

### CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

- FEPA
- EEOC

Georgia Commission on Equal Opportunity

and EEOC

*State or local Agency, if any*

Name (Indicate Mr., Ms., Mrs.)

Dr. Eric G. Walsh

Home Phone (Incl. Area Code)

Date of Birth

Street Address

City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two are named, list under PARTICULARS below.)

Name

Georgia Department of Public Health

No. Employees, Members

100+

Phone No. (Incl. Area Code)

(404) 657-2700

Street Address

City, State and ZIP Code

2 Peachtree Street, NW, Atlanta, GA 30303

Name

No. Employees, Members

Phone No. (Incl. Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

- RACE
- COLOR
- SEX
- RELIGION
- NATIONAL ORIGIN
- RETALIATION
- AGE
- DISABILITY
- GENETIC INFORMATION
- OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest: May 16, 2014      Latest: May 16, 2014

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Please see attached statement.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State or Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

9/23/14  
Date

*E. Walsh*  
Charging Party Signature

*Angela Ward*  
09.23.14

My Commission Expires: 05.14.2018

***Statement in Support of Dr. Eric Walsh's  
Charge of Religious Discrimination and Retaliation***

I am an African-American and hold a medical degree from the University of Miami and a Dr.PH. from Loma Linda University. For almost ten years, I have served as a leader in the urgent care and public health fields. I have served as the Medical Director for Urgent Care at the Loma Linda University Medical Center, Medical Director for the Family Health Division of Orange County Health Care Agency, Orange County, California. I have lectured as a professor at the University of Irvine in its Masters of Public Health program. For ten years, I was an associate professor of family medicine at Loma Linda University School of Medicine. It has been my pleasure to serve on the President's Council on HIV/AIDS, as a member of the National Advisory Committee to the Center for Excellence in Sexual Health at the National Center for Primary Care at the Morehouse School of Medicine, as a board member to the Latino Health Collaborative Executive Board, on the board of MOMS of Orange County, as chairman of the Youth Action Project in San Bernardino, California, and as an advisor to the Centers for Disease Control Breast and Cervical Cancer Early Detection and Control Advisory Board. I have received numerous awards including the award for outstanding community service in the area of youth mentoring and youth development presented by People's Choice INC. I have been a member in good standing in several professional development organizations, including Global Health Council, American College of Preventative Medicine, American Society for Addiction Medicine, American College of Physician Executives, and American Public Health Association

I am a devout member of the Seventh Day Adventist Church and, as a part of my sincerely-held religious beliefs, I believe in expressing my faith. I am a lay minister of the Seventh Day Adventist Church and served as an associate pastor at Altadena Seventh Day Adventist Church. As result of my ministry, the church sometimes asks me to preach. My faith is important to me; I regularly speak about my faith at churches and religious conferences. Presently, I serve as a missionary with a medical clinic in Guam.

This year, I applied for a job and was hired, but was then discriminated against when my employer terminated due to my beliefs. Terminating me for my beliefs was discriminatory, retaliatory, or both. My employer terminated me before my first day on the job. Thus, my employer would have been discriminating against me as a job applicant even if it had not yet hired me, by refusing to hire me due to my religious beliefs. Furthermore, my employer publicly announced my termination causing me to be blacklisted from employment in my field. As a result, I have been unable to obtain further employment in the field of public health.

On May 5, 2014, the State of Georgia Department of Health hired me as District Health Director. The state interviewed me on three separate occasions, and offered me a position as District Health Director at the conclusion of our last meeting, which I accepted. According to my offer letter, the State of Georgia required me to complete paperwork for human resources, including an educational background check and a normal background check. *See Exhibit 1.* Shortly thereafter, they began introducing me to my junior staff and the news reported that I had been hired as the new District Health Director. *See Exhibit 3-4.* The State of Georgia announced

publicly that *my* background check would include a review of my religious beliefs and expressions. *See* Exhibit 6. As the *Pasadena Star-News* reported on May 13, 2014:

[Georgia] state public health department spokesman Ryan Deal said Walsh has yet to [sic] been officially hired because a background check is taking longer than expected. "That background check has not [sic] completed and at this time the Department of Public Health has found areas for further exploration." Deal said, adding that the areas of further investigation were recent issues reported by this news organization.

Exhibit 7.

