

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF HENRICO

|   |   |                 |
|---|---|-----------------|
| JOHN N. RAYMOND,                        | ) |                 |
|   | ) |                 |
| And                                     | ) |                 |
|   | ) |                 |
| JANET P. RAYMOND,                       | ) |                 |
|   | ) |                 |
| Plaintiffs,                             | ) |                 |
| v.                                      | ) | Case No.: _____ |
|   | ) |                 |
| VIRGINIA DEPARTMENT OF HEALTH           | ) |                 |
| PROFESSIONS,                            | ) |                 |
|   | ) |                 |
| And                                     | ) |                 |
|   | ) |                 |
| ARNE OWENS, in his official capacity as | ) |                 |
| Director of the Virginia Department     | ) |                 |
| of Health Professions,                  | ) |                 |
|   | ) |                 |
| And                                     | ) |                 |
|   | ) |                 |
| VIRGINIA BOARD OF COUNSELING            | ) |                 |
|   | ) |                 |
| Defendants.                             | ) |                 |

---

**VERIFIED COMPLAINT**

For their Verified Complaint against Virginia Department of Health Professions, Arne Owens, in his official capacity as Director of the Virginia Department of Health Professions, and Virginia Board of Counseling (collectively “Defendants”), John N. Raymond and Janet P. Raymond (collectively “Plaintiffs” or the “Raymonds”), by and through the undersigned counsel, allege as follows:

## **NATURE OF CASE**

1. Plaintiffs are Christians who work as licensed professional counselors. Each of the Plaintiffs previously counseled minors including those who requested help with addressing struggles with their sexuality. Upon the enactment of Va. Code § 54.1-2409.5, however, Virginia law made it illegal for Plaintiffs, as professionals, to help any counselee under the age of 18 accomplish his or her objective of aligning their sexuality or gender identity with the Bible. As a result, Plaintiffs were forced to discontinue this aspect of their counseling practice. This prohibition, however, violates Virginia's Constitution and Virginia's Religious Freedom Restoration Act, causing Plaintiffs irreparable injury. Accordingly, this Court must declare the Conversion Therapy Statute as unconstitutional and otherwise unenforceable so that Plaintiffs can resume this constitutionally protected part of their counseling practice.

## **JURISDICTION**

2. This action arises under the self-executing provisions of Virginia Constitution Article I §§ 11, 12, and 16 and under the Virginia Religious Freedom Restoration Act (Va. Code § 57-2.02).

3. This Court is authorized to grant declaratory and injunctive relief under Va. Code §§ 57-2.02, 8.01-184 *et seq.*, and 8.01-620 *et seq.*

4. Venue is proper in this Court because each Defendant is located in Henrico County, Virginia. *See* Va. Code § 8.01-262.

## **PARTIES**

5. Plaintiff John N. Raymond is a licensed professional counselor as credentialed through the Virginia Department of Health Professions. Dr. Raymond has worked as a licensed professional counselor since 2009, and he maintains a counseling practice in Front Royal,

Virginia. He is also a Christian seminary professor with a Doctorate of Ministry in Leadership and Spiritual Formation.

6. Plaintiff Janet P. Raymond is a licensed professional counselor as credentialed through the Virginia Department of Health Professions. Mrs. Raymond has worked as a licensed professional counselor since 1992, and she maintains a counseling practice in Front Royal, Virginia.

7. Defendant Virginia Department of Health Professions (the “DHP”) governs the licensure for licensed professional counselors in Virginia, including the licenses of Plaintiffs. The DHP investigates all complaints within the jurisdiction of its regulatory boards, including the Board of Counseling. Through its Director and investigative personnel, it enforces the statutes and regulations pertaining to the activities of licensed professionals in Virginia, including the primary law at issue for this suit, Va. Code § 54.1-2409.5 and 18 VAC 115-20-130.

