

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

U.S. Pastor Council, et al.

Plaintiffs,

v.

**Equal Employment Opportunity
Commission**, et al.,

Defendants.

Case No. 4:18-cv-00824-O

DECLARATION OF JOHN SALVESEN

1. My name is John Salvesen. I am over 18 years old and fully competent to make this declaration.
2. I have personal knowledge of the facts stated in this declaration, and all of these facts are true and complete.
3. I am senior pastor at Bear Creek Bible Church. Bear Creek Bible Church is the DBA name (doing business name) of The Bible Church.
4. Bear Creek Bible Church employs at least 15 individuals, and it is therefore subject to Title VII of the Civil Rights Act of 1964.
5. There have been at least three episodes in which an employee of Bear Creek Bible Church was engaged in “sexually immoral behavior, including homosexuality” or “gender non-conforming behavior including cross-dressing, transvestism, efforts to change or transition one’s gender, or asserting a gender identity that departs from one’s biological sex.”
6. Bear Creek Bible Church has employed two pastors who were homosexuals, but the church was not aware of this until after they left employment. One of these

pastors had been employed with Bear Creek Bible Church for three years, the other for six years.

7. The first of these individuals was a homosexual pedophile who left church employment in 1996. He was caught molesting children at the church that he worked at after leaving Bear Creek, and is now serving time in state prison.

8. The second of these individuals left church employment in 2007, after he had been discharged for poor performance. We learned that this individual was a homosexual because he married another man after leaving church employment.

9. Bear Creek Bible Church has also had an employee on administrative staff who was engaged in cross-dressing behavior, but he voluntarily left employment. He worked for us for one year as an office employee, and left because he didn't want to do his job anymore and returned to his previous employment.

10. I found out at the time that he left church employment that he was struggling with wanting to become a woman, and I'm still talking with him on a regular basis.

11. I continue to love and pray for each of these individuals, who are former colleagues of mine. But I do not believe it is appropriate for them, or others who are struggling with homosexual conduct or gender non-conforming behavior, to be working as employees of our church.

12. Bear Creek Bible Church's statement of faith says:

That God's plan for human sexuality is to be expressed only within the context of marriage, that God created man and woman as unique biological persons made to complete each other. God instituted monogamous marriage between male and female as the foundation of the family and the basic structure of human society. For this reason, we believe that marriage is exclusively the union of one genetic male and one genetic female (Gen 2:24; Matt 19:5-6, Mark 10:6-9; Romans 1:26-27; I Cor 6-9).

<https://bcbc.org/about-us/beliefs> (last visited on May 24, 2021). Bear Creek Bible Church added this provision to its statement of faith in 2015. This statement also appears in Bear Creek Bible Church's bylaws. *See* <https://bcbc.org/wp-content/uploads/2015/09/bcbcby-laws092715.pdf> (last visited on May 24, 2021).

13. We added this statement because several organizations, including the Family Research Council, the Alliance Defending Freedom, and First Liberty Institute, advised churches who adhere to those beliefs to make them explicit in their doctrinal statements, in order to strengthen their legal position in any lawsuits that might arise over their exercise of religious freedom. The church's teachings on the topics of homosexuality and transgenderism before we added this statement are exactly the same as they are today.

14. Bear Creek Bible Church has restrooms that are separated by sex.

15. I am aware that the EEOC has issued a "guidance document" that demands that employers refrain from discriminating against homosexual or transgender employees, recognize the same-sex marriages of their employees, and allow their employees into restrooms that correspond to the "gender identity" that they assert—regardless of the individual's biological sex, regardless of whether the individual has had a sex-change operation, and regardless of any objections or privacy concerns that might be raised by other employees. *See* Preventing Employment Discrimination Against Lesbian, Gay, Bisexual or Transgender Workers, available at <https://bit.ly/2MnDzG5> (last visited on May 24, 2021). The EEOC guidance document refuses to recognize any religious exemptions for any employer, not even churches.

16. I am also aware that the EEOC has been suing Christian businesses that refuse to conform to the edicts in its guidance documents. *See, e.g., EEOC v. R.G. & G.R. Harris Funeral Homes Inc.*, 884 F.3d 560 (6th Cir. 2018) (EEOC lawsuit against a Christian funeral home for refusing to allow a biologically female employee to dress like a man).

17. I regard the EEOC's guidance document, and its lawsuit against Harris Funeral Homes, as threatening Bear Creek Bible Church and every Christian employer in the United States with penalties and lawsuits unless it accedes to the EEOC's interpretation of Title VII.

This concludes my sworn statement. I swear under penalty of perjury that, to the best of my knowledge, the facts stated in this declaration are true and complete.