On May 16, 2014, after gathering information about my religious expressions, the State of Georgia withdrew its offer and terminated me because of my religious beliefs. *See* Exhibits 5-6. The "recent issues" referred to in the State's media statements are my speeches and sermons—specifically, the ones that led to my ouster as commencement speaker at Pasadena City College, suspension by the City of Pasadena, and forced resignation from my role as the Public Health Officer for the City of Pasadena. My religious statements were specifically targeted for review and, by the State's own public admission, are why it terminated me.

The State of Georgia became aware of my religious beliefs due to publicity related to a speaking engagement in California. Just a few weeks before I was hired, Pasadena City College had invited me to be the commencement speaker for the class of 2014. But prior to delivering that speech, some students sought out some of my sermons and complained to the university about my views.

The college leadership asked me to withdraw as a speaker, and I agreed. That made me the second scheduled speaker the college asked to withdraw from the ceremony. Meanwhile, and no doubt due in part to the very public withdrawal of the prior speaker, the news reported on my withdrawal.

During my interview with the State of Georgia, I volunteered information about the situation generated by students complaining about my religious views so that the State would be aware. *See* Exhibit 2. In addition, my previous employer spoke directly to senior officials within the Georgia Department of Health to explain what had happened with Pasadena City College.

The Georgia Department of Health terminated me in an email and promised a written letter explaining further. *See* Exhibit 5. No such letter ever arrived.

However, my previous employers in Georgia, including Dr. Patrick O'Neil and Kate Pfirman, left me a surprising voicemail. In it, they told me to they would be "sending me a letter," but did not reveal the contents of that letter. However, the voicemail continued after the callers finished speaking to me; state officials laughed among themselves about exactly how they would terminate me.

Based on the foregoing facts, I believe the State of Georgia discriminated against me based on my religion in violation of Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000-e, et seq.)

# **EXHIBIT 1**

**Offer Letter from George Department of Health to Dr. Eric Walsh and  
accompanying email from Justin Wade dated May 7-8, 2014  
[Highlighting added]**



Brenda Fitzgerald, MD, Commissioner | Nathan Deal, Governor

2 Peachtree Street NW, 15th Floor  
Atlanta, Georgia 30303-3142  
www.health.state.ga.us

May 8, 2014

Dr. Eric G. Walsh  
62 North Arroyo Blvd  
Pasadena, CA 91105

Dear Dr. Walsh:

I am pleased to offer you a position with the Georgia Department of Public Health (DPH) as the **District Health Director** | Physician position Pay Grade SE within the North Georgia Health District (Dalton, GA) at an annual salary of \$150,000. The tentative effective date of your employment with DPH is **Monday, June 16, 2014**.

This position is unclassified, which means "at will" employment. The duties of the job are those already described to you during the interview, but are subject to change as required. Your position is subject to a six (6) month probationary period during which your performance and suitability for employment will be evaluated.

**Please be aware that as a condition of employment with the Georgia Department of Public Health, it will be contingent upon verification of the educational background check and successful completion of the background investigation. You may also be subject to drug and alcohol testing.**

Please complete the attached forms and return them to Justin Wade. You may elect to upload and email the forms [justin.wade@dph.ga.gov](mailto:justin.wade@dph.ga.gov) or you may mail the required documents to DPH - Office of Human Resources, Attention: Justin Wade, DPH Office of Human Resources, 2 Peachtree Street, 16<sup>th</sup> Floor, Atlanta, GA 30303.

**PLEASE NOTE:** The forms that will require notarization from an approved notary must have an approved seal. Most notaries have the newer technology in which the raised seal is suitable for faxing and/or copying. However, in the event the notary does not, and the seal is embossed, you will need to mail the required forms to DPH Office of Human Resources. Please return these forms within the next 3 business days.

Please review this offer and indicate your acceptance or rejection by signing below and returning this by email to [justin.wade@dph.ga.gov](mailto:justin.wade@dph.ga.gov).

We look forward to working with you.

Sincerely,

Lee Rudd  
Director, Department of Public Health  
Office of Human Resources

ACCEPT: \_\_\_\_\_

DATE: \_\_\_\_\_

DO NOT ACCEPT: \_\_\_\_\_

DATE: \_\_\_\_\_

cc: Personnel File



**We Protect Lives.**

-----Original Message-----

From: Wade, Justin M <[Justin.Wade@dph.ga.gov](mailto:Justin.Wade@dph.ga.gov)>

To:

Cc: Rudd, Lee <[Lee.Rudd@dph.ga.gov](mailto:Lee.Rudd@dph.ga.gov)>

Sent: Thu, May 8, 2014 6:08 am

Subject: Offer: District Health Director

Dr. Walsh,

Please be in receipt of the revised offer letter.

