

TOWN CLERKS OFFICE
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NOTICE OF CLAIM

To: Fountain Hills Town Council
Attn: Town Manager Rachael Goodwin, Mayor Gerry Friedel, Vice-Mayor Allen Skillicorn
and Councilmember Hannah Larrabee.
16705 E. Avenue of the Fountains
Fountain Hills, AZ 85268

Re: Notice of Claim – Town of Fountain Hills, Mayor Gerry Friedel, Vice-Mayor Allen Skillicorn and Councilmember Hannah Larrabee.

Pursuant to A.R.S. § 12-821.01, this Notice of Claim is submitted by Bethany Culp (“Claimant”) against the Town of Fountain Hills, a municipal corporation, and the following individual public officials and employees in their individual and official capacities: Mayor Gerry Friedel, Councilmember Hannah Larrabee and Vice-Mayor Allen Skillicorn. The conduct complained of in this Notice occurred during the Regular Meeting of the Fountain Hills Town Council on September 16, 2025.

INTRODUCTION

This Notice of Claim is hereby served upon the Town of Fountain Hills and its governing body, the Town Council and the following individual members of the Town Council: Mayor Gerry Friedel, Vice-Mayor, Allen Skillicorn and Councilmember Hannah Toth.

These violations complained of in this Notice were committed by Mayor Gerry Friedel, Vice-Mayor Allen Skillicorn and Councilmember Hannah Larrabee during the Regular Meeting of the Fountain Hills Town Council held on September 16, 2025.

The undersigned hereby provides notice of intent to pursue legal action against the Town and the individuals identified above seeking compensatory damages and declaratory and injunctive relief for violation of the Arizona Constitution, Article II, Section 12, and Article XX, Paragraph and an action under 28 USC § 1983 for violation of the Establishment Clause contained in the First Amendment to the United States Constitution.

FACTUAL BACKGROUND

On or about September 16, 2025, during a regularly scheduled public meeting of the Fountain Hills Town Council, during a time specifically reserved in the Rules of Procedure for an Invocation/Moment of Reflection, Friedel allowed Pastor Dee Pavia, to eulogize Charlie Kirk, promote her Christian religion and invoke the Christian tenet that only “believers” would be saved. This eulogy was delivered before the Invocation/Moment of Reflection provided for in the Rules of Procedure.

During the September 16th meeting, in time reserved by The Rules of Procedure for council members to provide two-minute summary reports of their town related activities and discuss town related events, Friedel allowed Skillicorn and Larrabee to use the allotted time

to eulogize Charlie Kirk, engage in religious proselytizing, read from scripture and invoke demons, Hell and salvation in an effort to promote their Christian religion and coerce and intimidate members of the public who were in attendance or participating in the meeting via the link to the live broadcast of the proceedings.

During the Call to the Public, time reserved for citizens to address the Town Council on non-agendized issues within the Council's jurisdiction, Friedel allowed a local resident, Ben Larrabee, to eulogize Kirk engage in religious proselytizing, promote his Christian religion and attack the "radical left" for "ideologies and the lifestyles that have poisoned the minds of his killers."

In his capacity as the Presiding Officer Friedel is obligated to protect and uphold the Constitutional rights of citizens by interrupting the speakers and instructing them to abide by the Rules of Procedure and the limitations imposed by the United States and Arizona Constitutions. Friedel made no effort to intervene to ensure that the meeting was limited to the secular business of the Town and allowed the speakers, identified above to deviate from the official agenda and violate the constitutional requirements that public bodies remain neutral with respect to religion.

Skillicorn and Hannah Larrabee violated the Rules of Procedure, the Town's Code of Ethics and the Federal and State Constitutions by using a public forum and public resources to engage in coercive speech designed and intended to promote their Christian faith and deride, demean and intimidate "non-believers".

Following is the complete text of the statements made during the September 16th meeting that are the subject of this Notice:

Pastor Pavia

PASTOR PAVIA: Thank you, Mayor. And I don't see the vice mayor here, but counsel, and also staff, thank you for having me to share the invocation once again. On behalf of Christ Church of Fountain Hills, I am honored.

