⁶ See Staff Measure Summary for HB2307 A for the Senate Committee on Human Services and Early Childhood,
and the Staff Measure Summary for HB2307 A for the House Committee on Health Care, respectively.

1 Chad McComas. SFS also has a separate Board. SFS’s 2020 tax return was submitted as part of
2 the grant application for the general fund grant at issue. In 2020, SFS spent a mere \$17 on
3 “printing, publications, and postage,” so there is no reason to think that SFS is subsidizing
4 printing of religious materials for SFCF. In fact, historically, SFS was created specifically to
5 keep the finances of social services separate from religious events to ease donor concerns about
6 blurring the line between donating to support social services and donating to support religious
7 practice. SFS and SFCF are separate organizations under Oregon law and this report does not
8 seek to “pierce the corporate veil,” but does recognize that the organizations share a physical
9 location and a website and are, to a certain practical degree, interrelated.⁷ The generic term
10 “Set Free” shall be used when the specific legal entity is irrelevant or not known, but that term
11 does not imply that SFS or SFCF are the same legal entity.

12 The Siskiyou Report conflates Set Free with Rogue Retreat, based largely on the fact that
13 Chad McComas is currently executive director of both organizations and a couple of Set Free
14 documents that also bear a Rogue Retreat logo for one purpose or another, but there is substantial
15 evidence that they are entirely separate organizations. They do not share a physical place of
16 business; Rogue Retreat is headquartered at 711 East Main Street. Even more importantly,
17 Rogue Retreat has a 14-member Board of Directors that represents a wide variety of community
18 organizations and community perspectives:

- 19 • Thomas Fischer (Board Chair), Owner/Broker Coldwell Banker Commercial
- 20 • Monica Clayton (Vice-Chair), Senior Vice President & Regional Manager, Banner Bank
- 21 • Kelly Andersen, Attorney, Anderson Morse & Linthorst
- 22 • Lona Dillard, Oncology Social Worker, Asante
- 23 • Cindy Dyer, Housing Director, ColumbiaCare Services, Inc.
- 24 • Tom Gunderson, Executive Director, Family Solutions, Retired
- 25 • Jennifer Heese, Educator and Advocate
- Christine Herbert, Attorney at Law
- John Jones, President/Founder, Century 21 JC Jones American Dream
- Steve Jones, Chief Product Officer, Office Tech
- Geoffrey Kirkpatrick, Lieutenant, Medford Police Department
- Jim Larsen, Pastor, Retired

26 ⁷ In that respect, the author of this report must apologize for adding to confusion on this point, because on June 10, 2022, the City released a public statement about a general fund grant to “Set Free Ministries.” “Set Free Ministries” is the name from the website used by both SFCF and SFS but is not a separate legal entity, and to clarify, the grant at issue was made to SFS, not SFCF.

- Mike McClain, School Administrator, Retired
- Earlene Schlosser, Retired

Despite its allegations, the Siskiyou Report gives no good basis under ORS Chapter 60 or as a practical matter to treat Rogue Retreat and SFCF as the same organization. As such, this investigation will treat Rogue Retreat, SFS, and SFCF as the separate organizations that they are. This investigative report addresses the City’s grant funding to SFS, and allegations specifically against Rogue Retreat are outside of the scope of this investigation.⁸

B. SFS’s equity statements.

As part of the application for the General Fund Grant at issue and well before the controversy at issue, SFS provided the City with the following equity statement:

Set Free Services is committed to equity, diversity, and inclusion. We strive to create conditions that enable everyone to reach their full potential. Set Free Services does not discriminate in any of its activities based on age, race, color, national origin, gender, gender identity, sexual orientation, familial status, veteran status, disability, or marital status.

Similarly, the Program Summary provided by SFS for the grant at issue provided the following description of the program:

Set Free started a food pantry in 1998, It is currently overseen by 3 staff members and a host of community volunteers. Over the past 23 years it has become the largest in Jackson County. In 2019 the Food Pantry served 12,267 families, or 30,669 individuals with a third of them being unique without regard to demographic considerations. We serve any and all who come to us for help. The pantry continues to grow each month. Along with the Food Pantry Set Free Services prepares and serves hot lunches to 200+ individuals each week. Set Free Services also distributes donated clothing, to 100 – 150 people each week. Amenities such as soap, tooth paste, razors, first aid kits, shampoo, etc., are distributed in conjunction with the clothes. Each month there are over 120 loads of clothes washed, dried and folded and 250 showers taken. There is an emergency food supply for anyone coming with an immediate need for food.

