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State of Oregon
Bureau of Labor and Industries
Civil Rights Division
COMPLAINT

COMPLAINANT:

Case # STEMWB140930-41401

Attorney:

Name:
James A. Radloff
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Bend OR, 97701

Phone: 541-388-1107

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Bend, OR 97701
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County: Deschutes, Oregon

RESPONDENTS:

- 1.) Liam Cary
911 SE Armour
Bend, OR 97702

Mail: PO Box 5999
Bend, OR 97708
- 2.) The Roman Catholic Bishop of the Diocese of Baker, Inc.
911 SE Armour
Bend, OR 97702

Mail: PO Box 5999
Bend, OR 97708
- 3.) Saint Francis of Assisi Catholic Church of Bend, Inc.
2450 NE 27th Street
Bend, OR 97701

Mail: PO Box 5999
Bend, OR 97708
- 4.) The Legacy of Faith Catholic Community Foundation of Oregon
911 SE Armour
Bend, OR 97702

Mail: PO Box 5999
Bend, OR 97708

County: Deschutes, Oregon

ORS 659A.199; Constructive Discharge.

I, James A. Radloff, being first duly sworn, do depose and say as follows:

Allegations: I allege unlawful discrimination/retaliation based on my reporting to my employer of information I believed was evidence of a violation of law. Shortly after I reported the foregoing information, my employer(s) stripped me of all or most of my employment duties and effectively barred me from serving any meaningful employment function within the church. Based on my employer(s)' unlawful retaliatory conduct, I was effectively forced to resign my position.

1. I was an employee of Respondents as a Roman Catholic priest for approximately 21 years until Respondents' constructively discharged me on or about April 22, 2014.
2. At all material times until 2014, I was a Roman Catholic priest in good standing. I reside in Deschutes County, Oregon.
3. As a pastor and priest, I served as an employee of Respondent Saint Francis of Assisi Catholic Church of Bend, Inc. (the "Parish"), which is an Oregon domestic nonprofit corporation with its principal place of business in Deschutes County, Oregon.
4. Respondent The Roman Catholic Bishop of the Diocese of Baker, Inc. (the "Diocese") is an Oregon domestic nonprofit corporation with its principal place of business in Deschutes County, Oregon.
5. Respondent Liam Cary ("Bishop Cary") is the bishop and president of the Diocese. He was my supervisor. He resides in Deschutes County, Oregon.
6. Respondent The Legacy of Faith Catholic Community Foundation of Oregon (the "Foundation") is an Oregon domestic nonprofit corporation with its principal place of business in Deschutes County, Oregon.
7. With respect to all material employment, financial, and management decisions alleged herein, the Diocese controls the Parish and Foundation.
8. The Parish, the Diocese, and the Foundation have intermingled their assets, revenue, and expenses and have failed to adequately maintain separate identities. They have functioned as one single entity in material respects set forth in the allegations of this complaint and have failed to abide by separate corporate formalities including, but not limited to, the keeping of corporate records and

adherence to corporate formalities. I considered all four Defendants, collectively, to be my employer and they considered me, collectively, to be their employee.

9. Defendants have undercapitalized themselves by moving assets and income between and among one another and other parishes and Roman Catholic schools within the diocese, and divested themselves of assets, for the purpose of avoiding creditors and potential creditors in this and other lawsuits. Defendants are, in effect, a single entity or alter ego of one another.

10. Prior to Easter 2013, a teen-aged boy attended confession at the St. Francis Church on what is called reconciliation night. There were numerous priests available on that night to hear confessions. The boy entered a private confessional with Bishop Cary, who kept the boy in confession for approximately one hour. When the boy emerged, he appeared shaken, upset and distraught. Although he did not immediately share all of what was discussed between him and Bishop Cary, the boy reported that Bishop Cary insisted upon meeting with the boy again in private at another time. When the parents of the boy learned of this incident, they reported it to me.

11. Upon hearing of the incident involving Bishop Cary and the boy, I immediately reported the incident to my supervisor, Bishop Cary, and asked the Bishop to refrain from taking any more confessions from children until such time as the incident could be investigated (the "Report").

12. In response to my Report, Bishop Cary came to my home and told me that he would not allow any investigation of the matters reported and that I did not have the authority to call for any investigation—notwithstanding the fact that I was, at least nominally, the "president" of the Parish at that time. Bishop Cary further informed me that by even reporting the matter I had "crossed a line."