John Salvesen (May 24, 2021 20:56 CDT)

JOHN SALVESEN

May 24, 2021

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DECLARATION OF STEVEN F. HOTZE

I, Steven F. Hotze, being duly sworn, state as follows:

1. I am over 18 years old and fully competent to make this declaration.
2. I have personal knowledge of the facts stated in this declaration, and all of these facts are true and complete.
3. I am the founder and CEO of the Hotze Health & Wellness Center. The Hotze Health & Wellness Center is the DBA (“doing business as”) name of Hotze Medical Association, P.A., a Texas professional association, which is taxed as an S Corporation. I am the sole owner of Hotze Medical Association, P.A.
4. The Hotze Health & Wellness Center is not an employer. Instead, the people who work at the Hotze Health & Wellness Center are employed by a company called Braidwood Management, Inc. Braidwood Management, Inc. is owned by a trust called the “David Bradley SFH 2005 Family Trust.” I am the sole trustee and beneficiary of that trust. I am also the President, Secretary, Treasurer, and sole member of the Board of Braidwood Management, Inc.
5. Braidwood Management, Inc. employs approximately 70 individuals, and each of those Braidwood employees works at one of the following entities: The Hotze

Health & Wellness Center, Hotze Vitamins, or Physicians Preference Pharmacy International, LLC.

6. The upshot is that I own or control each of these four business entities, and that Braidwood Management, Inc. employs each of the 68 individuals who work at my companies.

7. I am familiar with Braidwood's mission, religious beliefs, and health-insurance policy. The facts set forth are based on my personal knowledge and information available to me, and if I were called upon to testify to them, I would competently do so.

8. I am a Christian and I operate each of my businesses according to my Christian beliefs found in the Bible. Indeed, I believe that as a Christian I am required to run my businesses in accordance with Christian Biblical principles. My faith in Christ directs both my personal and business life.

9. The core values of each of my four businesses—the Hotze Health & Wealth Center; Hotze Vitamins; Physicians Preference Pharmacy, International, LLC; and Braidwood Management, Inc.—are described in the document attached as Exhibit A to this declaration. Our first core value is “To worship God in our work.” Our second core value is “To recognize the intrinsic worth of each individual.”

10. We start every weekly staff meeting with a prayer in Christ's name, thanking God for his blessings and praying for those who have entrusted their care to us.

11. I have produced a video entitled “What I Believe,” which explains the beliefs and values of my businesses. This video is available at <https://www.youtube.com/watch?v=3QfLjCpfRQA>. Each employee of Braidwood is required to have watched this video. One of our beliefs—which is described in the video—is that the Bible is the inerrant Word of God and that it lays down the principles that regulate all human activity. A transcript of this video is attached as Exhibit B to this declaration.

12. One of my most important Christian beliefs, and one of the fundamental principles upon which I operate my business, is that God created the human race male

and female, and that the institution of marriage was created by God and can exist only between one man and one woman. The Bible clearly and repeatedly teaches that homosexual conduct is a sin. *See, e.g.*, Romans 1:26–28; 1 Timothy 1:8–11; 1 Corinthians 6:9–11; Leviticus 18:22; Leviticus 20:13; Genesis 19:1–29. The Bible also condemns cross-dressing and gender non-conforming behavior. *See* Deuteronomy 22:5 (KJV) (“A woman shall not wear anything that pertains to a man, nor shall a man put on a woman’s garment, for all who do so are an abomination to the LORD your God.”). The Bible teaches that sex and gender are categories created by God, rather than a social or cultural construct or an individual choice. *See* Genesis 1:27 (KJV) (“So God created man in his own image, in the image of God created he him; male and female created he them.”).

13. Because I accept the Bible as the inerrant and authoritative Word of God, and because I run my businesses in accordance with Christian principles, I require my male employees to dress as men and my female employees to dress as women. Cross-dressing of any sort is strictly prohibited. An authentic copy of Braidwood’s dress code is attached as Exhibit C to this declaration.

14. Because I accept the Bible as the inerrant and authoritative Word of God, and because I run my businesses in accordance with Christian principles, I also have Braidwood operate sex-segregated restrooms, and I require each of my employees to use the restroom that comports with their biological sex—regardless of any gender identity that the employee might choose to assert.

15. Because I accept the Bible as the inerrant and authoritative Word of God, and because I run my businesses in accordance with Christian principles, I am unwilling to employ individuals whose lifestyles flout Christian Biblical teachings, and Braidwood accordingly has a policy against hiring individuals who are known to engage in homosexual conduct or gender non-conforming behavior.

