

**LEXINGTON-FAYETTE URBAN COUNTY
HUMAN RIGHTS COMMISSION**

Aaron Baker for Gay and
Lesbian Services Organization,

Complainant,

and

Lexington-Fayette Urban County
Human Rights Commission,

vs.

Hands On Originals, Inc.,

Respondent.

HRC # 03-12-3135

**AFFIDAVIT OF BLAINE M. ADAMSON IN SUPPORT OF RESPONDENT HANDS ON
ORIGINALS' MOTION FOR SUMMARY JUDGMENT**

I, Blaine M. Adamson, after being duly sworn, declare the following:

1. I submit this affidavit in support of Respondent Hands On Originals' (HOO) Motion for Summary Judgment and I have personal knowledge of all matters asserted herein.
2. HOO is an S-corporation licensed to do business in the State of Kentucky.
3. I am the managing owner of HOO. I became the managing owner of HOO in 2008. I have complete control over the day-to-day operations of the company.
4. The number of shares that I own in HOO (26) is equal to the number of shares owned by the other two owners, Douglas D. Schneider and John M. Hoetker.
5. I am also a corporate officer of HOO.
6. HOO's primary business enterprise is printing promotional materials, which include but are not limited to shirts, hats, bags, blankets, cups, bottles, and mugs.

7. HOO prints promotional materials and communicates messages for its customers.

8. HOO's speech consists of, at least in part, the promotional materials that it prints.

9. HOO's work is expressive and artistic. The company employs five full-time graphic-design artists whose primary job is to work with customers to create, modify, or adapt logos, patterns, designs, messages, taglines, and other expressive content for the shirts and other items produced by HOO. Attached as Exhibit 2 are excerpts from the Wearables magazine published for September 2013 that, among other things, reflect the expressive and artistic nature of the promotional-printing industry.

10. Most of HOO's graphic-design artists have formal degrees or training in art-related or graphic-design-related fields. One of HOO's graphic-design artists has a bachelor of fine arts degree from the University of Kentucky. Another of the company's graphic-design artists has a specialized technology degree with a major in graphic design from Eastern Kentucky University. And another of HOO's graphic-design artist has taken art classes from the University of Kentucky, but has not yet graduated.

11. Approximately 55%-65% of HOO's orders require HOO's graphic-design artists to create logos, patterns, designs, messages, taglines, and other expressive content.

12. As part of the design process, HOO's graphic-design artists receive ideas from customers, and they use those ideas to create logos, patterns, designs, messages, taglines, and other expressive content for the customers' promotional materials. For most orders, HOO typically tells the customer to allow one week for the artists to develop artwork for them to review. HOO does not charge extra for its artists to create artwork; it builds that cost into the price of its shirts.

13. HOO retains copyright ownership over all the original designs that it creates.

14. Even when the customer provides already-produced art or designs, HOO's graphic-design artists need to finalize the art so that HOO can print it. This finalizing process includes adjusting the art (so that the product prints a cleaner image), resizing the art, modifying the halftones, changing the colors (to match the ink colors that HOO carries), and converting the art to "vector" (so that the images can be separated correctly).

15. I am a Christian. As such, I believe that the Holy Bible is the inspired Word of God and that I should strive to live consistently with its teachings.

16. After I became managing owner of HOO, Mr. Schneider and Mr. Hoetker authorized me to control all the day-to-day operations of HOO and to operate HOO consistently with the teachings of the Bible.

17. I believe that God commands obedience in all areas of my life. I do not distinguish between conduct in my personal life and my actions as a business owner.

18. I believe that every aspect of my life—including my role as a business owner and employer—belongs to God and is a way that I bear witness to Jesus Christ through service in the world. All work is a calling from God and an opportunity to serve Him. As I honor and serve God in my daily life, I worship Him, and thus for me, work and worship cannot be separated.

19. HOO has a Core Value Statement. It states as follows: "Service is the predominant focus of Hands On Originals. We strive to do our best for every customer, at every position in the company. We believe that by putting the interests of others first, we not only build a company of satisfied employees who take good care of customers and one another, but we, more importantly, honor God."

