

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRIAN TINGLEY,)
)
Plaintiff,)
)
v.)
)
NICHOLAS W. BROWN, in his official)
capacity as Attorney General for the State)
of Washington; **DENNIS WORSHAM,** in)
his official capacity as Secretary of Health)
for the State of Washington; and **SHAWNA)
FOX,** in her official capacity as Assistant)
Secretary of the Health Systems Quality)
Assurance division of the Washington State)
Department of Health,)
)
Defendants.)

Civil No. 3:21-cv-05359-RJB

**DECLARATION OF BRIAN
TINGLEY IN SUPPORT OF
PLAINTIFF'S MOTION FOR
RELIEF FROM JUDGMENT**

I, Brian Tingley, declare as follows:

1. I am a licensed Marriage and Family Therapist in the State of Washington. I live in Washington State and practice in Fircrest, Washington. I obtained a Master of Science in Marriage and Family Therapy from Seattle Pacific University in 2001.

1 2. I am an Approved Supervisor by the State of Washington and the
2 American Association for Marriage and Family Therapy, as well as a Clinical
3 Fellow Member of the American Association for Marriage and Family Therapy.

4 3. As I stated in my prior declaration, I offer a wide range of counseling
5 services to adolescents, adults, couples, and families through my private counseling
6 practice.

7
8 Religious beliefs & counseling practice

9 4. I continue to hold the religious, personal, and professional beliefs and
10 practices that I laid out in my initial declaration. My counseling consists solely of
11 conversation. I never set goals for clients, but I help them with goals they set for
12 themselves.

13 5. I believe that the sex—male or female—that each of us is given is a gift
14 from God. And therefore, obedience, well-being, and happiness for each of us include
15 acceptance of and gratitude for the sex God has given us.

16 6. I believe that sexual relationships should occur only between a man
17 and a woman within the context of marriage.

18 7. And I believe that we should obey God’s commands, as revealed in the
19 Bible, regardless of any conflicting desires or feelings we have. While this is
20 sometimes impossible by our own strength, change is always possible through the
21 power of God.

22 8. I cannot act or speak in a way that contradicts my beliefs.

23 9. While I never impose my Christian faith on anyone, my faith informs
24 my understanding of human nature, healthy relationships, and what paths and
25 ways of thinking will be most likely to enable my clients to achieve comfort with
26 themselves and live happy and satisfied lives. Most of my clients are Christians who
27 choose to work with me because of our shared worldview.

1 10. In the past, I have counseled minor clients who wished to live
2 consistently with their biological sex but suffered from gender dysphoria. Some of
3 those clients have achieved their goals and live according to their biological sex,
4 without ongoing gender dysphoria.

5 11. Likewise, I have counseled minor clients who struggled with unwanted
6 same-sex attraction. Some achieved their goals of reducing unwanted same-sex
7 attraction and increasing opposite-sex attraction.

8 12. Since the district court and Ninth Circuit ruled against me and the
9 Supreme Court denied certiorari in my case, people have continued to seek my
10 counseling services for gender dysphoria, unwanted same-sex attraction, and
11 unwanted sexual behaviors. Some of these individuals are under age 18.

12 13. But under the Counseling Censorship Law, I cannot counsel minor
13 clients consistent with my faith and professional judgment without violating the
14 law.

15 14. So I have to censor my conversations or refer these clients out, even
16 though I would like to work with them to achieve their goals in these areas.

17 15. I continue to counsel adults who struggle with these issues.

18 16. After the district court entered judgment against me, I felt like any
19 protection I had from the lawsuit ended. Since then, my practice has been under
20 increased scrutiny.

21 17. I now have many Google reviews from people whom I have never met,
22 claiming that my services are poor, because I disagree with the Counseling
23 Censorship Law.

24 18. An insurance company canceled my contract after 10 years of service.
25 Prior to the lawsuit, I never had any complaints. I was only able to get the contract
26 reinstated after a great deal of effort, including involving my attorney in the matter.