16. I am aware that the EEOC has issued a “guidance document” that demands that employers refrain from discriminating against homosexual or transgender employees or job applicants, recognize the same-sex marriages of their employees, and allow their employees into restrooms that correspond to the “gender identity” that they assert—regardless of the individual’s biological sex, regardless of whether the individual has had a sex-change operation, and regardless of any objections or privacy concerns that might be raised by other employees. *See* Preventing Employment Discrimination Against Lesbian, Gay, Bisexual or Transgender Workers, available at <https://bit.ly/2MnDzG5> (last visited on May 24, 2021). The EEOC guidance document refuses to recognize any religious exemptions for any employer, not even churches.

17. I am also aware that the EEOC has been suing Christian businesses that refuse to conform to the edicts in its guidance document. *See, e.g., EEOC v. R.G. & G.R. Harris Funeral Homes Inc.*, 884 F.3d 560 (6th Cir. 2018) (EEOC lawsuit against a Christian funeral home for refusing to allow a biologically female employee to dress like a man).

18. I regard the EEOC’s guidance document, and its lawsuit against Harris Funeral Homes, as threatening every Christian employer in the United States with penalties and lawsuits unless it accedes to the EEOC’s interpretation of Title VII.

This concludes my sworn statement. I swear under penalty of perjury that, to the best of my knowledge, the facts stated in this declaration are true and complete.


STEVEN F. HOTZE

Exhibit A

H O T Z E

HEALTH & WELLNESS CENTER • PHARMACY • VITAMINS

CORE VALUES

1. To worship God in our work
2. To recognize the intrinsic worth of each individual
3. To provide extraordinary hospitality and guest experiences
4. To operate profitably
5. To continually increase our knowledge and skills

Exhibit B

What I Believe
Steven F. Hotze, M.D.

As a man thinks within himself, so he is. What you think about, what I think about, what we believe determines how we conduct our lives. I believe that God made the Heavens and the earth and everything in them, including you and me. And because of this, I believe in the intrinsic worth of each individual.

I was raised in a Christian home, and during medical school, I placed my confidence in Jesus Christ as my savior and Lord as the one who died on the cross for my sins and rose victoriously from the grave. I believe that the Bible is the inherent word of God and that it lays down the principles that regulate all human activity. My faith in Christ directs my personal and business life.

We start every weekly staff meeting with a prayer in Christ's name. Thanking God for his blessings and praying for the people who've decided to entrust their care to us. I believe what my mother taught me when she said, "Don't follow the herd. If you follow the herd, you'll get run over. You'll get stampeded."

I believe that you always have to ask why, and question conventional thinking. I believe in taking the road less traveled, or never traveled is necessary to bring about change. I passionately believe in natural approaches to health. This began in 1988 when my dad underwent emergency heart surgery after a failed angioplasty had torn his main artery in his heart. Two weeks after his surgery, dad called me to his house and he gave me a newsletter from Dr. Julian Whitaker, who's an advocate for natural approaches to health.

That newsletter, which was about heart disease, Dr. Whitaker wrote that 15% of angioplasty patients died within the first year of the procedure. 5% of heart bypass patients died within the first year. The patients who simply made dietary changes, lost weight, exercised, and took vitamins and minerals had a mortality rate of only 1%. My dad asked me what I thought, and I told him that I didn't know anything about this but wished we had known about it beforehand. Dad then said, "This doctor says I need to take vitamins. What type of vitamins do I need to take, son?" I looked at dad like a deer in the headlights and then I said, "Dad, I'm a doctor. What do I know about vitamins?" He looked at me straight in the eyes and asked me, "Will you please find out?" I was the oldest of eight children, seven sons. I loved my dad and would have done anything for him. I told him, "Yes sir. I will find out."

My dad's tragic experience with conventional medicine completely redirected my entire medical career. I believe no one is sick and tired because they have low levels of drugs in their bodies. This point was driven home to me when a patient of mine, Mrs. Jones, who lived in a retirement center by my office, came in for a follow-up visit. When I asked her how she was doing, she said "Ever since I've gotten rid of all those drugs you were giving me, doctor, I feel like a million dollars."

Well, this drove home the point my dad had told me. "Son, don't poison your patients like all the other doctors do." I believe that drugs are poisons. Drugs are toxins that must be detoxified by the body. Drugs only mask symptoms. I believe the reason people are sick is because of an

overload of environmental toxins in their cells. We're living in a sea of chemical pollutants which are found in foods that we eat, the beverages we drink, and in the air that we breathe. This toxic overload leads to a host of diseases, heart disease, cancer, diabetes, high blood pressure, degenerative arthritis, Alzheimer's disease, Parkinson's disease, Multiple Sclerosis, just to name a few.

