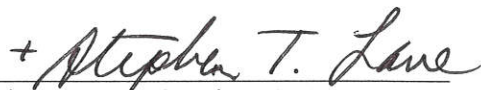


**IN THE TITLE IV DISCIPLINARY MATTER INVOLVING
THE RT. REVEREND JON BRUNO, RESPONDENT**

NOTICE OF DETERMINATION

The Court of Review for Bishops hereby gives notice that a determination of the matters in controversy has been made, as specifically set forth in the Order attached hereto and incorporated herein by specific reference.

This 31st day of January, 2019.


The Rt. Rev. Stephen T. Lane
President, Court of Review

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice was this day served upon the parties as listed below by Certified U.S. Mail, return receipt requested, and by email.

The Most Reverend Michael B. Curry
The Episcopal Church
815 Second Avenue
New York, New York 10017
michaelbruce@episcopalchurch.org

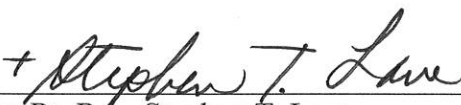
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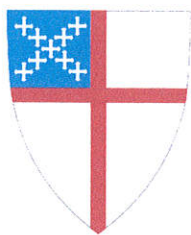
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This 31st day of January, 2019.



The Rt. Rev. Stephen T. Lane
President, Court of Review



**IN RE THE TITLE IV DISCIPLINARY MATTER INVOLVING
THE RT. REVEREND J. JON BRUNO, RESPONDENT**

ORDER OF THE COURT OF REVIEW FOR BISHOPS

This matter involves the appeal of the Respondent, the Right Reverend J. Jon Bruno (“Respondent”) from the Order of the Hearing Panel issued August 2, 2017 (“Order”). In an opinion signed by four of the five Hearing Panel members, the Hearing Panel concluded that the Respondent attempted to sell mission property without the previous consent of the Standing Committee, that along the way he misrepresented certain matters, and that certain features of his conduct are unbecoming to a member of the clergy. The Hearing Panel found that numerous facts were proven by clear and convincing evidence. The Court of Review of Bishops (“Court of Review”) utilized the standard of review set forth in Canon IV.15.6(b) and finds that the majority of the factual determinations of the Hearing Panel are supported by substantial evidence when viewed as a whole in light of the record on appeal. The Court of Review further finds that the Hearing Panel did not erroneously interpret or apply the Constitution and Canons of The Episcopal Church, nor did it commit a procedural error or engage in a decision making process contrary to Title IV. Finally, the Court of Review affirms the Respondent’s three year suspension, commencing August 2, 2017.

PROCEDURAL HISTORY OF THE CASE

The Order of the Hearing Panel accurately outlines the history of the matter through the date of its issuance. Thereafter, the Respondent, through counsel, filed a Notice of Appeal. The Court of Review met, elected Rt. Rev. Stephen T. Lane as president, and appointed Sarah Y. Sheppard as Counsel. Two members of the Court of Review recused themselves, leaving seven members. The Court issued an order listing the Court members, appointing Ms. Barbara A. Martin as Clerk, and providing a deadline for the filing of dispositive motions. No dispositive motions were filed, but various procedural matters were addressed. Each member of the Court received both electronic and physical copies of the voluminous record, including the lengthy transcript and many exhibits. Respondent/Appellant's opening brief was filed April 10, 2018. Appellee's brief was filed June 1, 2018. Respondent/Appellant's reply brief was filed on June 18, 2018. Oral argument took place on September 25, 2018, in Atlanta, Georgia. It was attended by some members of the public, the Church Attorney, Jerry Coughlin, Canon Julie Dean Larsen on behalf of the Respondent, the Court Clerk, Counsel to the Court of Review, and all seven members of the Court of Review. The Court actively participated in the appellate argument and asked a number of questions.

SUMMARY OF THE FACTS

The Order of the Hearing Panel contains voluminous and extensive findings of fact. While the Court of Review did not adopt each individual fact, it found the Findings of Fact to be substantially correct. The relevant facts are summarized below.