(Emphasis added).

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⁸ It should be noted that Rogue Retreat has placed Mr. McComas on administrative leave and has hired an outside investigator to conduct an investigation of allegations regarding Rogue Retreat.

1 **C. Celebrate Recovery’s “Same Sex Attraction” Flyer.**

2 In or before 2018, SFCF had a number of different flyers provided by the Celebrate
3 Recovery organization as part of a faith-based 12-step program.⁹ One of the Celebrate Recovery
4 flyers was entitled “Same Sex Attraction.” This particular flyer itself unquestionably describes
5 what is commonly referred to as “conversion therapy.” It describes “same sex attraction” as the
6 result of poor childhood relationships with the child’s parents, arguing that heterosexual children
7 develop “same sex attraction” “during puberty” when “these legitimate unmet needs become
8 sexualized.” It describes that alleged dynamic as “the problem,” and describes “the solution” as
9 counseling sessions to “Acknowledg[e] God’s design and desire for our sexuality” and seek
10 “victory over our compulsive desires[.]” Although Celebrate Recovery also offers counseling
11 for addiction and other issues, the only “compulsive desire” addressed in this particular flyer is
12 “same sex attraction.” As such, although the flyer does not refer to conversion therapy by name,
13 it clearly refers to conversion therapy.

14 Furthermore, the 2018 flyer does show some connection between Celebrate Recovery and
15 SFCF. Although “Celebrate Recovery” is the name at the top of the flyer, the flyer is also
16 preprinted with SFCF’s physical address, meeting times, and website URL. It is not clear from
17 the face of the pamphlet whether the meetings are for “Celebrate Recovery” meetings in general,
18 or “Same Sex Attraction” meetings specifically.

19 The flyer was allegedly provided to or at least made available to an attendee of Celebrate
20 Recovery 12-step meetings on or before 2018, who found the flyer offensive. That individual
21 (individual A) provided the flyer to a friend (individual B), who first complained to
22 Mr. McComas about the flyer and later provided the documents to the authors of the Siskiyou
23 Report. The Siskiyou Report does not include the names of either individual A or individual B,
24 instead deliberately keeping them anonymous (Siskiyou Report, p. 9). Without implying any

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26 ⁹ The Celebrate Recovery 12-step programs were associated with SFCF and not SFS. The clearest evidence for
this conclusion is chronology. As per Mr. McComas, the Celebrate Recovery 12-step programs began in 1998. This
is just one year after SFCF was incorporated. In contrast, SFS was incorporated in 2016, roughly 18 years after
Celebrate Recovery programming began.

1 criticism of those individuals’ choices to remain anonymous, that anonymity prevents any
2 follow-up with those two individuals as part of this investigation.

3 According to an interview with Chad McComas and Charlie Hale (discussed at greater
4 length in section K below), SFCF has not had Celebrate Recovery 12-step programming for
5 several years. All Celebrate Recovery materials were written and compiled by a church in
6 Saddleback, California, and preprinted with the contact information for participating churches, in
7 a quasi-franchise relationship. The meeting time described on the flyer was for a Twelve-Step
8 meeting for all matters, not specifically a meeting on the topic of “Same Sex Attraction.”

9 SFCF no longer had copies of Celebrate Recovery’s pamphlets, but review of Celebrate
10 Recovery’s current website reveals some context as to the organization. They offer a faith-based
11 12-step program. According to the website, the matters currently addressed are:

- 12 • Addiction
- 13 • Anger
- 14 • Codependency
- 15 • Eating Disorder
- 16 • Food Addiction
- 17 • Love & Relationship Addiction (i.e., “fearful of being alone or rejected... endlessly
18 searching for that special someone”)
- 19 • Physical-Sexual-Emotional Abuse
- 20 • Alcohol / Drug Addiction
- 21 • Sexual Addiction (i.e., “pornography, one night stands, adultery”)
- 22 • Gambling Addiction

23 On Celebrate Recovery’s current website, none of the descriptions of these topics includes any
24 discussion of LGBTQIA+ identity or conversion therapy. This is not to say that Celebrate
25 Recovery did not have such a module in 2018—Celebrate Recovery clearly did—but it does
26 corroborate the concept that Celebrate Recovery materials were obtained by SFCF as a package
deal, the “Same Sex Attraction” pamphlet was one of many pamphlets provided as part of that
package deal, and that specific pamphlet was not sought out specifically by SFCF.