Pharmaceutical drugs for these conditions, only add to the toxic load in your cells and make you sicker quicker. Let me tell you about drugs. Our nation which has 5% of the population of the world, consumes 42% of all the drugs that are made and produced by pharmaceutical companies. We spend more per capita than any other nation in the world. That means we spend more health dollars per person than any other nation in the world, and we're the sickest nation in the world. We lead in the number of heart disease cases and the number of percentage of people with cancers, and the host of diseases that I've just mentioned to you.

I believe that your health problems aren't all in your head. You're not a hypochondriac, you aren't sick and tired of being sick and tired because you're simply getting older. There is a real cause for your symptoms, and for the way you feel. I believe it's the responsibility of physicians to take time with their patients, asking them questions, listening attentively to their concerns. I believe that if you will eliminate junk food, replace it with natural whole foods, and take vitamins and minerals and nutrients, then you can remove the toxins from your cells and regain your health. I also believe in replenishing the body's natural occurring hormones, so that the cells and the organs in your body can be rejuvenated. I believe it's possible to restore your health and transform yourself from being a sick and tired person, into being a healthy and well one. I believe in offering a first-class experience for my patients who we call guests, and I know that my guests appreciate this. I believe that the way a guest is treated is as important as the treatment that is prescribed.

I believe that we can help people who are willing to invest in their health and who will make a commitment to take charge of their lives and follow the recommendations of the lifestyle changes we make. I believe in the free market economy, and I do believe this applies to medicine and specifically, to preventive medicine. I believe that insurance was meant for emergencies, not for preventive healthcare. I believe that you can achieve your goals and live a healthy, happy, and purpose driven life.

I believe it's time for a revolution in medicine and at the Hotze Health and Wellness Center, we are leading one. I believe that you should have a choice in your healthcare. To choose natural approaches to your health. I believe that you can obtain and maintain health and wellness naturally and enjoy a better quality of life. I believe you can restore your health, that you can transform your life and renew your world naturally. This is what I want for you.

Exhibit C

Uniform and Personal Appearance Policy

As representatives of our businesses, your appearance is a direct reflection of the level of professionalism of our businesses. For this reason, all staff members shall follow these basic minimum guidelines regarding dress and personal appearance. Uniforms which conform to the standards below must be pressed (no wrinkles). In order to maintain the wear of the uniform, it is recommended that they be dry-cleaned. All staff members are expected to arrive fully dressed in the current uniform.

We are a scent free environment! Please refrain from any scents for example, perfumes, smoke, essential oils, etc.

Suits

1. Black or Navy (**solids only**)
2. Jacket, dress, pant and/or skirt must be **matching** fabric and color suit separates. All jackets must be accompanied with matching dress, skirt and/or pants.
3. No pinstripes
4. Bottoms:
 - a) Skirts (including A-line) must be professional and no shorter than 1 inch above the knee. No full length (A-line or broom) skirts allowed.
 - b) Flare, straight leg, ankle (to hit just at or below the ankle bone), or bootleg trousers
 - c) No cropped pants.
 - d) Sheath style dress
5. Jackets:
 - a) Single or double breasted
 - b) Must be buttoned or fastened in the front – no open jackets
 - c) Wrist or 3 quarter length sleeves – no short sleeves

Examples of Brands of Suits:

Dillard's/Macy's:	JC Penny's	Other Stores
Antonio Melani	Sag Harbor	Ann Taylor
Jones New York	East 5th	Ann Taylor Loft
Alex Marie		Banana Republic
Tahari		The Limited
Anne Klein		J Crew/ Talbots
Stressa		Marshalls/ TJ Max
Ellen Tracey		Beta Brand
To the Max		Nordstrom/ The Rack
Theory		
Calvin Klein/ Ralph Lauren		Neiman Marcus Last Call/ Saks Fifth Off
Kasper		
Nine West		

Shirts (Shells and jewel neckline shirts only)

1. Solid color shells or shirts with a jewel neckline.
2. Neckline of the shirt should compliment the lines of the suit jacket
3. Shells must lay flat and neat under the jacket and tucked in.
4. No V-necks, tank tops and/or button downs.
5. No t-shirt material or “matte jersey” material.
6. The top of the neckline should not be lower than 3 inches from the neck and should not reveal cleavage.