And if it's okay, I just wanted to share real briefly prior to the invocation I just wanted to take a brief moment, if we could, to share from both Christ Church and those who were inspired by the late Charlie Kirk our deepest condolences to his family and followers. My husband, Pastor Keith, and I were honored to have met Charlie, and along with other pastors here in the Valley, met with him on a monthly basis. And he was every bit as courageous, and kind, and generous, and brilliant, and he was a man that was wise beyond his years. He loved God. He loved family, and he absolutely loved this country. And we will truly miss him. So I just wanted to take a minute to share that.

While most may try and relate Charlie to a political movement, his influence reached far beyond politics, and his voice encouraged people to stand strong in their

faith, to defend traditional values, and never shy away from truth. Charlie was a man of truth, absolutely he was. And while he may no longer be on this earth, his words remain a powerful reminder of the principles he dedicated his life to sharing. And his legacy will continue to live on through the countless lives he touched.

With that, I'll leave you with just a couple of quotes from Charlie. "When you stop having a human connection with someone you disagree with, it becomes a lot easier to want to commit violence against that group. What we as a culture have to get back to is being able to have a reasonable disagreement where violence is not an option."

*And this one, I believe, might have been his favorite. "I want to be remembered for courage, for my faith." And Charlie absolutely loved God. We saw that every time we saw him. And he, by far, is one of the most courageous men I believe I will ever have the opportunity to meet. And my -- and the last quote I'd like to share is my personal favorite. **"All death, all death can do to a believer is deliver him to Jesus. This place is not our home, and heaven awaits those who are believers."** So rest in peace, Charlie Kirk. God be with your wife, children, family, and all who loved you.*

*Would you pray with me. Lord, **in all things we glorify you and you alone.** Let your spirit work in us to build bridges where walls have been raised. Unite us in purpose and vision, for we can accomplish so much more together than apart. While many of us may come before you with heavy hearts for the divisions that exist within our nation, we know that you are a God of peace and restoration, and nothing is impossible for you. Lord, we pray for healing across our land. Replace hatred with love, anger with understanding, and division with unity. Let us focus on common values and goals that reflect your truth and righteousness. For your Word tells us, be completely humble and gentle, be patient, bearing with one another in love. Lord, guide our council members with wisdom, humility, and discernment today.*

*Inspire us as citizens of this beautiful town of Fountain Hills, Arizona, to act with kindness, respect, responsibility, and dignity, **working together for the greater good. Unite us as one nation under God, striving for justice, peace, harmony, and in all things love. In Jesus' name we pray. Amen. (emphasis added)***

Allen Skillicorn

VICE MAYOR SKILLICORN: Thank you, Mr. Mayor. Well, it's a solemn evening, and there is darkness in this world. And that darkness took a bit of the lightness from us. And we all should pray for justice. Justice for the shooter, justice for the Kirk family, justice for the -- the people

that celebrate darkness. **But there's something to be reassured about, is that it's pretty clear that Charlie Kirk was not murdered for politics. He was murdered for his faith in Jesus Christ.** The last few years, that has been a prominent part of his words, and his message to the next generation, but also the world.

So I met Charlie Kirk in 2011 and he was, you know, young man, activist. **But he became a true leader, a leader not just to his generation or the country or a movement, but a leader in proclaiming the good news of Jesus Christ.** And I just want to let people know that even though that lightness -- that lightness has been taken from us, we will be reunited with him. And you know, **I want to share that Romans 10:13 says, for whoever calls on the name of the Lord will be saved. Those words are true.** And that --and that means that we will be reunited with our brother, so. Councilwoman Larrabee? (emphasis added)

Hannah Larrabee

COUNCILMEMBER LARRABEE: Over the last six days, I grieved. Our country lost a man who dedicated himself wholly to free speech and public discourse. My work family lost a mentor and leader that we loved. My husband lost a friend he worked for eight years. And most importantly, two young children, ages 1 and 3, lost their father.

On Wednesday Charlie Kirk was horrifically publicly murdered. Charlie loved Fountain Hills. Every single time I saw him, he asked about our town, best town in Arizona. **And beyond politics, what Charlie wanted most to be remembered for was his faith in Christ Jesus.** He desired a happier, healthier nation, and constantly reached across the aisle to help people see truth. He believed in sharpening ideas through debate. He was an incredible man, and he was killed for it.

This assassination did not happen in some vacuum. It was not some random fluke act. The hatred that birthed it has been stirring since Charlie first started Turning Point. And each of us at the company have looked that hatred in the eye. We are no strangers to it, and neither is American history. **Charlie joins a very long line of patriotic Christian men to have a leftist make an attempt on his life: Abe Lincoln, JFK, MLK, Jr., Gerald Ford, Ronald Reagan, President Trump. This hatred is not new.** It's just more noticeable, and contagious in the day of social media. And Fountain Hills, unfortunately, is not immune from it. These things affect us too.

