



October 7, 2024

Cori Reaume
Director of Community Development
City of Rowlett
5702 Rowlett Road
Rowlett, TX 75089

Sent via email and U.S. Mail

Re: Freedom Place Church

Dear Ms. Reaume:

First Liberty Institute is a non-profit law firm dedicated to defending and restoring religious liberty for all Americans. We represent Freedom Place Church (the “Church”), the owner of the property located at 4111 Main Street, Rowlett, Texas 75088 (the “Property”). Please direct all communications regarding this matter to me. Your recent letter claiming the Church’s certificate of occupancy was issued in error and threatening to revoke the certificate and thereby shut down the Church within 10 days violates the U.S. and Texas Constitutions along with federal and state laws. We request it be withdrawn immediately by no later than 5pm local time today.

The City’s threatened action violates the U.S. Constitution, Texas Constitution, and the Texas Religious Freedom Restoration Act.

The Church has been operating at the Property pursuant to the Certificate of Occupancy issued by the City of Rowlett (the “City”) last December. Under Article I, Section 6-a of the Texas Constitution, no city may take any action that “prohibits or limits religious services, including religious services conducted in churches, congregations, and places of worship, in this state by a religious organization established to support and serve the propagation of a sincerely held religious belief.” Likewise, the Texas Religious Freedom Restoration Act (“TRFRA”) states that “[a] government agency or public official may not issue an order that closes or has the effect of closing places of worship in this state or in a geographic area of this state.” Tex. Civ. Prac. & Rem. Code § 110.0031. Despite this clear command by Texas law, the City is threatening to do just that by revoking the Church’s certificate. This letter hereby serves as notice that the City’s threatened action is in violation of TRFRA as required by TRFRA. *Id.* § 110.006.

The City’s actions also violate a separate provision of TRFRA, which states “a government agency may not *substantially burden* a person’s *free exercise of religion* [unless it] (1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that interest.” *Id.* § 110.003 (emphasis added). Here, there is no question that the City’s threat to shut down the Church’s operations at the Property will prevent the Church from engaging in religious activities. Moreover, the City’s interests in parking and having a final plat on file fall far short of the “interests of the highest order” required to demonstrate a compelling interest. *See Barr v. City of Sinton*, 295 S.W.3d 287, 306 (Tex. 2009). Even if such interests were compelling,

the City's draconian approach of shutting down all religious activity at the Property is hardly the least restrictive means for the City to achieve its goals. *See id.* at 308.

Beyond the City's general threat to shut down all operations at the Church, it is clear from the timing of the City's letter that it is intended to prevent the Church from serving as an early voting site in Dallas County. The Church feels religiously called to serve the members of its community, so when it received a call from Dallas County officials asking if the Church would be interested in serving as an early voting site, it was happy to agree. But now that agreement is in jeopardy based on the City's unlawful actions. Such actions burden the Church's religious exercise and cannot satisfy strict scrutiny because they are motivated by hostility to the Church's religious exercise. The City's repeated objections to the Church serving as a voting site in Rowlett reveals the City's intent to discriminate based on the Church's religious status. Comments from Mayor Margolis during a City Council meeting last September stating that churches and other houses of worship should never serve as voting sites because they are not sufficiently "neutral" demonstrate the City's true motivations for taking action against the Church. Indeed, Mayor Margolis's hostility to Freedom Place resulted in Dallas County revoking an agreement for the Church to serve as a voting site in 2023. This is exactly what the City is seeking to do again this year. The City's view that churches should never serve as voting sites is not only contrary to history and widespread practices across Dallas County and the United States, but also demonstrates an intent to discriminate based on religious status that is "odious to our Constitution . . . and cannot stand." *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 582 U.S. 449, 467 (2017). The City's last-minute efforts to sabotage the Church serving as a voting site also sows confusion regarding where its citizens may vote in the upcoming election.

Should the City fail to withdraw its threatened action against the Church, it will deprive the Church of its civil rights, for which irreparable injury city officials would be personally liable. *See Elrod v. Burns*, 427 U.S. 347, 373 (1976) ("The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury."); *Kentucky v. Graham*, 473 U.S. 159, 166 (1985) (those deprived of Constitutional rights may recover "an award of damages against an official in his personal capacity [which] can be executed . . . against the official's personal assets"); *see also* 42 U.S.C. §§ 1983, 1988.