27

1 I believe the insurance company cancelled my contract because of my opposition to
2 the Counseling Censorship Law.

3 19. I also had several clients, whom I had worked with for years, cancel all
4 further appointments with me because of my opposition to the Counseling
5 Censorship Law.

6 20. And starting in 2024, my insurance referrals, one of my major referral
7 sources, dropped by approximately 90%. I believe this was because of my opposition
8 to the Counseling Censorship Law. Before this, I had consistent referrals from
9 insurance companies for 20 years.

10 21. In addition, I have stopped having our practice serve as a training
11 ground for university students because our beliefs conflict with the Counseling
12 Censorship Law, and I believe that could set us up for a complaint.

13 22. With the increased scrutiny I am under after my lawsuit, I have had to
14 be even more cautious about whom I accept as a client and censor what I say during
15 counseling sessions. As a result of our caution and the caution of clients in light of
16 the drastic threats of the Counseling Censorship Law, I have lost and turned away
17 counseling opportunities that I otherwise would have taken, which has caused my
18 practice financial harm. It has required us to divert time and energy to ensure we
19 have a full client load to replace counseling opportunities that we had to decline
20 because of the Censorship Law. This is time that could otherwise be spent in
21 counseling sessions.

22
23 Declining counseling services for minors

24 23. Because of the Counseling Censorship Law, I have declined counseling
25 for minor clients who sought my counseling services because they wanted
26 counseling to help change their gender identity, unwanted same-sex attraction, or
27 unwanted sexual behaviors in order to align that with their biological sex or biblical

1 sexual ethic. I have declined to provide this kind of counseling on at least six
2 occasions in just the past few years.

3 24. If I counsel those clients according to my religious beliefs, the
4 Counseling Censorship Law threatens me with harassment, investigation, and
5 severe penalties, potentially including the loss of my license and my livelihood. So
6 unless I turn them away, I am forced to choose between these penalties and
7 speaking contrary to my beliefs.

8 25. The Law also changes the questions I ask during counseling sessions
9 with minors, and I avoid asking questions that may lead to a conversation that
10 would violate the law.

11 26. When a client raises concerns or goals relating to gender identity or
12 sexual orientation, I fear enforcement of the Counseling Censorship Law against
13 me. I recognize that sexual orientation and gender identity are inconstant,
14 particularly in young people, and this raises the risk that even a client who today
15 sincerely requests my help to pursue his chosen goal of achieving comfort with his
16 biological sex may later experience a shift in feeling or goals after counseling with
17 me and file a complaint.

18 27. And even in the case of a client who appreciates and values my
19 counsel, I fear that some other individual—even a completely unrelated
20 individual—will learn of the nature of such counseling and file a complaint or
21 initiate a third-party enforcement action against me, which I understand to be
22 permissible under the law.

23 28. Because of these risks imposed by the Counseling Censorship Law, I
24 have chosen and will continue to choose to turn clients away that I otherwise would
25 counsel, thus reducing my total number of clients and financially harming not only
26 me but all the counselors in my practice. We must work extra hard to try to fill our
27 client load after referring out a client, especially when referring out a client results

1 in their whole family switching to another practice, and so we have lost money as a
2 result of the Counseling Censorship Law.

3
4 Avoiding gender identity and sexual orientation during counseling sessions

5 29. Because of the Counseling Censorship Law, I have also avoided or
6 censored my speech in discussions about gender identity and sexual orientation
7 with some minor clients who I meet with on other issues.

8 30. Often, a client retains my services for help with a specific issue, and
9 other issues reveal themselves throughout the course of our conversations. So, for
10 example, a client may come to me because he is struggling with depression, and
11 then it later becomes apparent that gender dysphoria is a contributing factor to his
12 depression.

13 31. But the Counseling Censorship Law forbids me from broaching the
14 topics of gender identity or sexual orientation from a Christian perspective—even
15 when the client shares that perspective.

16 32. I had this happen with a client recently. The client initially came to me
17 for help with social and academic challenges. After several months, he began to talk
18 to me about struggles he was having with his gender identity.