8. In his official capacity as the Director of the DHP, Defendant Arne Owens supervises and manages the DHP and, in such capacity and through investigative personnel appointed by him, enforces the statutes and regulations pertaining to the DHP, including the primary law at issue for this suit, Va. Code § 54.1-2409.5.

9. The Virginia Board of Counseling is a regulatory board within the DHP that regulates the issuance of licenses for professional counselors and enforces regulations concerning the practice of licensed professional counselors, including the primary regulation at issue in this suit, 18 VAC 115-20-130.

### **STATEMENT OF FACTS**

10. The Raymonds are both Christians whose faith integrally affects the way they approach counseling as licensed professional counselors, and they each seek to incorporate their religious faith into everything they do.

11. As Christians, the Raymonds hold the Bible to be the inspired, infallible, and authoritative word of God, and they believe it is applicable to every part of life.

12. The Raymonds firmly hold certain Biblical doctrines about human identity and sexuality as foundational to their Christian faith, including: that God created both male and female in His own image; that one's sex as either male or female is intrinsic to each person and unchangeable; that while rare genetic disorders in sex chromosomes (e.g. "XXY") do sometimes occur as result of a fallen world affected by sin, which requires compassion and understanding, their exceptional nature only serves to prove the rule that sex is binary; the Bible does not recognize or condone the concept of gender apart from one's sex; that God made male and female as complementary to one another both emotionally and physically; and that human sexual activity of any kind outside of the context of one man and one woman in marriage is against the will of God.

13. Most essential to the Raymonds' religious beliefs is the message of the gospel (meaning "good news") of Jesus Christ. The gospel is the central message of Christianity: that every person (except Jesus Christ) has sinned by acting against the will of God, and has even been born with a "sin nature" that makes them predisposed to thinking, living, and acting contrary to God's standards of right and wrong; that all sin leads to brokenness and death, and (apart from Jesus Christ) ultimately eternally separates a person from the grace of God in a place called Hell; that no person by their own efforts is able to make atonement for their sins to make themselves be in right-standing with God; but that because of God's great love for humanity, He sent His own Son Jesus into the world to live a perfect life without sin and die in our place to pay the penalty for each person's sins that they could not pay; that Jesus raised bodily from the grave three days later to conquer sin and death; that for everyone who turns from their sin and believes

by active faith in the deity and substitutionary death and resurrection of Jesus Christ, trusting in Him alone for the forgiveness of their sins, God will forgive them and they will be brought into the Kingdom of God; that a person must experience a true conversion and be spiritually “born again” in order to be “saved” in this way; and that through this miracle of being born again, God causes a person to become a “new creation” by which their heart, mind, soul, and desires begin to transform because of the power and presence of the Holy Spirit that begins living within them upon their conversion.

14. The Raymonds believe the Bible commands all Christians to fully live out and share this gospel with all people, including teaching them to follow all that God has commanded (Matthew 28:19-20).

15. The Raymonds believe that, according to the Bible, homosexuality is contrary to God’s will, and also that individuals can and often do overcome homosexuality by the grace of God through the Gospel of Jesus Christ. For example, 1 Corinthians 6:9–11 (emphasis added) states: “Or do you not know that the unrighteous will not inherit the kingdom of God? Do not be deceived: neither the sexually immoral, nor idolaters, nor adulterers, nor men who practice homosexuality, nor thieves, nor the greedy, nor drunkards, nor revilers, nor swindlers will inherit the kingdom of God. *And such were some of you.* But you were washed, you were sanctified, you were justified in the name of the Lord Jesus Christ and by the Spirit of our God.”

16. The Raymonds believe that, according to the Bible, transgenderism is contrary to God’s will, and also that individuals can and often do overcome transgenderism by the grace of God through the Gospel of Jesus Christ. *See, e.g.,* 1 Corinthians 6:9–11.

17. The Raymonds also believe the Bible calls all people to not be influenced by societal ideas and philosophies, but instead to take on a new mind in order to discern God’s will

for them. Romans 12:2 says: “Don’t copy the behavior and customs of this world, but let God transform you into a new person by changing the way you think. Then you will learn to know God’s will for you, which is good and pleasing and perfect.”