 In 2022, neither SFS nor SFCF hosts any 12-step programming (from Celebrate
Recovery or otherwise), and neither entity has any flyers for any Celebrate Recovery
programming. SFCF do currently have a bookstore/library with a number of faith-based books.

1 In a cursory review of those books, they appeared to be a typical selection of Bibles and other
2 faith-based books. The author of this report did not see any books that appeared to be focused on
3 LGBTQIA+ issues, though the author did not do a book-by-book review of contents (and a
4 detailed book-by-book review of the library in SFCF’s sanctuary would be Constitutionally
5 difficult to justify). However, the author wants to make clear that there was no obvious or
6 visible messaging related to LGBTQIA+ matters that a recipient of SFS social services would
7 notice if that individual happened to walk past these bookshelves. The author of this report only
8 noticed one book associated with Celebrate Recovery, and it was a journal (blank pages for the
9 owner to journal in) with generic Biblical quotes in the margin. It had no connection to the
10 “Same Sex Attraction” flyer’s contents.

11 **E. McComas media interview.**

12 On or around June 9, 2022, KTVL interviewed Chad McComas after he was confronted
13 by activists at a housing summit in Central Point. Video of the full interview can be found at the
14 URL in the following footnote.¹⁰ At 1:00 into the interview, he stated his commitment to
15 nondiscrimination: “We’ve always accepted all people that come to us, whether it be a certain
16 race or certain sexual orientation.” At 2:50 into the interview, he is asked repeatedly whether he
17 “believe[s] same sex attraction is a problem,” and he responds:

18 Being a Christian who believes in the Bible, I have to believe what the Bible
19 teaches me, and it points out all kinds of sins in there, whether it be theft or same-
20 sex attraction...it’s not about the behavior, it’s about how I treat people who
21 might have behaviors that I don’t agree with. Can I treat them with respect and
22 dignity and love? The Bible is also really clear on loving everybody and not
23 judging people.

24 At four minutes into the interview, he is asked again whether he considers “same-sex attraction is
25 a sin” and he responds “I do believe that, but that isn’t going to change how I treat people.”

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¹⁰ <https://ktvl.com/news/local/lgbtq-advocates-confront-rogue-retreat-director-on-ties-to-conversion-therapy-program>

1 For purposes of this investigation, four points regarding this interview are material:

2 First, Mr. McComas considers LGBTQIA+ identity to be a “sin,” and at times used
3 language indirectly conflating LGBTQIA+ identity with other “sins” such as theft or adultery,
4 a conflation which this author readily agrees would be deeply personally offensive to
5 LGBTQIA+ individuals and allies and could potentially have the impact of discouraging those
6 individuals from seeking social services at SFS.

7 Second, the statements referred to the first point, above, are rooted in the religious
8 doctrine of McComas’ particular religion.

9 Third, Mr. McComas repeatedly stated his commitment to non-discrimination, both in
10 terms of providing services to all individuals and in terms of not treating individuals any
11 differently based upon his religious beliefs.

12 Fourth, Mr. McComas’ religious beliefs on this issue were publicized only upon repeated
13 questioning after an unexpected confrontation; they are not something he was in any way
14 planning to push out to the general public. To the contrary, it was this confrontation, not any
15 premeditated publication by Mr. McComas, that led to these views being widely known.

16 **F. Allegations from Christine-Marie Caligiuri.**

17 Ms. Caligiuri is quoted in the Siskiyou Report as alleging that Rogue Retreat refused to
18 let her keep her dog with her at a Rogue Retreat program. Similarly, at City Council public
19 comment on June 16, 2022, Ms. Caligiuri also alleged that she was not allowed to keep her dog
20 with her at a Set Free breakfast program at an unspecified date. She referred to her dog as a
21 “service animal,” but did not specify what, if any, specific tasks it is trained to perform (such as a
22 seeing-eye dog or a diabetes-alert dog). Many individuals use the term “service dog” more
23 broadly than the legal term, instead referring to emotional support animals, which are legally a
24 different category. Ms. Caligiuri did not provide any contact information on her comment card
25 provided to City Council. At this time, the City has no evidence that Ms. Caligiuri’s dog
26

1 possesses the specialized training that would bring her dog into the legal category of
2 “service animal” as opposed to a valued companion or emotional support animal.

3 Ms. Caligiuri also alleged at City Council that while on the way to a meal at Set Free,
4 another individual swung a machete at her, and that Mr. McComas confiscated the machete for
5 the duration of the meal but refused to call the police about the incident. Ms. Caligiuri alleged
6 that Mr. McComas told her that if he called the police, Set Free would not be able to provide
7 such services to homeless individuals.