For many years, the Rt. Rev. J. Jon Bruno has served as Bishop Diocesan for the Episcopal Diocese of Los Angeles. A church in Newport Beach, California, St. James, (also

subsequently known as “St. James the Great”), was started in 1941. It later substantially expanded its physical facility, resulting in a large church complex. In 2001, the Respondent consecrated and dedicated the new St. James church complex.

In 2004, part of the St. James congregation disaffiliated from The Episcopal Church and affiliated themselves with the Anglican Church of Uganda, claiming the property for themselves. The Respondent was supportive of St. James during this time and signed, under oath, the complaint that initiated a law suit against the Anglicans seeking the return of the property. At that time, both in the law suit complaint and to the parish, the Respondent made statements confirming that the property belongs to The Episcopal Church and should remain an Episcopal parish. The litigation continued until 2013, when the California Superior Court ordered the Anglicans to return St. James the Great to The Episcopal Church.

In September of 2013, the Respondent decided to re-open St. James the Great as a mission and appointed the Rev. Canon Cindy Voorhees as vicar of the mission congregation. He participated in services to re-open St. James the Great. What followed was a series of activities by Canon Voorhees, who worked without compensation for a prolonged period of time, and the members of the congregation to build the mission, to become fiscally sound and to establish a viable church. A year later, in September of 2014, Canon Voorhees made a presentation to the Respondent and others about the financial progress being made at the mission. The Respondent complimented her on this substantial progress that had been made.

The following month, in October of 2014, Canon Voorhees received a telephone call from a local real estate broker seeking the telephone number of the chief financial officer of the Diocese, Ted Forbath. In that conversation, she learned for the first time that there were ongoing discussions about the sale of the church property. She emailed the Respondent, Mr. Forbath, and

David Tumilty, Diocesan chief operating officer, inquiring about the possibility of sale, stating “I am devoting my life to this parish and want to know if I am wasting my time.” None of the recipients answered her email. She made phone calls to Mr. Tumilty and Mr. Forbath in which neither of them alerted her to the fact that there were indeed ongoing discussions about a possible sale, unbeknownst to her or the congregation.

In February of 2015, the Respondent had a conversation with Canon Voorhees about the possible sale of property. He asked her “If you had to sell either St. James the Great or St. Michael and All Angels, [a neighboring property], which would you sell?” Her response was that both were viable and neither should be sold. He subsequently assured her that he was not selling St. James. The Hearing Panel found, however, that the Respondent had first decided to sell the St. James property as long ago as 2008. That sale could not be pursued back in 2008 because of the ongoing litigation with the Anglicans over ownership of the property. In February of 2015, the Respondent had decided to sell St. James and combine the two congregations, St. James and St. Michael and All Angels, but had not informed either congregation of his plans.

As is more specifically spelled out in the Hearing Panel’s Order, there were several real estate transactions in the works in the Diocese, including the acquisition of some property in Anaheim. The proceeds from the sale of St. James were needed to help fund this acquisition. On April 10, 2015, the Respondent signed a contract to sell the St. James property to a real estate developer, Legacy Partners Residential, LLC, for \$15,000,000, with a closing date of June 24, 2015. Three days later, he informed a “stunned and shocked” Canon Voorhees that the property had been sold. He instructed her that she could not tell anyone other than her husband about the impending sale. She dutifully followed this instruction. He told the congregation about the sale on May 17, 2015 during the coffee hour. Recognizing that this news would be traumatic to the

congregation, he wanted to make the announcement himself. Over the next weeks, the Respondent made a series of statements about St. James being in financial peril, when in fact its resources were increasing substantially. He also made statements to the effect that there was a problem with the parking available at St. James, although Canon Voorhees had worked out an arrangement with a local business to resolve the parking issue and was waiting on approval of a lease agreement from the Respondent's office.