20. HOO displays multiple signs depicting Bible verses on its premises. Attached as Exhibit 3 is a picture of a sign that hangs in the front lobby and displays Genesis 1:1-7. Attached

as Exhibit 4 is a picture of a sign that hangs in the Art Department and displays Psalm 118:24 (“This is the day the Lord has made; let us rejoice and be glad in it.”). And attached as Exhibit 5 is a picture of a sign that hangs near the bathroom and displays Ecclesiastes 4:9-10 (“Two are better than one because they have a good return for their work. If one falls down, his friend can pick him up. But pity the man who falls and has no one to pick him up.”).

21. The signature block on my work emails references a Bible verse (John 6:28-29).

22. HOO operates a program with a nonprofit religious group named Adopt Uganda. Adopt Uganda teaches the love of Jesus Christ and provides basic necessities of life such as water, education, and medical aid to Ugandan communities in need. The joint program between HOO and Adopt Uganda employs women who have had difficulties finding employment in West Uganda by hiring them to create hand-woven baskets. The program offers them the opportunity to earn a steady income and helps to build confidence and a sense of accomplishment. In an effort to spread awareness about the struggles in Uganda, HOO places in each custom order that it ships one hand-woven basket created by the women employed through this program. Attached as Exhibit 6 are documents discussing HOO’s joint program with Adopt Uganda. The religious beliefs of HOO’s owners motivated HOO to create this program.

23. HOO donates goods and services, and provides discounts, to some religious organizations like the Salvation Army. The religious beliefs of HOO’s owners motivate HOO to provide these donations and discounts.

24. HOO has a Christian Outfitters division, which creates promotional materials for Christian groups, events, camps, and youth groups. This division accounts for over 70% of HOO’s revenue.

25. The purpose of the Christian Outfitters division is to produce materials (including shirts) that communicate meaningful Christian messages and that ultimately promote Jesus Christ and His Church. The employees in the Christian Outfitters division help HOO's customers communicate religious messages. Christian ministries often give employees in the Christian Outfitters division a Bible verse or an idea, and ask them to develop a shirt using that concept. HOO wants Christian ministries to be good stewards of money given to them, so HOO's goal is to help them purchase well-designed shirts that convey meaningful religious messages, rather than wasting their money on shirts that no one will want to wear. Attached as Exhibit 7 is a document reflecting the goal of the Christian Outfitters division.

26. HOO has a policy affirming its right "to refuse any order that would endorse positions that conflict with the convictions of the ownership." Attached as Exhibit 8 is a copy of HOO's Terms and Conditions, which reflect this policy. That policy states: "Hands On Originals both employs and conducts business with people of all genders, races, religions, sexual preferences, and national origins. However, due to the promotional nature of our products, it is the prerogative of Hands On Originals to refuse any order that would endorse positions that conflict with the convictions of the ownership."

27. I inform HOO's sale representatives that I am a Christian and that I operate the business consistent with Christian principles, and I instruct them to decline orders whenever the messages conveyed by the requested material are inappropriate or inconsistent with Christian beliefs. I also instruct sales representatives to decline to design, print, or produce orders whenever the requested material promotes an event or organization that conveys messages that are inappropriate or inconsistent with Christian beliefs.

28. I instruct HOO's sales representatives that if they have a question whether the messages conveyed by requested material, or the messages conveyed by the promoted event or organization, are inappropriate or inconsistent with Christian beliefs, they should discuss the matter with me before proceeding with the order.

29. I must rely on HOO's sales representatives to alert me if they have a question whether the messages conveyed by requested material, or the messages conveyed by the promoted event or organization, are inappropriate or inconsistent with Christian beliefs. As the managing owner of a high-volume business often filling or working on between 30 to 40 orders each day, I simply cannot prescreen the messaging and art for every potential order.

30. On numerous occasions, HOO has declined to print material because of the messages conveyed by the requested material or the messages conveyed by the promoted event or organization. Although HOO does not keep records of the orders that it declines, HOO has compiled a list of declined orders from January 1, 2010, until January 1, 2013, based on all the information that it could find. That list is found in Respondent's Supplemental Response to Interrogatory No. 15, which has been attached as Exhibit 9. During that three-year period, HOO declined at least thirteen orders (including the Pride Festival order at issue in this case) because of the messages conveyed by the requested material or the messages conveyed by the promoted event or organization.

31. Whether the messages conveyed by the requested material, or the messages conveyed by the promoted event or organization, are inappropriate or inconsistent with my beliefs is ultimately a judgment call within my discretion based on my beliefs.