I wanted to take time today to speak some words of encouragement to the people here in town in the wake of all this hatred. And when I think you need to hear it most. We saw nationwide as well-known leftist activists offered empty words, and

crocodile tears at the same time as joking about Charlie's death in their private -- private discord channels, and much more that didn't bother to hide their joy, some even while in attendance at the very event. Others while on the congressional floor or in their newsrooms. And it's important to remember when you face such blatant hatred like this, that those words are not really coming from that individual, not really. Those -- those are people that are hurting and need help.

And you know what else? In the words of Allie Beth Stuckey, who I feel said it best. **"What an incredible honor. May we all, when we die, make the demons rejoice. May we all be so courageous, so bold, so effective, so faithful, so obedient to the Lord, so relentless in the pursuit of his glory, that when we die, all of God's enemies' cheer. May they lament every breath we take. May they be enraged by every morning that our feet hit the floor. May they wince at every word we say."**

Charlie, Charlie was the best of us. He was well-spoken and level-headed. He handled the hatred he faced daily with a grace that I could only aspire to achieve. I'll never be Charlie. None of us will. **But what we can do to honor him is to never, ever cower at the opportunity to speak truth to those who need to hear it. And that's what I intend to do. Do not be afraid to live your life in such a way that hell rejoices at your death. In fact, that should be your life goal for Charlie. (emphasis added)**

Ben Larrabee, Hannah Larrabee's Husband, during the Call to the Public

MR. LARRABEE: Hello, everyone. Mayor, Councilmembers. I rise today to honor the life of Charlie Kirk, to honor the sacrifice of a great man who served as an inspiration to the nation, and to the world, and whom I've had the pleasure of working for the past eight years. He was the greatest boss I have ever had and ever will have. **And I know as a follower in Christ, I will see him again someday.** Charlie was a man of faith, a statesman, a husband, and most importantly, a father who was slain this past week by the radical left.

Now, as the nation has mourned Charlie's passing this week, what struck me the most are the stories about how he's touched the lives of millions and tens of millions of people around the world. People have traveled from around the country and from multiple nations to our headquarters this week to share that because of Charlie, they're now running for office, because of Charlie, they're now engaged in their communities, because of Charlie, they're now a father, **because of Charlie, they're now reading the Bible for the first time, going to church or even founding their own church. His legacy will be that of a force multiplier for the people who wanted to step up and reclaim this great nation. But if you were to ask Charlie what he would be most proud of in his life is**

his work to bring people to Christ and restoring and upholding the American family.

But what's also struck me are the calls for unity after his assassination, because for many, these words ring hollow. I want to be clear now. Without truth, there is no unity. Without justice, there is no unity. There is no unity with those who have mocked his death and spit on his grave. There is no unity until we can stand up to the ideologies and the lifestyles that have poisoned the minds of his killers. There is no unity unless we are able to stare back into the rage-filled eyes of the radical left, smile and say, you do not scare me, and you will not win. For God, for country and for Charlie. (emphasis added)

Legal Basis for the Claim

Violation of the Establishment Clause in the First Amendment of the United States Constitution

The Supreme Court has repeatedly recognized that government is obligated to maintain strict neutrality among religions and between religion and non-religion. See, Everson v. Board of Education, 330 U.S. 1 (1947); Engel v. Vitale, 370 U.S. 421 (1962).

Public officials who speak from the dais during an official meeting, are presumed to be speaking in their official capacity, not as private citizens. As the Supreme Court observed, in Pleasant Grove City v. Summum, 555 U.S. 460 (2009), when the government speaks, it is bound by the Establishment Clause. When the Presiding Officer of a public meeting, here, Friedel, allows public officials and private citizens, to use time specifically reserved in the Rules of Procedure for other purposes, to proselytize and promote their religious beliefs and coerce members of the public to adopt those beliefs, he violates the Establishment Clause.

During the September 16th meeting the speakers were allowed to proselytize, read from scripture, praise Kirk for his zealous promotion of his Christian faith, and without any factual support claim that he was murdered for his Christian faith.