8 During her testimony to City Council, Ms. Caligiuri alleged that at some meal event, she
9 was told the equivalent of “You can have breakfast with us, but you have to read the Bible.” She
10 did not identify whether she was talking about Set Free specifically or some other nonprofit, and
11 she did not identify when the alleged breakfast statement was made.

12 **G. Comments from Robin Lee.**

13 During the June 16, 2022 City Council meeting, Robin Lee offered the following
14 comment:

15 “I’m sorry that folk’s life choices left them feel left out about the mainstream.
16 They aren’t in the mainstream and that’s their choice. I’m sure there are
17 organizations that would provide services they would be more attuned to and
18 maybe more willing to receive. I do believe that any faith-based organization is
19 entitled to expect certain standards of their staff and perhaps even of the people
20 who want to avail themselves of their services...”

21 To be direct, if this comment had been made by an employee or volunteer of Rogue Retreat or
22 SFS or any organization receiving City grant funding, such a comment would prompt immediate
23 and direct corrective action by the City against that grant recipient, since the comment explicitly
24 describes an intent to exclude certain demographics from receiving services. However, when
25 directly contacted by the author, Ms. Lee clarified that she is neither an employee nor a volunteer
26 of SFS (or, for that matter, Rogue Retreat). As such, commenting further on Ms. Lee’s statement
is outside the scope of this investigation.

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1 **H. Comments from Cindy Van Kamp.**

2 During the June 16, 2022 City Council meeting, Ms. Van Kamp testified in support of
3 SFS (and Rogue Retreat), stating:

4 I work with them, and they, and him, and her, and the only religious stuff I’ve
5 ever seen Pastor Chad hand anybody, complete strangers, is a Promise Card. And
6 I’m sure many people in here have received them...I was told not to say anything,
7 but 22 years with somebody, I think I know who they are and what they do and
8 what they mean and who they love, and we love all of you. Everybody.

9 The author understand the first phrase to be a statement similar to SFS’s equity statement about
10 gender identity. As for what a “promise card” is, that is described below.

11 **I. “Promise cards.”**

12 Chad McComas clarified that “promise cards” are not printed in-house or created by
13 SFCF itself. Instead, they are preprinted cards purchased from www.popopencards.com. As
14 explained on that website, there are 144 different cards. They contain an image on the front, and
15 inside a Biblical quote in black lettering and a plain-English paraphrase in red lettering, such as:

16 “Cast all your anxiety on Him because He cares for you.” 1 Peter 5:7 **God cares!**
17 **He knows what I’m facing. He has a plan.**

18 “We love each other because he loved us first.” 1 John 4:8 **When I accept God’s**
19 **Love for me, I can love others in my life.**

20 Review of the different cards available at www.popopencards.com confirmed that Promise Cards
21 are short faith-based pamphlets, but did not reveal any cards with negative or discriminatory
22 statements about LGBTQIA+ individuals.

23 **J. The physical interrelation with SFS and SFCF.**

24 According to a screenshot contained in the Siskiyou Report, p. 13, the Food Pantry’s
25 hours are 11am to 3pm. According to the link contained in footnote 41 of the Siskiyou Report,
26 shower and laundry services were provided at 10am on Monday, Wednesday, and Friday. To
contrast, Celebrate Recovery meetings at SFCF took place Thursday evenings from 6:30pm to
8:00pm as per Siskiyou Report, p. 5. Although these services were offered at the same physical

1 address where Celebrate Recovery meetings take place, there is no evidence that they ever
2 occurred at the same time.

3 The physical layout of the Set Free building provides some physical separation. There
4 are trailers for showers and laundry outside of the building, to the east of the building. On the
5 east side of the building is a front desk. The front desk area does have some generic Christian-
6 themed décor, and there is a large statute of Jesus Christ in front of the building. The author saw
7 no signage of anything that would be considered exclusionary, though, and as discussed below,
8 faith-based nonprofits are allowed to have Christian imagery at the site where they provide grant
9 services. Furthermore, the sanctuary area (where religious services take place) is in the west half
10 of the building, down a hallway from the front desk area, and there is no need to enter the
11 sanctuary area to sign up for showers, access the food pantry, or receive a hot lunch. Thus, there
12 is some degree of physical separation between where social services take place and where
13 sermons are performed.