32. It is standard practice within the promotional-printing industry to decline to print materials containing messages that the owners do not want to support. I am aware of a news

story reporting that a Utah screen-print company declined to print a shirt with a pro-atheist message. Attached as Exhibit 10 is a copy of an article discussing that story. And I received an email from “a lesbian owned and operated t-shirt company” located in New Jersey whose owners “support [HOO’s] right to refuse to print the t-shirts for the local Pride organization.” Attached as Exhibit 11 is a copy of that email.

33. When HOO declines an order because the messages conveyed by the requested material, or the messages conveyed by the promoted event or organization, are inappropriate or inconsistent with my beliefs, HOO has a longstanding practice of offering to refer the inquiring individual to another company that will fill the order for the same price that HOO would have charged.

34. In March 2012, I spoke with the Gay and Lesbian Services Organization’s (GLSO) representative Don Lowe over the phone. I asked Mr. Lowe what he was calling about, and he told me that he needed shirts for the Pride Festival, that I had given him the best quote, and that he would like to place an order.

35. I told Mr. Lowe that I did not recall giving a quote on the order. Before the phone discussion with Mr. Lowe, I was unaware of the GLSO’s request for Pride Festival shirts, and I was unaware that the GLSO had already sent the shirt design to HOO’s sales representative Kaleb Carter.

36. I asked Mr. Lowe what the Pride Festival is. Mr. Lowe told me that it was a gay-pride festival that would be in downtown Lexington.

37. I also asked Mr. Lowe what would be printed on the shirt, and he described the contents of the shirt to me.

38. I asked these questions to confirm my understanding that the Pride Festival is an advocacy event that promotes pride in engaging in sexual relationships or sexual activity outside of a marriage between one man and one woman. Mr. Lowe's responses confirmed this for me.

39. At that time, based on information that I had seen in multiple media sources, I was aware of the type of activities that generally occur at gay-pride festivals—including signs and other communication promoting same-sex relationships, same-sex sexual activity, and same-sex marriage; statements publicly discussing sexual activity; public displays of affection between same-sex couples; sexually suggestive outfits and costumes; and the distribution of sex-related items such as condoms and lubricants.

40. Based on my more than 15 years working in the promotional-printing industry, I know that when customers order shirts for events, those shirts are typically used for two purposes: promotion of the organization or its event; and/or fundraising to support the organization's operations. Attached as Exhibit 12 are excerpts from the Wearables magazine published for October 2013 that, among other things, reflect the fundraising and promotional aspects of the printing industry.

41. At that time, I concluded that a group that organizes a gay-pride festival likely communicates messages supporting sexual relationships or sexual activity outside of a marriage between one man and one woman.

42. I believe the Bible's teaching that it is immoral to engage in sexual relationships or sexual activity outside of a marriage between one man and one woman.

43. Based on my conversation with Mr. Lowe, I concluded that producing the requested shirts would require HOO to print a message—the words "Lexington Pride Festival" with a rainbow-colored "5" logo—conveying that people should take pride in engaging in sexual

relationships or sexual activity outside of a marriage between one man and one woman. I sincerely believe that I would disobey God if I were to knowingly authorize HOO to print materials communicating that message.

44. Based on my conversation with Mr. Lowe, I concluded that producing the requested shirts would require HOO to print materials promoting an advocacy event that conveys messages supporting sexual relationships or sexual activity outside of a marriage between one man and one woman. I sincerely believe that I would disobey God if I were to knowingly authorize HOO to print materials promoting an event that communicates those messages.

45. Based on my conversation with Mr. Lowe, I concluded that producing the requested shirts would require HOO to print words promoting an advocacy group that conveys messages supporting sexual relationships or sexual activity outside of a marriage between one man and one woman. I sincerely believe that I would disobey God if I were to knowingly authorize HOO to print materials promoting a group that communicates those messages.

46. For these reasons, I politely told Mr. Lowe during this phone conversation that because of my Christian beliefs, HOO could not print the Pride Festival shirts.

47. I nevertheless offered to refer Mr. Lowe to another business that could print the shirts for the same price that HOO would charge. But Mr. Lowe told me that while he would take that offer to the board, he felt that the GLSO would not want to work with an organization that did business with HOO.