The Respondent met with the Standing Committee on April 22, 2015, but the minutes do not reflect consent to the sale of St. James. There is no evidence of any prior Standing Committee meeting approving the sale. The minutes of the May 27, 2015 meeting mention the topic of the sale of St. James, but again do not mention the Standing Committee giving consent to the sale.

At a June 8, 2015, special called meeting, the Standing Committee approved a motion to support the Bishop in his endeavors to sell the St. James property, and specifically but erroneously stated that the Standing Committee has no jurisdiction or authority over Corporation Sole. "Corporation Sole" (also referred to as "Corp. Sole") is a type of ownership, as discussed below, in which the property is owned by a corporation with only one member, in this case, the Bishop Diocesan. However, that ownership is akin to a trust arrangement. The Corp Sole member does not have an individual ownership interest in the property or the ability to make personal decisions about it. Here, the Respondent acted as though he could dispose of parcels of property in his total and complete discretion, bypassing the Standing Committee.

On July 6, 2015, the sale to Legacy terminated by its own terms because Legacy did not provide Corp Sole with a buyer's approval notice. On July 20, 2015, Respondent told Bishop Clay Matthews that on May 17, 2015, a process of due diligence was started to determine if sale

of the St. James property was appropriate. However, he had already signed the contract of sale on April 10, 2015. It is undisputed on appeal that the Respondent did not obtain the prior consent of the Standing Committee before entering into a contract to sell the property.

The congregation sought to continue meeting in the building as long as possible. In response, the Respondent took the position that Canon Voorhees had resigned, although she disputed that. The use of the premises by the congregation came to an abrupt end. The church doors were locked on June 29, 2015, and the congregation began meeting in a park, led by Canon Voorhees. The worship services were later moved to the community room at a local public building.

On the same day that the church doors were locked, the Respondent had a conversation with Bishop Clay Matthews at General Convention in Salt Lake City. He told Bishop Matthews that he did not need the consent of the Standing Committee to sell the St. James property. He also claimed that he had previously told Canon Voorhees when she was placed at St. James that the property would likely be sold. She disputed this statement. The congregation remained locked out of the building through the time of the hearing before the Hearing Panel and beyond.

On June 24, 2016, a Title IV Complaint was filed against the Respondent, giving rise to this cause of action. The Hearing Panel handed down its decision on August 2, 2017.

STANDARD OF REVIEW

The Canons give the Respondent a presumption of innocence before the Hearing Panel, requiring clear and convincing evidence to overcome:

There shall be a presumption that the Respondent did not commit the Offense. The standard of proof required for a Hearing Panel to find an Offense by a Respondent shall be that of clear and convincing evidence.

Canon IV.19.16.

At the Hearing Panel stage, the burden of proof is placed squarely on the shoulders of the Church Attorney:

In all matters under this Title, it shall be the burden of the Church through the Church Attorney to establish an Offense by any Respondent.

Canon IV.19.17.

On appeal, however, the Court of Review has a limited role. Both parties agree that the standard of review is governed by Canon IV.15.6(b). Specifically, the canon in question requires that:

[T]he Court of Review shall grant relief to the appealing party *only if*, on the basis of the record on appeal, it determines that the party seeking review has been *substantially prejudiced* by any of the following: . . .

(6) The factual determinations of the Hearing Panel are not supported by *substantial evidence* when viewed in the whole light of the record on appeal.

(Emphasis added).

As is typical in many appellate review situations, the Court of Review has a limited role in reviewing the facts found by the Hearing Panel. The Hearing Panel's members had the opportunity to see and hear the witnesses testify, to observe their demeanor and credibility, and to make findings based on the Hearing Panel's personal observations. They also had the ability to review over one hundred exhibits, as explained by those witnesses. The Hearing Panel was, therefore, in a better position to make factual findings than the Court of Review, which, although its members had the entire 911 page written transcript and all of the exhibits, did not have the benefit of seeing a single witness testify. Thus, the Court of Review, like other appellate courts, must give deference to the factual findings below, where the Hearing Panel members sat in the

room with the witnesses, watched and heard them testify, and made findings based on their personal observations.