During a period, spanning approximately ten minutes, the speakers, invoked the essential words of Christian theology¹ dozens of times. Statements by or allowed by public officials in a public meeting that promote one faith over another are inherently coercive. See, Lee v. Weisman, 505 U.S. 577 (1992), (Even indirect pressure to conform to a religious observance violates the Constitution because it effectively coerces participation in religion.)

¹ These words included: "God"; "Lord"; "Christ"; "Jesus"; "Faith"; "saved"; "salvation"; "believer"; "follower"; "Hell" and "demons".

Pavia, Skillicorn and Ben Larrabee, were allowed to invoke the doctrine of '*extra ecclesiam nulla salus*' ('outside the church there is no salvation'). Statements made in public meetings that support the proposition that only "believers" in Christ will be "saved" are particularly coercive and offensive to the Establishment Clause. In Lund v. Rowan County, 863 F.3d 268 (4th Cir. 2017) (en banc), county commissioners personally delivered prayers invoking Jesus Christ as the only path to salvation. The court held this unconstitutional, reasoning that the practice aligned the county with one faith to the exclusion of all others. See also, Barker v. Conroy, 921 F.3d 1118 (D.C. Cir. 2019); see also, Pelphrey v. Cobb County, 547 F.3d 1263 (11th Cir. 2008).

Prior to delivering the Invocation, Pavia stated:

"All death, all death can do to a believer is deliver him to Jesus. This place is not our home, and heaven awaits those who are believers."

During his Council Report Skillicorn stated:

"And you know, I want to share that Romans 10:13 says, for whoever calls on the name of the Lord will be saved. Those words are true."

During, the Call to the Public Ben Larrabee said:

"And I know as a follower in Christ, I will see him again someday."

In Town of Greece v. Galloway, 572 U.S. 565 (2014) the Supreme Court, drew a clear distinction between ceremonial or legislative prayer which is permissible if non-coercive and non-discriminatory and proselytizing or religious advocacy during public meetings. The In Town of Greece the Court expressly warned that the Establishment Clause would be violated if government officials 'denigrate nonbelievers or religious minorities, threaten damnation, or preach conversion.'

Once councilmembers invoke religious doctrine or scripture from the dais, the audience—citizens attending to observe or petition their government—is a captive audience. In Lee v. Weisman, 505 U.S. 577 (1992), the Court held that even indirect coercion to participate in religious exercises violates the Establishment Clause. '

There can be no question that during the September 16th meeting Friedel, Skillicorn and Larrabee repeatedly violated the Establishment Clause of the First Amendment.

VIOLATION OF THE ARIZONA CONSTITUTION

Article II, Section 12 of the Arizona Constitution provides: "No public money or property shall be appropriated for or applied to any religious worship, exercise, or instruction, or to the support of any religious establishment."

Article XX, ¶1 further guarantees that “Perfect toleration of religious sentiment shall be secured to every inhabitant of this State, and no inhabitant shall ever be molested in person or property on account of his or her mode of religious worship, or lack of the same.”

These provisions have been interpreted by the Arizona courts to prohibit official acts or expressions that endorse, promote, or coerce participation in religion. See, e.g., State v. Board of Regents of Univ. of Arizona, 120 Ariz. 224 (1978); Friedrich v. City of Flagstaff, 201 Ariz. 392 (Ct. App. 2001).

During the September 16th meeting Skillicorn and Hannah Larrabee acting pursuant to their municipal authority, used public time, public property, and public recording systems to proselytize and promote their Christian faith to a captive audience of residents who viewed the proceedings with the justifiable expectation that their elected officials would, during the meeting, follow the published Agenda and attend to the business of the Town, not use the time and public resources to eulogize a polarizing political figure, assert that he had been murdered for his Christian faith, and invoke Hell and demons to frighten and intimidate those in attendance, including children. Friedel made no attempt to interrupt or redirect any of the speakers identified in this Notice who also used public resources to promote their Christian Faith.

Through his failure to intervene Friedel provided an official endorsement of these violations of Article II, Section 12 and Article XX, ¶ 1.

CONCLUSION

Members of the Town Council, including Mayor Friedel, are not immunized from liability for the Constitutional violations described in this Notice of Claim based on the Free Speech Clause in the First Amendment. Public officials have a right to free speech but an overriding obligation to abide by the State and Federal Constitutions.