Thanks,

**Justin Wade**

**HR Business Partner**

GA Department of Public Health

P: 404.232.1696 | F: 770.359.4606

Blackberry P: 404.263.4475

**We Protect Lives.**

**From:** Wade, Justin M

**Sent:** Wednesday, May 07, 2014 4:11 PM

**To:**

**Cc:** Rudd, Lee

**Subject:** Offer: District Health Director

Dr. Walsh,

Greetings from the GA Department of Public Health - Office of Human Resources:

Congratulations! You have been selected for the **District Health Director** within the North Georgia Health District. Your tentative effective date for your employment is Monday, June 16, 2014. Your leave request has also been approved per Lee Rudd for June 25 – July 7, 2014.

You will receive an email from [noreply@neogov.com](mailto:noreply@neogov.com) within the next 24 hours. Please follow the instructions in the email to setup and gain access to your account in the NEOGov hiring system. Upon logging in to NEOGov, please select the On-Boarding tab on the left-hand side of the page. You will see our welcome page with instructions and a checklist of forms that need to be completed.

Thanks,

**Justin Wade**

**HR Business Partner**

GA Department of Public Health

Two Peachtree Street, NW

Atlanta, GA 30303

P: 404.232.1696 | F: 770.359.4606

Blackberry P: 404.263.4475

**We Protect Lives.**



## **EXHIBIT 2**

**Email exchange with Lee Rudd dated May 10-11, 2014.**

**Confirming Dr. Walsh's volunteering of information about the events in  
California concerning the expression of his religious beliefs.  
[Highlighting added]**

-----Original Message-----

From: Eric Walsh

To: Rudd, Lee <[Lee.Rudd@dph.ga.gov](mailto:Lee.Rudd@dph.ga.gov)>

Sent: Sun, May 11, 2014 5:58 pm

Subject: Re: ERIC G LOS ANGELES 03MAY14

Lee,

Of course I would want them to know so they can make an informed decision. And thank you for processing the check.

EW

Sent from my iPhone

On May 11, 2014, at 5:56 PM, "Rudd, Lee" <[Lee.Rudd@dph.ga.gov](mailto:Lee.Rudd@dph.ga.gov)> wrote:

Ok. I will get this processed. Appreciate you sharing the events in California with the team. I do Google searches before we bring on people in your type of role. Always better to hear from the person involved first.

**From:** Eric Walsh

**Sent:** Saturday, May 10, 2014 08:18 PM

**To:** Rudd, Lee

**Subject:** Fwd: ERIC G LOS ANGELES 03MAY14

Lee,

Here is the receipt for the ticket I purchased.

EW

Sent from my iPad

## **EXHIBIT 3**

**Article from *Pasadena Star News* dated May 13, 2014 announcing GA  
Department of Health had hired me [Highlighting added]**

## **Pasadena Health Director Dr. Eric Walsh hired by Georgia Public Health Department**

*By Lauren Gold, Pasadena Star-News*

PASADENA >> Embattled Pasadena Public Health Director Dr. Eric Walsh has been hired to lead a six-county state public health department in Georgia, contingent upon a background check.

Georgia Public Health Department officials made the announcement to staff members on Monday, and Walsh is tentatively scheduled to begin work with the North Georgia Health District on June 16, district spokeswoman Jennifer King said Tuesday.

However, state public health department spokesman Ryan Deal said Walsh has yet to be officially hired because a background check is taking longer than expected.

“That background check has not completed and at this time the Department of Public Health has found areas for further exploration,” Deal said, adding that the areas of further investigation were recent issues reported by this news organization.

He said that an early announcement to district staff was “unfortunate” and premature.

Deal could not specify when the search for a new director began but said Walsh came to Atlanta for an in-person interview this month.

“It’s simply not a routine hire in Georgia, so I think it’s imperative we get it right,” Deal said. “It’s important we get a person who understands the needs of public health, the needs of the people of Georgia and ultimately is well-positioned to perform in a very challenging public health environment.”