18. The Raymonds own and operate Associate Counseling Center, Inc. in Virginia, through which they work with marriages, families, men, and women generally in the Front Royal and Winchester areas, as well as online for clients across Virginia.

19. As set forth on their practice’s webpage, the Raymonds aim to facilitate their clients experiencing “Healing and Grace Through Christian Counseling.” They explain that they are “Licensed Professional Counselors” working “from a Christian Counseling worldview,” and that they “provide an approach to overcoming emotional and relationship challenges through the love and power of the Holy Spirit.” They invite clients to “[t]alk with us about what you’re struggling with and how we can prayerfully help.”

20. Among the services the Raymonds offer and provide is assistance with “sexual integrity,” which the Raymonds describe on their webpage, in part, as follows: “Sex is not only one of the most talked-about social issues today, but it is also a very personal thing. Do we ‘know’ what ‘sex’ is? Do we even know how our beliefs about ‘sex’ developed? [Is] thinking about the issue as an addiction even helpful—is it a life sentence? The question is, ‘are we living and doing what we think our beliefs are telling us’—are we congruent and moving to values-based behavior and thought?”

21. The Raymonds’ Christian faith, based on the Bible, informs and inspires everything they seek to do, including the way they counsel as professionals. One of the aims of the Raymonds’ counseling services is to help individuals who desire to embrace God’s standard of sexuality to successfully do so, which includes helping individuals to align their desires,

actions, and identities with a Biblical perspective. They seek to accomplish this exclusively through the use of talk therapy, in which they simply speak with individual clients by engaging in voluntary conversations and prayer.

22. As Virginia licensed professional counselors, however, the Raymonds are subject to the prohibitions of Va. Code § 54.1-2409.5 (“Conversion therapy prohibited.”), which provides, in relevant part, that:

No person licensed pursuant to this subtitle or who performs counseling as part of his training for any profession licensed pursuant to this subtitle shall engage in conversion therapy with a person under 18 years of age. Any conversion therapy efforts with a person under 18 years of age engaged in by a provider licensed in accordance with the provisions of this subtitle or who performs counseling as part of his training for any profession licensed pursuant to this subtitle shall constitute unprofessional conduct and shall be grounds for disciplinary action by the appropriate health regulatory board within the Department of Health Professions.

23. Va. Code § 54.1-2409.5 defines “conversion therapy” as:

[A]ny practice or treatment that seeks to change an individual’s sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. “Conversion therapy” does not include counseling that provides acceptance, support, and understanding of a person or facilitates a person’s coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual’s sexual orientation or gender identity.

24. The Raymonds are also subject to 18 VAC 115-20-130, the state regulation developed pursuant to Va. Code § 54.1-2409.5. Defendants are responsible for enforcing the terms of 18 VAC 115-20-130.

25. Prior to the passage of Va. Code § 54.1-2409.5, the Raymonds regularly counseled both adults and minors on a variety of issues, including issues of sexual addiction and identity. They had previously helped children who were struggling with homosexual or transgender feelings to voluntarily align their inclinations and behaviors with a Biblical

perspective. However, after Va. Code § 54.1-2409.5 went into effect, as a direct result of that law, the Raymonds stopped counseling nearly all minors because their Christian counseling on sexual matters would likely subject them to administrative prosecution and adverse action by Defendants for violating the law. Since in most cases, they could not know up front whether issues of sexual desire or identity would present in the course of their counseling relationship with a minor client, they discontinued seeing children through their professional practice almost entirely.

26. As a result of Va. Code § 54.1-2409.5's prohibition on the Raymonds' speech, they have lost significant business income in their practice.