The Hearing Panel made 106 specific findings of fact, spanning forty-five pages in its Order. (Hearing Panel Order, pp. 6-51). Respondent's counsel conceded at oral argument that the Hearing Panel "did a great job." (Transcript of Appellate Argument at 55.) Although Respondent complains generally that the Hearing Panel adopted many of the Church Attorney's proposed factual findings, the record does not reflect significant testimony or evidence refuting the majority of those findings.

Here, the Respondent alleges that he was "substantially prejudiced" by an error of the Hearing Panel. However, the Hearing Panel's ninety-one page order was clear, detailed and convincing. While it is true that the Hearing Panel's findings were negative as to the Respondent, that does not rise to the dignity of being "substantially prejudicial." That term connotes a negative finding not supported by the evidence. In this matter, the facts found by the Hearing Panel legitimately support the majority of the Hearing Panel's conclusions with regard to the Respondent's misconduct.

DECISION ON APPEAL

The Respondent raises several issues on appeal.

THE FIRST CHARGE: ALLEGED VIOLATION OF TITLE II.6.3 AND II.6.2, WAS PROPERLY DECIDED.

In response to the charges, the Hearing panel found in part as follows:

The first charge, made pursuant to Canon IV.4.1(g), is that Bishop Bruno failed to exercise his ministry in accordance with Canon II.6.3, which provides:

No dedicated and consecrated Church or Chapel shall be removed, taken down, or otherwise disposed of for any worldly or common use without the previous consent of the Standing Committee.

The Church Attorney, in his trial brief filed March 17, 2017, in advance of the hearing before the Hearing Panel, and also in opening statements on the first day of the hearing, invoked Canon II.6.2, which provides:

It shall not be lawful for any Vestry, Trustees, or other body authorized under the laws of any State or Territory to hold property for any Diocese, Parish or Congregation, to encumber or alienate any dedicated and consecrated Church or Chapel, or any Church or Chapel which has been used solely for Divine Service, belonging to the Parish or Congregation which they represent, without the previous consent of the Bishop, acting with the advice and consent of the Standing Committee of the Diocese.

The Hearing Panel found that the Respondent's attorney did not timely object to the inclusion of Canon II.6.2 and therefore waived the addition of that charge. Respondent's counsel points out that an objection was raised in a footnote in the closing brief several weeks after the conclusion of the trial, well after the issue was first raised. On appeal, the Respondent alleges that reversible error occurred by allowing the addition of the second charge. He cites Canon IV.13.2 for the proposition that no amendment can be made to the charges after ten days of receipt of a referral. Canon IV.13.2 provides in part:

Within 10 days of the receipt of a referral for Hearing Panel proceedings, the Church Attorney shall provide to the Hearing Panel the statement of the alleged Offense(s), *updated as needed*. (Emphasis added).

The Respondent argues that any change in the charges must be made within ten days of receipt of the referral for Hearing Panel proceedings. That language is simply not found in the canons. In fact, the italicized phrase quoted above, "*updated as needed*," states exactly the opposite, that the charges may be amended later. It is not at all surprising that, as the discovery process proceeds and additional information comes to light, updating might become appropriate. Thus the Respondent's amendment argument is, under the circumstances of this case, unavailing.

In fact, Respondent admits in his brief that “Nothing in Title IV references any later amendment to the Statement of Offenses.” Respondent/Appellant’s Brief at 13-14. Respondent attempts to incorporate the provisions of the Federal Rules of Civil Procedure into the process at that point. However, there is simply no canonical basis for doing so.

In holding that the objection to amendment is inapplicable in this case, the Court of Review does not go so far as to say no amendment would ever be inappropriate. Certainly if, in the midst of the hearing, the Church Attorney had suddenly sprung some allegation of misconduct that had never before been mentioned and was totally unrelated to other pending charges, one would expect for a Hearing Panel to look favorably upon an objection by the Respondent. That is not the situation here.