Walsh was placed on paid administrative leave May 1 from the Pasadena Public Health Department after recorded sermons surfaced online in which he makes discriminatory remarks about homosexuals, Muslims, Catholics, popular culture icons and other groups. Walsh is an associate pastor at the Altadena Seventh-day Adventist Church.

Many political and religious groups have condemned his statements and called for his resignation. Walsh’s own church said he does not have official credentials as a pastor and said his opinions are his own. Others have defended his right to free speech and commended his work as Health Department director.

City Manager Michael Beck launched an investigation into Walsh’s statements and whether they affected Walsh’s work at the Health Department.

Beck did not respond to requests for comment Tuesday.

The sermons surfaced after Walsh was invited to speak at the commencement for Pasadena City College, following a scandal in which Oscar-winning screenwriter and gay-rights advocate Dustin Lance Black was uninvited from the ceremony. Walsh ultimately backed out, and Black spoke at the commencement on Friday.

Walsh did not respond to calls for comment.

Some City Council members tersely addressed the prospect of Walsh leaving the city.

"We are precluded from saying anything in reference to Dr. Walsh to ensure that all of his personnel rights are protected," Councilman John Kennedy said. "However, whatever Dr. Walsh decides to do, I wish him well."

Councilman Terry Tornek deferred deeper comments on the issue to City Hall.

"This is just an unhappy episode for everybody," he said.

Mayor Bill Bogaard and Councilwomen Margaret McAustin and Jacque Robinson did not return calls.

Correction: Due to a reporting error, a previous version of this story stated incorrectly that the Seventh Day Adventist Church called for Dr. Eric Walsh's resignation. The organization has not called for his resignation. The story has been changed to fix the error.

*(<http://www.pasadenastarnews.com/health/20140513/pasadena-health-director-dr-eric-walsh-hired-by-georgia-public-health-department>, accessed 8/12/14)*

# **EXHIBIT 4**

**Email from Louise Hamrick dated May 8, 2014 welcoming  
me to my new position [Highlighting added]**

-----Original Message-----

From: Louise Hamrick <[lwhamrick@dhr.state.ga.us](mailto:lwhamrick@dhr.state.ga.us)>

To:

Cc: Jack Kennedy <[JDKennedy@dhr.state.ga.us](mailto:JDKennedy@dhr.state.ga.us)>; Susan Brewster <[sfbrewster@dhr.state.ga.us](mailto:sfbrewster@dhr.state.ga.us)>; Stephen Tonya <[sjtonya@dhr.state.ga.us](mailto:sjtonya@dhr.state.ga.us)>

Sent: Fri, May 9, 2014 5:21 am

Subject: Welcome

Hello Dr. Walsh,

On behalf of the District Leadership Team and our interim District Health Director, Dr. Jack Kennedy, welcome to the North Georgia Health District 1-2 as our District Health Director.

We are very pleased that you chose to join our team, and we look forward to working with you.

If I can answer any questions or be of any assistance to you in your preparation to assume the position, please let me know.

We look forward to seeing you in June.

Louise

This message and any included attachments are from the County Board of Health and are intended only for the addressee(s). The information contained herein may include privileged or otherwise confidential information. Unauthorized review, forwarding, printing, copying, distributing, or using such information is strictly prohibited. If you receive this message in error or have reason to believe you are not authorized to receive it, please promptly delete this message and notify the sender by email. Thank you.

Louise W. Hamrick, MSN, MBA, RN, FNP-BC

District Deputy Director

North Georgia Health District

100 West Walnut Avenue Suite 92

Dalton, Georgia 30720

Phone 706-272-2342

FAX 706-272-2221

# **EXHIBIT 5**

**Email from Kate Pfirman dated May 16, 2014**



-----Original Message-----

From: Pfirman, Kate <[Kate.Pfirman@dph.ga.gov](mailto:Kate.Pfirman@dph.ga.gov)>

To: walsh

Sent: Fri, May 16, 2014 12:19 pm

Subject: Retraction of Contingent Offer of Employment

I am sorry that we were not able to reach you today by phone.

The purpose of this email is to retract the contingent offer of employment with the Georgia Department of Public Health (DPH) for the position of District Health Director that was extended on May 8, 2014. A letter to this effect will follow.

I wish you the best in your future employment endeavors.