Skillicorn and Larrabee unquestionably have the right, outside of the context of a public meeting, to quote scripture, proselytize and promote their beliefs. However, they opportunistically determined that they would proselytize and promote their Christian beliefs during a public meeting where they were guaranteed a captive audience, a free, high quality video recording and media attention.

The Town’s elected representatives are obligated, while acting in their official capacity to uphold and obey the Constitution and Laws of the United States and the State of Arizona. This obligation is codified in Rule 8.1 of the Rules of Procedure. Friedel, in his capacity as the Town’s Presiding Officer, was empowered by the Rules of Procedure and obligated by the Arizona and United States’ Constitution to interrupt a wholly sectarian exercise that had nothing to do with the official business of the Town.

The Town of Fountain Hills and its elected officials, Friedel, Skillicorn and Larrabee are liable for the impermissible government endorsement of religion and coercive proselytization in violation of the Arizona Constitution and the Establishment Clause.

Damages and Relief Sought

The claimant suffered outrage and emotional distress attributable to the unconstitutional acts of elected officials during the September 16th meeting. Claimant like other residents has been harmed by the use of public facilities, funds and equipment to support religious advocacy and has lost confidence the town governance based on the failure of elected officials to abide by the provisions of the United States and Arizona Constitutions.

As a result of the actions of certain members of the Town Council of Fountain Hills during official Town Council meetings — specifically, using time reserved for Town business to engage in sectarian and partisan religious advocacy — Claimant suffered humiliation, distress, and deprivation of the constitutional right to attend government proceedings free from religious coercion. These acts constitute violations of Article II, § 12 of the Arizona Constitution and the Establishment Clause of the First Amendment to the United States Constitution.

Claimant hereby demands the sum of \$1,000.00 representing compensation for emotional distress violation of her Constitutional rights, together with the following non-monetary relief:

1. A written public acknowledgment of and apology for the constitutional violations described in this Notice;
2. Formal training for all councilmembers on the limitations on their speech and conduct imposed by the Establishment Clause, Article II, Section 12 of the Arizona Constitution and Article XX, ¶1 of the Arizona Constitution; and
3. Adoption of procedural safeguards ensuring future compliance with the Establishment Clause, Article II, Section 12 of the Arizona Constitution and Article XX, ¶1 of the Arizona Constitution.

DEMAND FOR SETTLEMENT

In accordance with A.R.S. §12-821.01(A), the claimant hereby offers to settle all claims described herein under the following conditions:

Payment of the total sum of \$1,000 payable within 60 days of receipt of this Notice; the written undertaking by the Town of Fountain Hills to issue a written acknowledgment of and apology for the constitutional violations described in this Notice; the written undertaking by the Town to provide formal training for all councilmembers on the limitations on their speech and conduct imposed by Establishment Clause, Article II, Section

12 of the Arizona Constitution and Article XX, ¶1 of the Arizona Constitution; the written undertaking by the Town to adopt procedural safeguards ensuring future compliance by elected officials with the Establishment Clause, Article II, Section 12 of the Arizona Constitution and Article XX, ¶1 of the Arizona Constitution.

Acceptance of this offer within 60 days shall constitute a full and final settlement of all claims arising from the conduct described above. If this offer is not accepted within 60 days claimant will proceed with further litigation.

VERIFICATION

I declare under penalty of perjury that the foregoing statements are true and accurate to the best of my knowledge and belief.

s/ Bethany Culp

Bethany Culp

PII East Richwood Avenue

Fountain Hills, AZ 85268

Date: November 4, 2025

I hereby certify that on this 4th day of November, 2025, a true and correct copy of the foregoing Notice of Claim was personally delivered to the Town Clerk of the Town of Fountain Hills and subsequently served upon the identified individuals by certified mail at the following addresses:

Town of Fountain Hills
Attn: Town Clerk
16705 E. Avenue of the Fountains
Fountain Hills, AZ 85268

Mayor Gerry Friedel, individually and in his official capacity
c/o Town of Fountain Hills
16705 E. Avenue of the Fountains
Fountain Hills, AZ 85268

Councilmember Hannah Larrabee, individually and in her official capacity
c/o Town of Fountain Hills
16705 E. Avenue of the Fountains
Fountain Hills, AZ 85268

Vice-Mayor Allen Skillicorn, individually and in his official capacity
c/o Town of Fountain Hills
16705 E. Avenue of the Fountains
Fountain Hills, AZ 85268

s/ Bethany Culp

Bethany Culp