27. The Raymonds wish to counsel children who are seeking help to align their sexual feelings, actions, and identity toward a Biblical sexual ethic, in accordance with God's design for human beings, including those struggling with homosexuality and so-called "gender identity." However, because of the speech prohibitions of Va. Code § 54.1-2409.5 and its corresponding regulations, the Raymonds have been and are currently being prevented by the state from doing so in direct conflict with their religious beliefs.

28. The Raymonds are aware of another Virginia licensed professional counselor who was required to defend himself and retain legal counsel to defend against an ethics complaint brought to the Virginia Board of Counseling, which alleged that he was engaging in unlawful "conversion therapy." This example of the imminent threat of enforcement against Christian talk therapy for minors struggling with their sexuality as violating Va. Code § 54.1-2409.5 further actively chills their speech and religious exercise.

29. If the Raymonds counsel any minor in Virginia on the issues of sexual orientation or "gender identity" from a Biblical framework, they risk being penalized by Defendants for



speech that Virginia law now declares to be unethical and unlawful “conversion therapy,” up to and including the suspension or revocation of their professional licenses. *See* 18 VAC 115-20-140.

30. The circumstances outlined above caused, and continues to cause, the Raymonds irreparable harm for which there is no adequate remedy at law.

### **CAUSES OF ACTION**

#### **Count 1 – Violation of Freedom of Speech Under the Constitution of Virginia**

31. Plaintiffs hereby repeat and reallege each of the foregoing paragraphs as if fully stated herein.

32. Virginia Constitution Article I § 12 (emphasis added) firmly provides:

That the freedoms of speech and of the press are among the great bulwarks of liberty, and can never be restrained except by despotic governments; that any citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; *that the General Assembly shall not pass any law abridging the freedom of speech. . . .*

33. Contrary to these constitutional provisions, however, Va. Code § 54.1-2409.5 states that “[n]o person licensed pursuant to this subtitle or who performs counseling as part of his training for any profession licensed pursuant to this subtitle shall engage in conversion therapy with a person under 18 years of age.”

34. Va. Code § 54.1-2409.5 (emphasis added) defines “conversion therapy” as “any practice or treatment that seeks to change an individual’s sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender.”

35. The reference to “any practice or treatment” in Va. Code § 54.1-2409.5 includes simple talk therapy between a counselor and client. This broad definition includes pure speech—including ordinary, voluntary counseling conversations and prayer.

36. Also proving that this law prohibits pure speech, the corresponding state regulation, 18 VAC 115-20-130, prohibits licensed counselors from engaging in “conversion therapy” with anyone under 18 “[r]egardless of the delivery method, whether in person, by phone, or electronically[.]” Clearly, phone conversations and electronic meetings only contemplate speech.

37. The plain language of Va. Code § 54.1-2409.5 even prohibits counselors from having conversations that their clients clearly *desire* or *request* to have—or that the minor client’s parents desire—with the expressed desire to overcome certain same-sex attractions or internal conflicts with gender identity.

38. Amazingly, the second part of the definition of “conversion therapy” expressly *allows* a licensed counselor to use talk therapy to affirmatively *support* a minor towards exploration of homosexuality or transgenderism. Specifically, this portion of the statute states:

“Conversion therapy” does not include counseling that provides acceptance, support, and understanding of a person or facilitates a person’s coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual’s sexual orientation or gender identity.

39. On the face of the statute, only one form of speech is allowed in this context—that form of speech which directly conflicts with the message of the Gospel (i.e. that a person can and must be “converted” through faith in Jesus Christ, which can change their desires and will necessarily change their identity) and orthodox Christian tenets about human sexuality, which Plaintiffs believe.

40. Accordingly, the limitations of Va. Code § 54.1-2409.5 violate the Free Speech Clause of Virginia's Constitution including through unlawful viewpoint discrimination.

41. Va. Code § 54.1-2409.5 violates Plaintiffs' fundamental rights guaranteed by Virginia Constitution Art. I § 12 because it is a law passed by the General Assembly that abridges Plaintiffs' freedom of speech by totally prohibiting certain speech by licensed professional counselors and other licensed professionals.