19 33. Because of the Counseling Censorship Law, I had to constantly
20 monitor and self-censor what I said to avoid violating the law. And I declined to say
21 things I would otherwise have said about the topic of gender identity during those
22 counseling sessions because of the Counseling Censorship Law.

23 34. Another client recently sought my counseling services because he was
24 struggling with his sexual orientation. He was a leader in his youth group, and his
25 faith was one reason he was conflicted with his same-sex attraction. Because of the
26 law, I had to self-censor what I would otherwise say.

1 35. With these clients, as with others, the Counseling Censorship Law
2 prevented me from speaking according to religious beliefs that I had in common
3 with the client. This is detrimental to my ability to help my clients achieve their
4 goals.

5
6 Modifying website advertisement about gender identity and sexual orientation

7 36. Because of the Counseling Censorship Law, I cannot advertise on my
8 website as I would like to.

9 37. Currently, I advertise “Sexual Orientation & Gender Identity
10 Struggles” as areas of clinical experience and interest on my website.

11 38. But I want to define those practice areas with greater detail. Absent
12 the threat of penalties, I would advertise that I will counsel clients toward becoming
13 more comfortable with their biological sex or reducing unwanted same-sex
14 attraction when that is the client’s goal. And I would advertise that I will work with
15 minors who struggle with these things.

16 39. Along with the practice area of “Sexual Orientation & Gender Identity
17 Struggles,” I would like to publish explanatory text like:

- 18 • I assist minor and adult clients struggling with unwanted same-sex
19 attraction who want to reduce and cope with that attraction so that
20 they can live in greater harmony with their beliefs. I do not impose
21 this view on anyone and offer this kind of counseling only to clients
22 who have the reduction of same-sex attraction as *their* freely chosen
23 goal.
- 24 • I assist minor and adult clients struggling with feelings of gender
25 incongruence who want to reduce those feelings and live in
26 accordance with their biological sex. I do not impose this view on
27 anyone and offer this kind of counseling only to clients who have

1 living in accordance with their biological sex as *their* freely chosen
2 goal.

3 40. But the Counseling Censorship Law prevents me from doing that
4 because I cannot legally provide such counseling. But for the Counseling Censorship
5 Law, I would modify my website to include these explanations.

6
7 *Chiles v. Salazar*

8 41. In March of 2026, the Supreme Court ruled that a Colorado law nearly
9 identical to the Counseling Censorship Law discriminated based on viewpoint under
10 the First Amendment.

11 42. I was encouraged that the Supreme Court recognized that
12 conversations between clients and counselors are protected under the First
13 Amendment.

14 43. But the rulings against me at the federal district court in Washington
15 and the Ninth Circuit are still in force. And despite the Supreme Court's ruling in
16 *Chiles*, the Counseling Censorship Law still governs the conduct of licensed
17 counselors in Washington.

18 44. Because of this, I still cannot counsel minors who want to pursue goals
19 related to changes in sexuality or gender identity.

20 45. So I will continue to turn away minor clients who desire to speak about
21 same-sex attraction or gender dysphoria and to limit my conversations with them to
22 other topics.

23 46. This continues to harm my business because it limits the clients I can
24 see. It is also harmful to the clients who need my help, because it limits the kinds of
25 things I can counsel them about and changes the things I speak with them about.

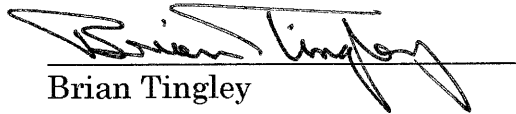
26 47. Absent a ruling in my favor, I must continue to self-censor for fear of
27 being fined or losing my license under the Counseling Censorship Law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

DECLARATION UNDER PENALTY OF PERJURY

I, Brian Tingley, a citizen of the United States and a resident of the State of Washington, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge.

Executed this 26 day of May, 2026 at Fircrest, Washington.


Brian Tingley