14 **K. Interviews with Chad McComas and Charlie Hale.**

15 On June 22, 2022, the author met with Chad McComas and Charlie Hale, another pastor
16 at SFCF and equally importantly, the listed contact person for the general fund grant at issue to
17 SFS.

18 Mr. McComas explained that SFCF had had 12-step programs from 1998 to about four
19 years ago. Although the exact date that the 12-step programming ending was not firmly
20 established, Mr. Hale and Mr. McComas both explained that SFCF had not operated any 12-step
21 program for multiple years. The meeting time described on the flyer at issue was for a Twelve-
22 Step meeting for all matters, such as addiction and alcoholism, not specifically a meeting on the
23 topic of “Same Sex Attraction.” There was no dedicated meeting or dedicated efforts for “Same
24 Sex Attraction.” There was no requirement that an individual was 18 years or older to attend the
25 meetings. The individuals running the meetings were volunteers, not certified professionals.

1 Mr. Hale explained the eligibility issue for the shower trailer supported by the grant to
2 SFS. Any individual can go and place their name on the list; each person is taken in the order
3 they sign on the list. Nobody is excluded because of LGBTQIA+ identity or other protected
4 class, and there is no requirement for any religious participation in order to receive shower and
5 laundry services.

6 Mr. Hale explained the food pantry. It is operated as per ACCESS rules. There is a
7 registration table if the recipient have never previously received food through ACCESS. If they
8 are already registered through ACCESS, they proceed through a drive-through (or walk-through
9 if the individual does not have a car) to receive their food. Nobody is excluded because of
10 LGBTQIA+ identity or other protected class, and there is no requirement for any religious
11 participation in order to receive food pantry services. There is a bowl of “promise cards” at the
12 food pantry, and individuals are free to take them if they choose, but they are not included with
13 the food, and individuals do not have to take them.

14 There was also an explanation of the lunch program. Due to covid, that is currently done
15 through take-away clamshell boxes. These boxes are available to anyone who wants one.
16 Nobody is excluded because of LGBTQIA+ identity or other protected class, and there is no
17 requirement for any religious participation in order to receive a boxed lunch. Promise cards are
18 not included in the boxed lunches.

19 Mr. Hale was asked about the “security and overhead expenses associated with Set Free
20 Services” referenced in the grant materials. Mr. Hale explained that that portion of the grant
21 funds goes toward paying a security guard who is present three days per week, paying for
22 propane for the shower and laundry trailers, and other expense such as rent, City of Medford
23 utility fee, etc. Reviews of the SFS 2020 tax return (included as part of the general fund grant
24 application) is consistent with this explanation. Of SFS’ expenses for 2020 totaling \$95,694,
25 included food pantry expenses of \$7,128, the shower/laundry trailer expenses of \$12,408, lunch
26 expenses of \$16,363, utility expenses of \$9,479, and security expenses of \$3,471, etc. To

1 contrast, SFS recorded just \$17 in “printing, publications, or postage” for the year, demonstrating
2 that SFS could not be funding production of religious pamphlets such as promise cards.

3 Mr. McComas was asked about Ms. Caligiuri’s allegations at City Council. As to the dog
4 matter, he did recall an incident where he had asked Ms. Caligiuri to keep her dog on a leash.
5 His understanding was that the dog was for companionship and emotional support, not a trained
6 service animal in the legal sense (i.e., a seeing-eye dog, a diabetes-alert dog, etc). He had no
7 recollection of any incident involving confiscating a machete from an individual who allegedly
8 attacked Ms. Caligiuri, and stated with blunt sincerity that “I’m not brave enough to take a
9 machete.” He stated that there is no policy of refusing to call the police as alleged by
10 Ms. Caligiuri (see corroboration in Section N, below). He stated that SFS has never had a policy
11 of “if you want to have breakfast with us, you need to read the Bible.” Furthermore, SFS has not
12 had sit-down meals on-site since before City grant funding began, as a matter of covid
13 restrictions (that allegation was connected with a sit-down meal event). So even if such a
14 statement had been made at a communal breakfast, it would have been before the time period
15 where SFS was supported by City grant funding.

16 **L. Interviews with ACCESS.**

17 ACCESS has personnel on-site at SFS in two capacities. They have involvement with
18 the food pantry (which is actually operated in conjunction with ACCESS), and Mr. McComas
19 and Mr. Hale mentioned ACCESS having personnel on-site as part of ACCESS’s outreach. As
20 such, the author requested a phone interview regarding whether ACCESS has witnessed
21 discrimination on the basis of religion or LGBTQIA+ identity.