**Count 2 – Violation of Religious Freedom Under the Constitution of Virginia**

42. Plaintiffs hereby repeat and reallege each of the foregoing paragraphs as if fully stated herein.

43. Virginia Constitution Article I § 16 provides:

That religion or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience . . . . No man shall be . . . enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but all men shall be free to profess and by argument to maintain their opinions in matters of religion, and the same shall in nowise diminish, enlarge, or affect their civil capacities. And the General Assembly shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, . . . ; but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

44. Va. Code § 54.1-2409.5, both on its face *and* as applied to Plaintiffs, violates Virginia Constitution Article I § 16. Among other things, it restrains, molests, and burdens Plaintiffs' religiously motivated conduct and it causes Plaintiffs to suffer on account of their religious opinions and beliefs by preventing them, by threat of disciplinary actions, from speaking consistently with their faith and according to the dictates of their conscience.

45. Because Va. Code § 54.1-2409.5 prohibits Plaintiffs from speaking consistent with their deeply-held religious beliefs, including even sharing the message of the Gospel that is

the very basis of their faith, they are diminished and adversely affected in their civil capacities as Virginia licensed counselors.

46. Va. Code § 54.1-2409.5, both on its face *and* as applied to Plaintiffs, effectively prescribes a religious test in order to maintain one's counseling license because it permits only one viewpoint and religious worldview about a fundamental and ultimate matter of human existence. Plaintiffs' Biblical Christian worldview in matters of human sexuality is forbidden, and instead a secular humanism/determinism worldview is required for anyone to counsel minors in matters of sexual identity.

47. Va. Const. Art. I § 16 ends with: "[I]t shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please." This provision requires that Plaintiffs and their clients be free to privately contract with one another for the provision of religious counseling. But Va. Code § 54.1-2409.5 denies that right to the Plaintiffs.

**Count 3 – Violation of Art. 1 § 11 of the Constitution of Virginia**

48. Plaintiffs hereby repeat and reallege each of the foregoing paragraphs as if fully stated herein.

49. Virginia Constitution Article I § 11 provides:

[T]hat the right to be free from any governmental discrimination upon the basis of religious conviction . . . shall not be abridged, except that the mere separation of the sexes shall not be considered discrimination.

50. Va. Code § 54.1-2409.5 and its corresponding regulations abridge Plaintiffs' constitutional "right to be free from any governmental discrimination upon the basis of religious conviction."

51. Va. Code § 54.1-2409.5 imposes governmental discrimination upon Plaintiffs by prohibiting Plaintiffs from speaking a message that is consistent with, and even required by, their Christian faith—and indeed consistent with most major orthodox religions as they have existed over the course of millennia.

52. Not only does Va. Code § 54.1-2409.5 prohibit such orthodox religious views, but the statute also expressly permits licensed professional counselors with other viewpoints about human sexuality to speak alternatively-affirming messages on the same subjects to their minor clients. Taken together with the preceding paragraph, this evinces clear governmental discrimination on the basis of Plaintiffs' religious convictions.

53. Va. Code § 54.1-2409.5 intentionally treats similarly situated licensed professional counselors differently depending on the religious views they include in their counseling practices.

54. Because this law prohibits Plaintiffs from providing basic counseling services, as requested by their minor clients or their parents, and it relates to helping minors align themselves with perspectives on human sexuality that have been well accepted under most major orthodox religions for millennia, this adverse disparity in treatment cannot be justified under any requisite level of legal scrutiny for such Constitutional claims.

55. Va. Code § 54.1-2409.5 cannot even withstand a rational basis review because it fundamentally contradicts the most elementary biological reality that humans are either male or female and that no one can change his or her sex.

56. Significantly, Virginia Constitution Article I § 11 expressly recognizes the reality of sex distinctions, by clarifying “that the mere separation of the sexes shall not be considered discrimination.” Notwithstanding the language of Virginia's Constitution, Va. Code § 54.1-

2409.5 and its corresponding regulations contravene this recognition by prohibiting Plaintiffs from helping minor clients come to terms with this reality.