There is no dispute on appeal that the Respondent attempted to sell St. James the Great, nor that he did so without the prior consent of the Standing Committee or knowledge of the congregation. The Hearing Panel quoted with approval the testimony that, when he signed the contract of sale on April 10, 2015, the sale was “a done deal.” He had not, at that point, received consent of the Standing Committee for the sale. The only contingencies to finalizing the sale benefitted the buyer. Had the buyer not backed out, the Respondent would have had a legally binding obligation to proceed with the sale. Therefore, he took all steps necessary to violate Canon II.6.3. It is not clear from the record whether the Respondent ignored the canonical requirement or was happily oblivious to it. Either way, he had an obligation under the canons to consult with and obtain the consent of the Standing Committee. He clearly failed to do so.

As the facts unfolded and it became clear that the Respondent had not succeeded in finalizing his attempted sale, the Church Attorney orally amended the charges to include Canon II.6.2, which covers the encumbrance of the property without a full sale. He also included this

offense in a brief. The issue under both canons is whether the Respondent had consent of the Standing Committee to either sell or encumber the property of St. James. The Respondent did not object at the hearing, as determined by the Hearing Panel, to the addition of the second, related charge. Thus the issue is waived. Also counsel has not demonstrated that any additional evidence would have sought to be admitted, had Canon II.6.2 been included in the original charge, as opposed to being added later. Proof was well developed about the steps taken by the Respondent to attempt to sell the property, as well as the vicar and congregation's lack of knowledge thereof.

Previously, the Respondent had argued that the Standing Committee had no jurisdiction over Corporation Sole ("Corp Sole"). This entity is foreign to many jurisdictions, but well established in others. The concept is that an entity can be created with one ("sole") member to act as a trustee to hold property, not as an individual owner, but essentially in trust for an entity. A California court has observed:

One purpose of the corporation sole is to ensure the continuation of ownership of property dedicated to the benefit of a religious organization that may be held in the name of its titular head. "Title will not then be divested or passed to that person's heirs upon his death but will be retained for the benefit of the religious group and passed to the successors to his office." (*County of San Luis Obispo v. Ashurst* (1983) 146 Cal.App.3d 380, 383, 194 Cal.Rptr. 5 (*Ashurst*).)

Title and ownership as between the unincorporated religious organization and the individual officeholder as the corporation sole are severable. There is a clear distinction between the corporation sole and the individual who happens to be the current officeholder. (*Berry v. Society of Saint Pius X* (1999) 69 Cal.App.4th 354, 368, 81 Cal.Rptr.2d 574 (*Berry*), quoting *Ashurst, supra*, 146 Cal.App.3d at p. 384, 194 Cal.Rptr. 5.) A corporation sole may deal with the assets and contract in the same manner as a natural person. However, the individual does so only for the purposes of the trust, i.e., to administer and manage the affairs, property, and temporalities of the religious organization. (Corp.Code, §§ 10002, 10007, subd. (b).)

Diocese of San Joaquin v. Gunner, 246 Cal. App. 254, 271-72 (5th Cir., 2016) (petition for review denied July 13, 2016).

Thus, it is clear that a Bishop's role with regard to Corp Sole is a fiduciary position. The Bishop lacks the ability to make decisions based solely on his personal preference or decision. He should be acting for the benefit of the Diocese. At the time of appellate argument, the Respondent was no longer taking the position that, as Corp Sole, he did not need the consent of the Standing Committee. Had he maintained that position, he would have been incorrect.

THE SECOND CHARGE, THAT THE RESPONDENT MADE MISREPRESENTATIONS, WAS NOT APPEALED AND ANY APPEAL IS THUS WAIVED.

As determined by the Hearing Panel, the Second Charge is that the Respondent is guilty of conduct involving dishonesty, fraud, deceit or misrepresentation, in violation of Canon IV.4.1.(h)(6).