22 The author spoke with Omar Delgado, who is currently ACCESS’s Mobile Pantry
23 Coordinator. Before taking that position in January 2022, he worked part-time as a Spanish
24 interpreter, going to different ACCESS pantries to help provide Spanish interpretation services
25 for individuals seeking food who had limited English proficiency. He spent two hours every
26 Friday at the food pantry located at SFS, which included the time period in which the pantry was

1 supported by City of Medford grant funding. Because of his interpreter position, he had direct
2 involvement in the process in which recipients received the food pantry services. He described
3 the environment as very welcoming. From what he witnessed, individuals coming to SFS for
4 those services were not required to participate in religious services or required to read religious
5 materials. From what he witnessed, individuals coming to SFS for those services were not
6 denied status because of LGBTQIA+ status, or made to feel unwelcome because of LGBTQIA+
7 status. He also stated that while he was there, hot meals would be available for homeless
8 individuals, who might need a meal right then instead taking food from the food pantry, much of
9 which needed cooking or preparation. He was not directly involved in providing hot meals, but
10 he witnessed that program. Again, he did not describe any prerequisites for that program.
11 Whoever needed to eat right away, those meals were available to them.

12 The author spoke with Matt Rogers, the Peer Support Outreach Supervisor for ACCESS.
13 On two or three occasions, he helped set up an ACCESS outreach table at the Set Free building
14 at the same time that SFS was conducting shower and laundry services, and he supervised the
15 team who staffed that table. The most recent time this occurred was on or around November
16 2021, within the period when the City was providing grant funds to help support the shower and
17 laundry services. From what he witnessed, individuals coming to SFS for those services were
18 not required to participate in religious services, and his team reported nothing to the contrary.
19 From what he witnessed, individuals coming to SFS for those service were not required to read
20 religious materials, and his team reported nothing to the contrary. From what he witnessed,
21 nobody was denied access to those services because of LGBTQIA+ status, and his team reported
22 nothing to the contrary. From what he witnessed, nobody was made to feel unwelcome at those
23 services because of LGBTQIA+ status, and his team reported nothing to the contrary.

24 **M. Interview with La Clinica.**

25 La Clinica’s executive director provided a letter of support to SFS’s general fund grant
26 application. That letter stated in material part:

1 La Clinica has partnered with Set Free Ministries for almost 4 years, bringing
2 quality mental and dental services to the most underserved populations in the
3 Rogue Valley in our mobile health center...In the past 4 years, we have seen 899
4 patients at Set Free, not including nursing or dental visits...The populations we
5 see at Set Free are made up of those who frequent hospital emergency rooms
6 more than any other group, and include homeless, low-income housing families,
7 those struggling with severe mental illness and substance use disorders, and
8 immigrants...The team at Set Free truly models the strength of character,
9 compassion, and mission needed to reach this population in a meaningful
10 way...We highly recommend Set Free for this grant and know they will make the
11 most of the funds provided.

12 Because La Clinica regularly has personnel on-site at the Set Free building, the author requested
13 a phone interview regarding whether La Clinica has witnessed discrimination on the basis of
14 religion or LGBTQIA+ identity.

15 The author spoke with Ed Smith-Burns, La Clinica's Community Partnership Director.
16 Mr. Smith-Burns manages field-based care services for La Clinica, including working with
17 various local partners who provide physical sites for La Clinica's mobile health clinic. He
18 supervises the employees who are physically with the trailer. The trailer is located at the Set
19 Free building on a weekly basis. He has never received a report that individuals coming for
20 services at SFS are required to participate in religious services, or are required to read religious
21 materials. He has never received a report that anyone was denied access to services at SFS
22 because of LGBTQIA+ status, or was made to feel unwelcome at SFS because of LGBTQIA+
23 status. He emphasized that La Clinica has had a very good experience working with SFS, and
24 SFS's staff has been great to work with. La Clinica sees a significant number of patients at that
25 site. In seven years, he has never had a staff-member or a patient report the concerns listed
26 above.

22 N. Verification of police records.

23 In relation to the alleged machete attack incident, Ms. Caligiuri alleged that SFS had a
24 policy of not calling the police even when crimes occurred on or around its property. The author
25 investigated with Medford Police Department records. There have actually been 57 calls for
26 service at the Set Free building since June 1, 2021. Although a number of these are medical

1 calls, there were 13 calls for disorderly conduct and a number of other criminal calls, clearly
2 contradicting the assertion that SFS has a policy of not calling the police over criminal matters.