**Count 4 – Violation of Virginia’s Religious Freedom Restoration Act - § 57-2.02**

57. Plaintiffs hereby repeat and reallege each of the foregoing paragraphs as if fully stated herein.

58. Va. Code § 57-2.02(B) prohibits Virginia’s government from substantially burdening a person’s free exercise of religion, “even if the burden results from a rule of general applicability” unless the government demonstrates that “application of the burden to the person is (i) essential to further a compelling governmental interest and (ii) the least restrictive means of furthering that compelling governmental interest.”

59. “Substantially burden” is defined as “to inhibit or curtail religiously motivated practice.” Va. Code § 57-2.02(A).

60. “Exercise of religion” is defined as including the exercise of religion under Article I, Section 16 of the Constitution of Virginia, the Virginia Act for Religious Freedom (Va. Code § 57-1 *et seq.*), and the First Amendment to the United States Constitution. Va. Code § 57-2.02(A).

61. The Virginia Act for Religious Freedom (§ 57-1), authored by Thomas Jefferson, provides:

The General Assembly, on January 16, 1786, passed an act in the following words:

“Whereas, Almighty God hath created the mind free; that all attempts to influence it by temporal punishment, or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our religion, who, being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do; that the impious presumption of legislators and rulers, civil as well as ecclesiastical, who, being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and

modes of thinking as the only true and infallible, and as such endeavoring to impose them on others, have established and maintained false religions over the greatest part of the world, and through all time; . . . that our civil rights have no dependence on our religious opinions any more than our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which, in common with his fellow citizens, he has a natural right; that it tends only to corrupt the principles of that religion it is meant to encourage, by bribing, with a monopoly of worldly honors and emoluments, those who will externally profess and conform to it; that though, indeed, those are criminal who do not withstand such temptation, yet, neither are those innocent who lay the bait in their way; **that to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency, is a dangerous fallacy, which at once destroys all religious liberty, because he, being of course judge of that tendency, will make his opinions the rules of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own; that it is time enough for the rightful purposes of civil government, for its officers to interfere, when principles break out into overt acts against peace and good order;** and finally, that truth is great and will prevail, if left to herself; that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them:

“Be it enacted by the General Assembly, That no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested or burthened, in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge or affect their civil capacities.

“. . . we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind; and that if any act shall be hereafter passed to repeal the present, or to narrow its operation, such act will be an infringement of natural right.”

62. Va. Code § 57-2 provides that: “The General Assembly does hereby declare again that the rights asserted in § 57-1 are the natural and unalienable rights of mankind and this declaration is the policy of the Commonwealth of Virginia.”

63. Va. Code § 54.1-2409.5 substantially burdens, inhibits, and curtails Plaintiffs' religiously motivated practices by prohibiting Plaintiffs from speaking messages, and thereby counseling their clients, consistent with their Biblical convictions about sexuality and the Gospel.

64. Defendants have never demonstrated, and cannot demonstrate, by clear and convincing evidence, that the application of the burden imposed on Plaintiffs by § 54.1-2409.5 and corresponding regulations is both "essential to further a compelling governmental interest" and "the least restrictive means of furthering that compelling governmental interest."

65. Va. Code § 54.1-2409.5's prohibition on speaking with children to help them embrace their God-given sex and sexuality, and to understand the Gospel message, is repugnant to the Virginia Act for Religious Freedom (§ 57-1) for many reasons, including:

(a) It is nothing less than an "attempt[] to influence [the mind that Almighty God hath created free] by temporal punishments, or burthens, [and] by civil incapacitations, [which] tend only to beget habits of hypocrisy and meanness, and are a [blatant] departure from the Holy Author of [the Bible]";