This charge is upheld based on the Hearing Panel's finding that the Respondent decided, as early as November of 2008, that he wanted to sell St. James the Great's property, but did not disclose this to the vicar or the congregation for many years. The Hearing Panel specifically found that there is no evidence to support the Respondent's claim that the St. James congregation knew he would sell, rather than re-open, the St. James site. Hearing Panel Order at 63.

Canon Voorhees took many life steps she would not have taken had she known of his intention to sell the property. *Ibid* at 64. In the fall of 2013, the Respondent re-opened St. James the Great and "challenged the congregation to build a new church 'for years to come.'" Hearing Panel Order at 64. The Hearing Panel specifically found that the

Respondent encouraged Canon Voorhees to grow and build the congregation while “keeping his intention to sell secret.” Hearing Panel Order at 65. Subsequently, the Respondent told Canon Voorhees that St. James would not be sold, despite his concurrent plans to sell it. Hearing Panel Order at 66. He failed to respond to her email specifically asking about the possibility of a sale. He made misrepresentations to Canon Voorhees while his staff was actively working towards the sale. Hearing Panel Order at 66.

The Hearing Panel further found that the Respondent made misrepresentations about other matters. He claimed that St. James was not sustainable for several reasons. One involved parking issues. While the facility lacked sufficient parking to meet city requirements, Canon Voorhees had worked out an arrangement with a local business to use the business’s parking spaces on Sunday, and rent some of its parking spaces to the business during the week. Despite documents having been drafted months earlier to memorialize this arrangement, the Diocese and Respondent had not signed off on the contract. The Respondent tried to justify the closing of St. James the Great based on the parking issue, while failing to disclose that it had been resolved, even when challenged at St. James by a parishioner who knew about the resolution of the matter. The Hearing Panel specifically found that the Respondent and his staff members delayed signing the paperwork to resolve the parking issue “because they knew that if there were an agreement it would get in the way of their decision to sell St. James property.” Hearing Panel Opinion at 68. Yet the Respondent told the congregation that the parking issue was a basis for closure, a clear misrepresentation.

The Respondent also claimed that the sale of St. James the Great was necessary to recoup legal costs related to the Anglican litigation in which the Diocese had been

embroiled. This representation was disingenuous. The actual legal expenses were \$5 million, not \$9 million as represented by the Respondent. Furthermore, the sale of one church and the long term lease of another generated \$8.5 million, more than enough to cover the legal expenses incurred. Hearing Panel Order at 69.

Additionally, the Respondent did not disclose that a major reason for selling St. James the Great was to generate cash needed to complete the purchase commercial real estate in Anaheim. When asked by a member of St. James congregation whether there was a pressing need for the sales proceeds, he denied it. This conversation on May 17, 2015, was a misrepresentation.

Furthermore, the Respondent misrepresented that the finances of St. James were such that the congregation was not financially sustainable. The Hearing Panel reviewed the evidence about the substantial progress the fledgling congregation made with regard to finances. It was on track to achieve financial independence by the end of 2015 or 2016. The Hearing Panel found that the Respondent's claims "that St. James was costing the diocese too much money and unsustainable was substantially refuted by credible evidence. It was an excuse devised after the Purchase and Sale agreement was signed and it does not hold up." Hearing Panel Order at 72

Another issue of controversy is whether Canon Voorhees resigned her position or was forced out. The relevant evidence is summarized at pages 72-75 of the Hearing Panel's Order. The Hearing Panel concluded that the Respondent misrepresented that Canon Voorhees had resigned when, in fact, she was terminated. Hearing Panel Order at 72-75. The Court of Review does not find that this allegation is supported by clear and convincing evidence, there being some lack of clarity regarding the conflicting evidence presented.