48. HOO did not ask any GLSO representative about their sexual orientation.

49. HOO provides its services to individuals who identify as gay. Over the years, although HOO does not ask about its customers' sexual orientation, HOO has served many

individuals who identify as gay. One of those customers is Beth Burden, a musician who performed at the 2012 Lexington Pride Festival.

50. HOO currently employs or has previously employed at least six individuals who identify as gay.

51. Promotional printing is not confined by geographical boundaries. HOO prints shirts for customers who are scattered nationwide. HOO has served customers in at least 25 different States and Canada. HOO ships approximately 65% of its orders.

52. HOO has at least eight local competitors in the Lexington area and at least two in nearby Nicholasville. These include Bucks Screenprinting in Lexington, Falcon Screenprinting in Lexington, Fancis Screenprinting in Lexington, Inkspot Screenprinting in Lexington, Cosmic in Lexington, Harp Enterprises in Lexington, Logo Xpress Screenprint in Lexington, Underground in Lexington, Sanchez Screenprinting in Nicholasville, and H2 Promotions in Nicholasville.

53. HOO has many large national competitors such as CustomInk and Lake Shirts.

54. Until late 2012, HOO packaged all shirt orders in boxes that depict the HOO logo. HOO continues to package many of its shirt orders in boxes that depict the HOO logo. Attached as Exhibit 13 is a copy of a picture of those boxes.

55. HOO labels every box containing HOO-printed shirts with a sticker displaying the HOO logo. The sticker also displays information (such as product type, color, and size) about the items in the box. Attached as Exhibit 14 is a copy of a picture of these stickers.

56. HOO adheres a packing slip to the outside of one box from every order containing HOO-printed shirts. The packing slip displays the HOO logo. Attached as Exhibit 15 is a copy of this packing slip.

57. After the GLSO filed its complaint in this case and publicized HOO's decision not to print shirts for the Pride Festival, several large customers including the University of Kentucky, Fayette County Public Schools, and Kentucky Blood Center stopped doing business with HOO. Attached as Exhibit 16 are multiple media articles discussing this significant loss of business to HOO.

58. If the Commission were to rule against HOO in this case, the Commission's order would substantially pressure HOO and its owners (including me) to violate our religious convictions by producing and disseminating expression that conveys messages at odds with our sincerely held religious beliefs.

59. If the Commission were to rule against HOO in this case and order HOO to pay Complainant's or the Commission's attorney's fees, that order would amplify the substantial pressure on HOO and its owners (including me) to violate our religious convictions by producing and disseminating expression that conveys messages at odds with our sincerely held religious beliefs. Attached as Exhibit 17 is a copy of the Commission's Amended Response to Requests for Production of Documents Nos. 6 and 10, which demonstrates that the Commission plans to seek attorney's fees and costs from HOO.

60. If HOO were required to print shirts displaying objectionable messages, that would directly alter the messages that HOO expresses.

61. If HOO were required to print shirts displaying objectionable messages, that would divert the company's limited resources away from producing shirts that express messages that HOO would rather promote.

62. If HOO were required to print shirts displaying objectionable messages, that would place substantial pressure on HOO to stop printing promotional materials and communicating messages for HOO's customers.

63. Requiring HOO to print the Pride Festival shirts would have directly undermined HOO Christian Outfitters' purpose of producing materials that communicate meaningful Christian messages and that ultimately promote Jesus Christ and His Church.

64. If HOO were required to print the Pride Festival shirts, HOO would feel pressured to speak out against the messages communicated by those shirts, the messages communicated at the Pride Festival, and the messages communicated by the GLSO. Part of the pressure to speak out against these messages arises from the fact that the government would place HOO in a position of apparent hypocrisy—where HOO would be profiting from conveying messages that conflict with its religious beliefs.

65. Even though HOO does not support the messages communicated by the Pride Festival shirts, the messages communicated at the Pride Festival, or the messages communicated by the GLSO, HOO does not want to be forced to speak against those messages.

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I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

FURTHER, AFFIANT SAYETH NAUGHT.



Blaine M. Adamson

COMMONWEALTH OF KENTUCKY)

COUNTY OF FAYETTE)

SUBSCRIBED AND SWORN TO before me this 9th day of April, 2014, by Blaine M. Adamson.



Notary Public

My commission expires: 11/8/17