Public Records Requests

Under the Texas Public Information Act, Tex. Gov't Code Title 5, Chapter 552, Freedom Place Church requests the opportunity to inspect and obtain copies of public records. A list of the requested records is included below. Please produce the requested records in an electronic medium, if available. *See* Tex. Gov't Code § 552.228(b). As disclosure of the information requested is in the public interest of preventing religious discrimination, the Church requests a waiver of any fees associated with this public records request. *See* Tex. Gov't Code § 552.267.

The Church requests copies of the following public records listed below. Unless otherwise specified, the time period for each request is January 1, 2023 to the present.

- All written or electronic communications, including but not limited to emails, text messages, and voicemails, between or among 1) Mayor Blake Margolis, 2) any City

Council members or their staff, and 3) any City agent or employee, about, mentioning, referring to, or in any way related to the Church or the Property.

- All written or electronic communications, including but not limited to emails, text messages, and voicemails, between or among 1) Mayor Blake Margolis, 2) any City Council members or their staff, 3) any City agent or employee, and 4) any staff, agent, or employee of the Dallas County Elections Department about, mentioning, referring to, or in any way related to the Church or the Property.
- All written or electronic communications, including but not limited to emails, text messages, and voicemails, between or among 1) Mayor Blake Margolis, 2) any City Council members or their staff, 3) any City agent or employee, and 4) any staff, agent, or employee of the Rowlett Chamber of Commerce about, mentioning, referring to, or in any way related to the Church or the Property.
- All written or electronic communications, including but not limited to emails, text messages, and voicemails, between or among 1) Mayor Blake Margolis, 2) any City Council members or their staff, 3) any City agent or employee, and 4) Dallas County Commissioners Court or its staff, agents, or employees about, mentioning, referring to, or in any way related to the Church or the Property.
- All written or electronic communications, including but not limited to emails, text messages, and voicemails, between or among 1) Mayor Blake Margolis, 2) any City Council members or their staff, 3) any City agent or employee, and 4) any other person about, mentioning, referring to, or in any way related to the Church or the Property.
- All written or electronic communications, including but not limited to emails, text messages, and voicemails, between or among 1) Mayor Blake Margolis, 2) any City Council members or their staff, 3) any City agent or employee, and 4) any staff, agent, or employee of the Dallas County Elections Department about, mentioning, referring to, or in any way related to the Fall 2023 election.
- All written or electronic communications, including but not limited to emails, text messages, and voicemails, between or among 1) Mayor Blake Margolis, 2) any City Council members or their staff, 3) any City agent or employee, and 4) any staff, agent, or employee of the Dallas County Elections Department about, mentioning, referring to, or in any way related to the Fall 2024 election.
- All final plats filed with the City by previous owners of the Property in connection with obtaining a certificate of occupancy within the last 25 years.
- All parking information provided by previous owners of the Property in connection with obtaining a certificate of occupancy within the last 25 years.

- All Minor Warrants issued by the City to previous owners of the Property within the last 25 years.

Conclusion

Whether guaranteed by the U.S. Constitution, Texas Constitution, or Texas law, the Church has every right to continue engaging in religious exercise. The City must withdraw its letter immediately. Regardless, we have advised our client that the members and visitors of the Church are fully within their rights peaceably to assemble at the Church regardless of what the City does, unmolested by officials with the City. Should they be penalized or their civil rights be otherwise punished or burdened, we are prepared to vigorously defend our client's rights in court as outlined herein.

You may send the withdrawal of your letter, and schedule a time to discuss your concerns, via email at jdys@firstliberty.org. Thank you for your prompt attention to this matter.

Respectfully,



Jeremy Dys
Senior Counsel
First Liberty Institute

cc: Ryan Gardner, Counsel, First Liberty Institute
David Hall, City Manager
Kristoff Bauer, Assistant City Manager
Victoria Thomas, City Attorney