3 **IV. Determinations.**

4 Under the grant agreement with SFS and applicable case law, there would be three
5 potential bases for terminating the grant agreement: if SFS was engaged in unlawful activity, if
6 the grant funds were being used for theological purposes or if religious participation was
7 required to receive social services, or if the specific programs supported by the grant funding
8 were being conditioned on client identity. Each shall be addressed in turn.

9 **A. Is SFS engaged in unlawful activity?**

10 No. Even if SFS and SFCF were the same entity, and they are not, conversion therapy is
11 only unlawful under specific circumstances. In order for conversion therapy to be unlawful
12 under Oregon law, two separate points must both be true: it must be administered by a licensed
13 professional and it must be administered to a minor. Regardless of whether any teenagers ever
14 participated in such meetings—and while this investigation did not uncover any evidence that
15 occurred, the investigation could not rule out the possibility either—there is no evidence that
16 Celebrate Recovery meetings were conducted by one of the licensed professionals described in
17 the statute regarding conversion therapy. As such, even if anyone ever pursued the substance of
18 the “Same Sex Attraction” pamphlet at one of the Celebrate Recovery 12-step meetings (and
19 there is no evidence either way as to how often this particular topic came up at SFCF’s Celebrate
20 Recovery 12-step meetings, or if it came up at all in practice), that topic would not be illegal
21 conduct under Oregon law. Furthermore, Celebrate Recovery meetings at SFCF terminated
22 before the grants at issue were issued to SFS.

23 Please understand that this conclusion is not in any way an endorsement of, or apology
24 for, conversion therapy. Scientific studies are clear that conversion therapy is both harmful and
25 ineffective. But it also remains protected religious practice outside of the context of licensed
26 professionals. And would be inappropriate for any governmental entity to take action based on

1 lawful constitutionally-protected practice, such as excluding a faith-based nonprofit from
2 otherwise-available grant funding based upon lawful religious activities that are entirely separate
3 from the grant-supported social services.

4 It would also be “unlawful activity” for a grant recipient to refuse to comply with
5 Americans with Disabilities Act rules regarding service animals. However, emotional support
6 animals are not legally considered service animals. At this time, the report does not have
7 evidence that Ms. Caligiuri’s dog is actually a “service animal” in the legal sense, as opposed to
8 a valued companion or emotional support animal. As such, SFS would be within its legal rights
9 either to require that the dog not enter a meal area or to require that it be leashed.

10 **B. Is SFS using public funding for religious services?**

11 Not directly. The grant addresses the shower and laundry trailer and the food pantry.
12 These were operated at the same location as SFCF 12-step programs, but are separate programs
13 at separate times, and the 12-step programs ceased before grant funding began. This
14 investigation unveiled no evidence that grant fund dollars to SFS were being used to support
15 faith-based 12-step programs or materials for those 12-step programs.

16 The question of the availability of “Promise Cards” is a closer question, but this
17 investigation did not reveal any conduct that crosses the applicable legal lines. There is no
18 evidence that grant funding was used to purchase Promise Cards, which would be a misuse of
19 grant funds. There is no evidence that individuals were required to take or read Promise Cards as
20 a condition of receiving SFS services. The testimony of Omar Delgado in particular was clear
21 that there is no religious requirement to engage in the food pantry services. On the other hand,
22 Promise Cards were admittedly available at some grant-funded events. At minimum, they were
23 in a bowl immediately adjacent to the sign-up for the food pantry program. There may or may
24 not have been isolated occasions where Promise Cards were handed by particular individuals to
25 particular individuals (see Ms. Van Kamp’s statement), although to be clear, there is no evidence
26 of Promise Cards being systematically and routinely distributed to recipients of grant funds.

1 When taken as a whole, this record is not sufficient to support termination of the grant, or
2 repayment of past grant funding. Merely having Promise Cards available at the location where
3 services are being offered, without making them a condition of receiving services, is not illegal.
4 Of particular clarification is the USDOJ guidance that providing social services inside a room
5 full of religious decor is not inherently unlawful.

6 However, it does appear that additional safeguards would be warranted to help reassure
7 clients that they are not required to participate in any religious activities in order to receive the
8 benefits of the shower or food pantry programs. This report recommends the addition of signage
9 at SFS programs supported by City of Medford grants, assuring clients that there is no religious
10 requirement to receive services.