# **EXHIBIT 6**

**Article from the *Pasadena Star-News*, dated May 16, 2014 reporting that the Georgia Department of Health rescinded the offer of employment to Dr. Walsh because of his religious expression  
[Highlighting added]**

## **Georgia Public Health rescinds offer to former Pasadena Health Director Eric Walsh**

*By Lauren Gold, Pasadena Star-News*

PASADENA >> The Georgia Department of Public Health announced Friday that it has rescinded an employment offer to former Pasadena Public Health Director Dr. Eric Walsh.

Walsh resigned from his post in Pasadena on Wednesday after City Manager Michael Beck placed him on administrative leave to investigate discriminatory statements he made in Seventh-day Adventist sermons posted online. In the sermons, Walsh condemns homosexuals, Muslims, Catholics, popular culture icons and other groups as well as Darwin's theory of evolution.

The sermons surfaced after Walsh was invited to speak at Pasadena City College's commencement ceremony. He later backed out of the speech, citing a scheduling conflict.

Georgia officials said this week they had hired Walsh to run a six-county district of the state health department, contingent upon a background check. In a news release sent Friday, spokesman Ryan Deal said the background check findings led to the department retracting its offer.

"Today's action by the department follows a thorough examination of Dr. Walsh's credentials and background as well as consultation with the six local boards of health which comprise the district," Deal said in a statement.

Deal said previously that news coverage of Walsh's sermons had been part of the background investigation that caused officials to pause.

Once a premature department announcement broke the news of Walsh's job offer, activist groups in Georgia spoke out against him coming to the state. The AIDS Healthcare Foundation, which also spoke out against Walsh to the Pasadena City Council, called on Georgia leaders to rescind the offer.

"We find it deplorable that Georgia would hire him under these conditions," AHF President Michael Weinstein said on Wednesday. "We provide service in Georgia and we do advocacy there and we are mobilizing people to protest his hiring. We feel as responsible for the people of Georgia as we do in Pasadena."

The Health Initiative, an LGBT activist group in Georgia, sent a letter to Public Health Commissioner Brenda Fitzgerald on Thursday asking her not to hire Walsh.

“Dr. Walsh’s public displays of anti-gay propaganda and religious rhetoric will become symbols of the department and will further isolate an already vulnerable population,” Executive Director Linda Ellis wrote. “We believe this hire is detrimental to the well-being of our community, as well as to the effectiveness of the department to conduct meaningful outreach to LGBT Georgians.”

Walsh has not responded to several requests for comment. He issued a statement to his city coworkers Wednesday apologizing if he had hurt anyone and calling his years in Pasadena “the highlight of my career.”

After the sermons surfaced, many religious and political groups condemned Walsh’s statements, and his own church even distanced itself from him, claiming he has no credentials as a pastor even though he is paid to be the associate pastor at Altadena Seventh-day Adventist Church.

Others came to his defense, citing his progressive work with the health department, including expanded services for HIV patients like a new low-cost dental clinic. Victor Cass, a Pasadena Police officer who has been outspoken in defense of Walsh’s First Amendment rights, said he was disheartened by Georgia Public Health official’s actions.

“I think it’s sad that without any evidence of wrongdoing, negligent or criminal behavior, or proof that anyone under Dr. Walsh’s care as director of the Pasadena Public Health Department were ever treated unfairly, or were prejudiced against, as a result of his personal religious beliefs, that a professional person can have their job opportunities and livelihood stripped away because their views aren’t in line with the so-called ‘correct’ political atmosphere,” Cass said in an email. “Our country is headed in the wrong direction in this regard, and the First Amendment has never been in greater jeopardy.”

*(<http://www.pasadenastarnews.com/health/20140516/georgia-public-health-rescinds-offer-to-former-pasadena-health-director-eric-walsh>, accessed 8/8/14)*

## **EXHIBIT 7**

**Article from the *Pasadena Star-News*, dated May 13, 2014 reporting that the  
Georgia Department of Public Health would be investigating  
Dr. Walsh's reported expressions of religious belief**

# **Pasadena Health Director Dr. Eric Walsh hired by Georgia Public Health Department**

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Many political and religious groups have condemned his statements and called for his resignation. Walsh's own church said he does not have official credentials as a pastor and said his opinions are his own. Others have defended his right to free speech and commended his work as Health Department director.

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