The Hearing Panel concluded that the other previous misrepresentations constituted misrepresentation within the meaning of Canon IV.4.1(h)(6). That canon, regarding clergy standards of conduct, prohibits a member of the clergy from engaging in ‘conduct involving dishonesty, fraud, deceit *or* misrepresentation’ (Emphasis added) There is no requirement that all four types of misconduct must be committed to result in a violation. Thus, although the Hearing Panel did not find dishonesty, fraud or deceit, giving the Respondent the benefit of the doubt, misrepresentation alone is sufficient, and the Hearing Panel clearly found that this violation had occurred. This finding was not appealed. Thus, any appeal of this finding has been waived. Even if it had not been waived, though, with regard to all alleged misrepresentations stated in the Statement of Alleged Canonical Offenses except the issue of Canon Voorhees’ termination, clear and convincing evidence supports those charges and the Court of Review would have upheld them.

THE HEARING PANEL’S FINDING THAT THE BISHOP’S CONDUCT WAS
UNBECOMING TO A MEMBER OF THE CLERGY IS SUPPORTED BY THE
EVIDENCE.

The Respondent alleges that the Hearing Panel’s finding of conduct unbecoming to a member of the clergy is based on conduct that allegedly occurred three months after the hearing and that such conduct should not be considered. Conduct unbecoming is defined in Canon IV.2:

Conduct Unbecoming a Member of the Clergy shall mean any disorder or neglect that prejudices the reputation, good order and discipline of the Church, or any conduct of a nature to bring material discredit upon the Church or the Holy Orders conferred by the Church.

The Hearing Panel found that the Respondent engaged in conduct unbecoming “when he locked St. James the Great and has kept the doors locked for nearly two years. . . . Church

buildings do not belong to any one priest, congregation, bishop or diocese; they belong to the entire Church. The Dennis Canon declares that ‘all real and personal property held by or for the benefit of any Parish, Mission or Congregation is held in trust for this Church and the Diocese thereof in which such Parish, Mission or Congregation is located.’ Canon I.7.4.” Hearing Panel Order at 76.

The Hearing Panel also found that all of the Respondent’s misrepresentations outlined above were conduct unbecoming. The Respondent argues that the charging and finding of conduct unbecoming to a member of the clergy was based solely on allegations not in the complaint. While it is true that the Hearing Panel made specific findings about the Respondent’s attempt to secretly sell the property a second time while awaiting the Hearing Panel’s decision, the charge of conduct unbecoming was clearly set forth in the original Statement of Alleged Offenses filed on June 24, 2016, long before the second sale. That document includes violations of various canons, including “Conduct unbecoming a member of the clergy”, which is found in Canon IV.4.1(h)(8). The Statement of Alleged Offenses contains six different Factual Allegations, including that

The Respondent acted in a manner unbecoming to a clergyperson by misleading and deceiving the clergy and people of St. James the Great and the local community as to his plans for St. James the Great and (b) summarily taking possession of the real and personal property of St. James the Great on or about June 29, 2015.

It is apparent from the Hearing Panel’s opinion that the panel majority was concerned by the Respondent’s attempt to secretly sell the property a second time while awaiting the outcome of his disciplinary proceeding that was based, in part, on his first attempt to secretly sell the property. Sanctions resulted from that conduct, from the Hearing Panel, affirmed by the Disciplinary Board of Bishops, and from the Presiding Bishop. However, to the extent that all

such matters were considered by the Hearing Panel, their inclusion, if erroneous, was harmless error. The many other actions of misconduct fully support the sentence handed down.

The misrepresentations discussed above, as affirmed by the Court of Review, constitute conduct unbecoming. Bishops are not supposed to make misrepresentations, even negligently, to other clergy and congregations.

The Respondent acknowledges that he had notice and the opportunity to be heard on the allegations about his locking of the St. James church. His argument that doing so was necessary for security purposes was unconvincing to the Hearing Panel and to the Court of Review as well. This action of turning the congregation out of the building and thus interfering with their ability to worship was conduct unbecoming to a member of the clergy.

THE VARIOUS PROCEDURAL RULINGS, ORDER, ACTIONS AND FINDINGS WERE
NOT UNDULY PREJUDICIAL TO THE DEFENSE.