(b) It reflects "the impious presumption of legislators . . . who, being themselves but fallible and uninspired men, have assumed dominion over the faith of others [including Plaintiffs], setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavoring to impose them on others, have established and maintained [a] false religion";

(c) It "proscribe[s] [Plaintiffs] as unworthy the public confidence by laying upon [them] an incapacity of being called to offices of trust [such as a state licensed professional], unless [they] profess or renounce this or that religious opinion, [and thus] depriv[es] [them] injuriously of those privileges and advantages to which, in common with [their] fellow citizens, [they have] a natural right"; and

(d) It "suffer[s] the civil magistrate to intrude his powers into the field of opinion, **and to restrain the profession or propagation of principles on supposition of their ill tendency, [which] is a dangerous fallacy, which at once destroys all religious liberty,** because he, being of course judge of that tendency, will make his opinions the rules of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own."



66. Plaintiffs’ desired act of engaging in pure speech with minor counseling clients who are seeking help with pursuing their natural God-given sexuality can in no way qualify as “break[ing] out into overt acts against peace and good order.”

67. The Virginia Act for Religious Freedom prescribes the remedy for disagreements about the nature of human sexuality: “that truth is great and will prevail, if left to herself; that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate; errors ceasing to be dangerous when it is permitted freely to contradict them.” However, Va. Code § 54.1-2409.5 seeks to actively suppress the truth by disarming licensed professionals—including Plaintiffs—of their ability to argue for one viewpoint over another in the context of speaking with their clients.

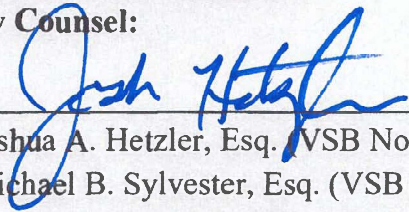
### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs request that the Court grant the following relief:

- A. Declare Va. Code § 54.1-2409.5 (and its corresponding regulations) to be unconstitutional as in direct violation of Virginia Constitution Article I §§ 11, 12, and 16.
- B. Declare Va. Code § 54.1-2409.5 (and its corresponding regulations) to be in direct violation of Va. Code § 57-2.02.
- C. Issue preliminary and permanent injunctive relief enjoining Defendants from enforcing Va. Code § 54.1-2409.5 and its corresponding regulations.
- D. Award Plaintiffs compensatory damages of \$50,000.
- E. Award Plaintiffs nominal damages of \$1,000.
- F. Award Plaintiffs’ attorneys’ fees and costs per Va. Code § 57-2.02(D) and their costs pursuant to Va. Code 8.01-190.

**JOHN N. RAYMOND, and  
JANET P. RAYMOND**

**By Counsel:**

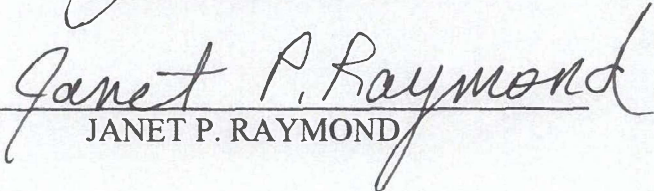
  
\_\_\_\_\_  
Joshua A. Hetzler, Esq. (VSB No. 89247)  
Michael B. Sylvester, Esq. (VSB No. 95023)  
FOUNDING FREEDOMS LAW CENTER  
707 E. Franklin Street  
Richmond, VA 23219  
Telephone: (804) 971-5509  
josh@foundingfreedomslaw.org  
michael@foundingfreedomslaw.org  
*Counsel for Plaintiffs*

**VERIFICATIONS**

Pursuant to Va. Code §§ 8.01-4.3 and 8.01-628, I declare under penalty of perjury that the foregoing factual allegations pertaining to me as set forth in this Verified Complaint are true and correct to the best of my knowledge.

  
\_\_\_\_\_  
JOHN N. RAYMOND

25 SEP 24  
Date

  
\_\_\_\_\_  
JANET P. RAYMOND

09-25-24  
Date