11 **C. Is SFS discriminating against LGBTQIA+ clients in providing its**
12 **grant-supported shower-and-laundry and food pantry services?**

13 No. As to express discrimination, SFS states that the shower, laundry, and food pantry
14 services will be provided “without regard to demographic considerations” and will “serve any
15 and all who come to us for help.” The Siskiyou Report contains no allegation that anyone was
16 ever turned away from these grant-funded programs (or any SFS programs) because of
17 LGBTQIA+ status. The City has not seen any evidence that contradicts SFS’s representations on
18 this point.

19 As to discouraging LGBTQIA+ individuals from engaging in services, the City does not
20 believe that Mr. McComas’ comments during the KTVL interview were intended to discourage
21 LGBTQIA+ individuals from engaging in SFS services. However, despite Mr. McComas’ intent
22 (reinforced by his repeated comments that it is not his role to judge, and that everyone is
23 welcome), the author of this report agrees that the comments, particularly statements like
24 “all kinds of sins ... whether it be theft or same-sex attraction” can have the unintended-but-
25 unavoidable consequence of making LGBTQIA+ individuals feel judged and feel unwelcome.

1 This report does not diminish or dismiss the powerful emotional effect that such language can
2 have on LGBTQIA+ individuals.

3 However, case law is clear that if the City were to cease grant funding of a faith-based
4 organization (or to disqualify it from future grant funding) because of the nature of that religion’s
5 practice, as opposed to identifiable discriminatory acts while administering a grant (such as
6 excluding clients seeking services), would violate the Free Exercise clause of the First
7 Amendment. Mr. McComas’ statements to KTVL, however offensive they may be to members
8 and allies of the LGBTQIA+ community, were descriptions of his own personal religious beliefs
9 (offered only after repeated direct questioning about his beliefs) and not statements of SFS
10 requirements for receiving services, nor do they appear to have been offered with any intent to
11 discouraging LGBTQIA+ individuals from seeking SFS social services. Likewise, any contents
12 of any 12-step meetings at SFCF (even when they occurred, which is no longer happening) were
13 legally-protected religious practice, clients of SFS’ showers and food pantry were not required to
14 attend 12-step meetings, and those 12-step meetings meetings did not even take place at the same
15 times of day as the showers and food pantry services. As such, there is no basis in law to revoke
16 SFS’ grant funding or disqualify them from future funding.

17 However, to mitigate the unintended consequence described above, it does appear that
18 additional safeguards would be warranted to help reassure clients that they are welcome
19 regardless of LGBTQIA+ status or other protected class (such as non-Christians). This report
20 recommends the addition of signage at SFS programs supported by City of Medford grants
21 reassuring people that these services are available to all individuals regardless of protected class
22 demographic.

23 **V. Conclusion.**

24 The First Amendment imposes two separate rights that can potentially overlap: the
25 Establishment Clause’s promise that government will not endorse or substantively support the
26 practice of any one religion, and also the Free Exercise Clause’s promise that government will

1 not punish the practice of any one religion. Grant funding to faith-based nonprofits implicate
2 both of these rights simultaneously. In a vacuum, based just upon the Constitutional language
3 itself, there are a number of different lines where the interface of these two sometimes-
4 contradictory rights could be drawn. This report does not debate the question of where,
5 conceptually, that line should be drawn. Instead, case law from the Supreme Court of the United
6 States is unambiguous and is binding on the City of Medford. Under that case law, so long as a
7 faith-based organization administers grant-supported services without discrimination and without
8 requiring participation in religious services, a public entity cannot disqualify that faith-based
9 organization from receiving grants based upon the organization’s religious character. As stated
10 above, this investigation uncovered no evidence that SFS crossed that line. This report
11 recommends the addition of signage described in Section IV(B) and (C), and with those
12 additional safeguards in place, recommends lifting the pause on the funding of the \$11,550 grant
13 to SFS.

14 The City of Medford expects that programs supported by our grants will be administered
15 without discrimination and will be available to all, including members of the LGBTQIA+
16 community. To members of that community reading this report: you are welcome to engage in
17 the grant-supported services at Set Free Services, and you do not need to hide who you are to do
18 so. You will not be required to engage in any religious practices in order to do so. Your equality
19 matters to us, and we will defend your equal access to all City services and to all services
20 supported by City grant funding. If you have experienced or witnessed any entity that is
21 supported by City grant funding discriminating against LGBTQIA+ recipients of services, or
22 requiring religious indoctrination as part of receiving services, please do not hesitate to contact
23 the City directly with those concerns. They will be taken seriously.

24
25 /s/ Eric B. Mitton
ERIC B. MITTON, OSB No. 065925
26 City Attorney
City of Medford