The Respondent avers that various procedural rulings that were not resolved in his favor were prejudicial to him. These issues are clearly raised in his brief, and equally clearly responded to in the Appellee's brief. The Court of Review notes that any ruling against one party's position is by definition prejudicial to the losing party's position. That does not mean, however, that there can be no ruling adverse to a party. Such an argument is illogical. While the Court of Review understands that the Respondent feels disadvantaged by these adverse rulings, he was not "substantially prejudiced" as that term is used in Canon IV.15.6(b). These arguments are without merit.

CONCLUSION

The Court of Review is sympathetic to the fact that Bishops Diocesan are on the front line, with many irons in the fire, juggling numerous decisions on a daily basis for the overall benefit of their Diocese. It is not an easy job. Yet when canonical provisions are clear, it is

totally appropriate to expect our Bishops to follow the Canons, which contain provisions drafted after careful consideration of the needs of all potential parties. It is not unreasonable for The Episcopal Church to expect its leaders to follow the rules and to be subject to sanctions for failure to do so. As for the failure of the Respondent to follow the canons, this is really not the gravamen of his appeal. He does not primarily claim that he was wrongfully found to have taken certain actions. Instead, the Respondent focuses on technicalities to attempt to set aside the ruling below. This is contrary to the canons, which are supposed to focus on justice and reconciliation. Canon IV.15.11 provides that “no Order or determination of a Hearing Panel shall be overturned solely for technical or harmless error.”

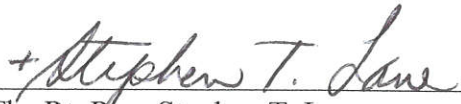
This is an incredibly difficult case, both factually and procedurally. The Court of Review, composed entirely of Bishops, is cognizant of the pressures under which a Bishop Diocesan must make decisions for the overall good of the Diocese. The attorneys in this case spent years admirably representing their clients’ positions. The Court of Review is faced with the formidable task of passing judgment on a Bishop who has devoted years of his life to the Church.

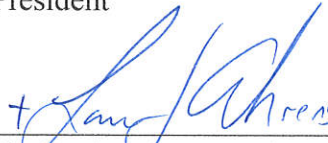
Based on the facts as found by the Hearing Panel, as modified herein, the standard of review set forth in the Canons, and the entire record as a whole, the inescapable conclusion is that the Hearing Panel’s decision is strongly supported by the overwhelming evidence and must be upheld. In reaching this conclusion, the Court of Review has carefully considered the concept set forth in Title IV:

The Church and each Diocese shall support their members in their life in Christ and seek to resolve conflicts by promoting healing, repentance forgiveness, restitution, justice, amendment of life and reconciliation among all involved or affected.

Canon IV.1. The Court of Review affirms the Respondent’s three year suspension. However, the period of suspension commenced retroactively, on August 2, 2017.

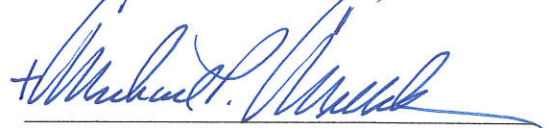
Issued this 26th day of December, 2018.

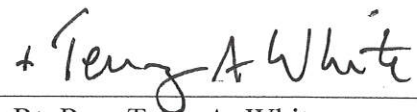

The Rt. Rev. Stephen T. Lane
President


The Rt. Rev. Laura Ahrens


The Rt. Rev. J. Scott Baker


The Rt. Rev. C. Franklin Brookhart, Jr.

The Rt. Rev. Clifton Daniel, III

The Rt. Rev. Michael P. Milliken


The Rt. Rev. Terry A. White

Rt. Rev. Stephen T. Lane
President, Court of Review

Rt. Rev. Laura Ahrens

Rt. Rev. J. Scott Baker

Laura F. Bosley
Notary Public, State of New York
Qualified in New York County
No. 01BO6177294
My Commission Expires Nov. 13, 2019

Laura F. Bosley

Rt. Rev. C. Franklin Brookhart, Jr.

+ Clifton Daniel III

Rt. Rev. Clifton Daniel, III

Rt. Rev. Michael P. Milliken