13. In retaliation for my making of the Report, Respondents commenced a campaign to damage my effectiveness as a pastor of the Parish and Diocese, to damage my reputation, to destroy my opportunity for promotion, to demote me, to constructively terminate my employment, and to prevent me from obtaining employment elsewhere to pursue my chosen profession. That campaign included, without limitation, the following:

- a. Respondents removed Reverend Juan Carlos from the Parish without replacing him, leaving me as the sole priest with an enormous workload at St. Francis;
- b. Respondents falsely reprimanded me in the Parish church bulletin without cause;
- c. Respondents reprimanded me for exercising the rights afforded me by the Church's canons to communicate my support for retaining Reverend Juan Carlos;
- d. Respondents refused to allow me access to, or a copy of my personnel records with which to defend myself;
- e. Respondents demanded that I "voluntarily" resign as pastor;
- f. Respondents removed me as pastor and president of the Parish;
- g. Respondents refused to allow me to perform any priestly duties, such as performing marriages, last rites, mass, and counseling;
- h. Respondents refused to allow me access to my office and personal documents;

- i. Respondents deleted or shut down access to my email records and calendar;
- j. Respondents evicted me from my Parish housing with less than four days' notice;
- k. Respondents banished me from the Parish and Diocese, requiring me to find housing elsewhere (in Chicago) thousands of miles from my home;
- l. Respondents refused to allow me to perform priestly duties in any location, even outside of the Parish and Diocese;
- m. Respondents refused to allow me to enter or travel freely within the geographic area of the Diocese, which includes approximately two-thirds of the State of Oregon;
- n. Respondents refused to allow me permission to assist my mother's home parish in Chicago with mass and other priestly duties during the holiday season;
- o. Respondents refused to allow me to attend prayers at a monastery near Chicago;
- p. Respondents refused, for months, to even allow me (a cancer survivor) permission to enter the Diocese for appointments with my oncologist and other health care providers;
- q. Respondents refused to allow parishioners to arrange for me to return from Chicago to Bend, Oregon for a dinner they had purchased at a charity auction for "Dinner with Father [Radloff]";
- r. Respondents refused to allow me or my legal counsel access to my personnel records despite my written statutory request pursuant to ORS 652.750;
- s. Respondents refused to allow me to attend mass;
- t. Respondents refused to allow me to meet, even socially on my own time with other Christians;
- u. Respondents provided parishioners with false and misleading information designed to harm my reputation concerning the basis for my demotion and eventual removal, creating the misconception that I was a "pedophile priest";
- v. Respondents falsely told parishioners that I deceived them concerning the financial condition of the Parish;
- w. Respondents constructively terminated my employment as a result of this campaign against me over the course of approximately one year;
- x. Respondents encouraged parishioners to interfere with my efforts to obtain employment elsewhere by providing others with false or misleading information concerning the reasons for my demotion;
- y. When a prospective employer contacted Bishop Cary's office for a reference, that prospective employer was told that "when Bishop Cary gets through with Father Radloff he won't be allowed to perform Ash Wednesday mass at a mini-mart";

- z. Respondents refused to allow me to even see copies of any accusation against me without first making me sign an agreement that I would keep such accusations confidential and that I would refrain from making copies of the accusations, providing my legal counsel with copies of the accusations, contacting any of the witnesses about the accusations, or discussing the accusations with witnesses whose testimony would contradict those allegations against me;
 - aa. Respondents provided me with a church advocate to assist me in the church's own internal review process, but then took punitive steps to demote that advocate when he attempted to perform his job by adequately representing me;
 - bb. Respondents have threatened parishioners who have offered to assist me or even attended mass at my new church; and
 - cc. Respondents required me to submit to a psychological stress test in violation of ORS 659A.300 as a condition to continuing my calling as an active Roman Catholic priest.
14. I provided Respondents with a request to view and obtain copies of my personnel records pursuant to ORS 652.750. That request was denied and Respondents have refused to comply with that request though the time for providing such records under the statute has expired.
15. I made a continuing request for my personnel records. Each day that Respondents continue to deny my access to such records constitutes a new violation of the statute.
16. Respondents should be ordered to make my personnel records available for inspection and photocopying.
17. As a result of Respondents' conduct and practices, I have effectively been precluded from continuing to serve in my chosen calling as a Roman Catholic priest.
15. I have suffered physically and emotionally from the stress and anxiety caused by Respondents' conduct.
16. I have suffered damage to my reputation as a result of Respondents' conduct.
17. There is substantial evidence of one or more violations by Respondents.

18. I hereby request an opportunity to present my case in the form of a contested case or evidentiary hearing. I am entitled to my reasonable attorney fees and costs herein.

STATE OF OREGON)
) ss
County of Deschutes)

James A. Radloff
James A. Radloff

September 30, 2014
Date

Signed and sworn to (or affirmed) before me on September 30th, 2014 by James A Radloff.



Crystal Morton
NOTARY PUBLIC FOR OREGON
My Commission Expires: 10-03-2017