Hotze Culture Professional Shoes ARE:

1. **Black or Nude**, closed toe shoes only
2. No flats and/ or ballet slippers
3. Must have at least a kitten heel
4. No heel higher than 6 inches
5. Recommended heel of 1 inch for pumps
6. “Pump” style shoe
7. Solid black with no bows, buckles, jewels, etc
8. Suede, leather or patent leather are all acceptable
9. No boots

Jewelry

1. Jewelry can be colored or monochromatic or metals
2. Should be subtle and not distracting or overwhelming to the outfit.
3. No loud or noisy jewelry

Hotze Culture Professional Shoes DO NOT INCLUDE:

- **Open toe**
- **Platforms**
- **Backless (i.e. clogs)**
- **Stilettos**

Additional Notes

- Only jackets, dresses, skirts, slacks and shells are eligible for reimbursement by the businesses. Each staff member has a one-time uniform allowance of up to \$250 upon passing the staff exam. Receipts must be turned in within 90 days after passing the staff exam for reimbursement and will be paid at a rate of 50% of the amount paid for uniform pieces, up to the maximum \$250 allowed.
- Shoes, pantyhose and other items are not eligible for reimbursement.

- It is our policy that “No visible body piercing (i.e. nose, eyebrow and tongue rings) with the exception of a single piercing in each ear for women” is allowed.
- Take the initiative to replace parts of your uniform before they appear to be worn out. Otherwise, you may be asked to purchase new uniforms. This reflects Number 22 of our Practice Basics: “*Keep uniforms, footwear and the office immaculate... Take pride in your appearance.*”

Maternity Dress Code

- *Maternity clothing may be worn once your uniform suits do not fit.*
- Solid black or Navy skirts, dresses or dressy pants suits accompanied by a matching jacket color.
- Solid black closed toe shoes.
- Solid black flats with no accessories are appropriate.

Men who have customer contact

- Conservative Business Attire:
- Slacks
- Sports Coat or navy blue blazer
- Dress Shirt (white, starched and pressed)
- Tie or Bowtie
- Dress shoes
- Belt
- No facial hair, earrings or other visible body piercing jewelry

Men who do not have customer contact (in shipping)

- Conservative Business Attire:
- Slacks
- Dress Shirt or Golf style polo shirt (preferably white, starched and pressed)
- Belt
- No facial hair, earrings or other visible body piercing jewelry

Shippers or Compounding Technicians working in Hotze Pharmacy

- Nice khakis (like Dockers). No cargo pants, corduroys, hip huggers, cotton or jean material. Pants must not be tightly fitted.
- Clean, solid colored collared golf style polo shirt. No stripes or patterned shirts.
- Shirt must be tucked in and worn with a solid black or brown belt.
- Nice, clean tennis shoes or nice brown or black solid loafers.
- On an annual basis, the company will reimburse technicians for shoes purchased for work in the compounding lab. Maximum reimbursement per pair is \$50 (1/2 of \$100/pair of shoes).

Medical Assistant / Lab Staff Members

- Lab personnel (Medical Assistants) have been authorized to wear black lab coats on a trial basis. You may choose to wear this with black slacks and the dress code approved shoes or the staff uniform. It is your choice!
- The approved lab coat is META 835 Women's stretch fabric 30" LAB Coat, STYLE #835.
- The lab jacket **MUST** be pressed and clean and replaced whenever it fades or becomes stained at your own expense.
- Wear an appropriate blouse/top underneath with the lab jacket buttoned up to the middle of the chest (think xiphoid process area!)
- Name tags should be worn on the upper right - below collar bone.
- Standard shoe qualifications listed above: Solid black closed toe heels.

Best Practices for All Staff

- No visible body piercing (i.e., nose, eyebrow and tongue rings) with the exception of a single piercing in each ear for women.
- No visible tattoos.
- Gum is not allowed while around guests.
- Uniforms shall be clean and pressed.
- Footwear shall be in good condition and polished.
- Fingernails shall be clean and neatly manicured. Nail polish color shall be conservative and professional (i.e. no green, blue or loud colors).
- All staff members are required to arrive to work fully dressed, wearing their suit jacket.
- Staff members who do not comply with this uniform policy may be sent home to change into attire that meets these standards. Repeated violation of this policy may lead to disciplinary action up to and including termination.

If you have any doubts about your attire, then ask for guidance from your supervisor.

The changes in the staff uniform policy are intended to promote individuality while maintaining a conservative and professional appearance. If in doubt about the style of any uniform components that you would like to wear, then you may get them approved by Talent Recruitment & Development before purchasing or wearing them.

*** Braidwood Management reserves the right to periodically update or change any and all parts of the dress code and uniform policy. Certain positions require different dress code measures, i.e. compounding room staff members, shipping, and Leadership Team. Please check with your supervisor if you have any questions about exceptions to this dress code.*