



The Episcopal Diocese of Los Angeles

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

TO: THE EPISCOPAL CHURCH DISCIPLINARY BOARD

RE: TITLE IV.13.9 (c) appeal of Hearing Panel Sanction

Respondent, the Right Rev. J. Jon Bruno, appeals from and seeks an immediate stay of the Hearing Panel's June 16, 2017, "Imposition of Sanctions" Order "prohibiting Bishop Bruno from selling or conveying or contracting to sell or convey the St. James property" (sic) on the grounds that: (1) the order is outside the jurisdiction of the Hearing Panel; (2) the Hearing Panel did not give Respondent reasonable notice or a right to be heard regarding the sanction; and (3) the facts do not support a finding that Respondent was "disruptive, dilatory, or otherwise contrary to the integrity of the proceeding." A true and correct copy of the Sanctions Order appealed from is attached to this appeal. (Exhibit A).

In connection with this appeal, Respondent requests that the Disciplinary Board designate all information regarding the pending sale of the Lido Island, Newport Beach (NPB) Property as confidential pursuant to Title IV.19.26 because the sale is subject to a confidentiality agreement between the buyer and seller.

Procedural Status of the Charges

The Hearing of the Presentment against the Right Reverend J. Jon Bruno was conducted March 28 through March 30, 2017. To date, the Hearing Panel has issued no dismissal or order. The charges against Respondent in the pending Title IV presentment are: 1. he made misrepresentations to members of the St. James congregation, the priest, and the public regarding the use of the NPB property and what he would do with the NPB Property sale proceeds; 2. he acted in a manner unbecoming a member of the clergy by these same misrepresentations; and 3. he sold the NPB Property without prior consent of the Standing Committee. The third charge was based *solely* on his April 2015 contract to sell the NPB Property to Legacy Partners, which did not close. See attached Statement of Alleged Offenses. (Exhibit B.)

The Right Reverend J. Jon Bruno, Sixth Bishop of Los Angeles

The Cathedral Center of Saint Paul • 840 Echo Park Avenue • Los Angeles, California 90026

Post Office Box 512164 • Los Angeles, California 90051 • 213.482.2040, extension 236 • 213.482.0844 facsimile • bishop@ladiocese.org • www.ladiocese.org

Circumstances of the Sanction

On Friday, June 9, William Kroener, a complainant, sent an email to David Booth Beers and Mary Kostel, copying the Hearing Panel and the Church Attorney, not Respondent or Respondent's counsel. The email refers to ongoing communications between Kroener and Beers regarding the sale of the NPB Property and hearing against Bishop Bruno. The email states Kroener's suspicion that the NPB Property is being sold and is a mini brief arguing that TEC should intervene to prevent the sale. Neither the Hearing Panel or the Church Attorney provided Respondent or Respondent's Counsel with the June 9 email or any other communication from or to Kroener. On the morning of June 14th, Kroener sent another email to the same recipients stating... "we have confirmed that a sale contract has gone into formal escrow." That email had an attached "screen shot" from an unidentified source and an email from Cindy Voorhees to Kroener testifying regarding the notations on the "screen shot." On the afternoon and evening of the 14th, the Hearing Panel first provided Respondent's with Kroener's June 9th email and the 14th email stating there was "proof." Prior to providing Respondent copies of the "screen shot" and Voorhees' testimony, the Hearing Panel demanded Respondent "express its views" regarding the matters referred to in the attachment" ... "including the exact status and related documentation of the alleged sales contract" by 5:00 pm the next day. Later, that evening Respondent received a copy of the "screen shot" and Voorhees' email testifying about the document. (Exhibit C).

Respondent objected by the deadline but did not, and could not, provide information regarding the sale by the deadline without breaching the confidentiality provisions of the sales contract. (Respondents' objections are attached as Exhibit D). On the same day, Thursday, June 15, the Hearing Panel asked the Church Attorney, "What is in the record that the church status would remain as status quo pending the decision?" The Church Attorney's June 16 response argues that it is a "justifiable assumption" because the first sale had fallen through, a cloud on title remains (both brought about by "Save St. James") and because the Respondent knew of the relief the Church Attorney requested (the Church attorney requested disciplinary sanctions within the canons but also requested they be stayed if the Bishop would put the Save St. James congregation into the property). (Exhibit E). The Hearing Panel issued Sanctions preventing Respondent from selling the NPB Property on June 16, 2017, (signed post-dated as June 17, 2017) without addressing the Respondent's objections. (Exhibit A).

Circumstances of the Current CONFIDENTIAL Sale of the NPB Property.

The April 2015 Contract to Sell the NPB Property is the subject of the third charge of the presentment. (That the Bishop sold the property without prior Standing Committee approval). That sale was pending during the filing of the presentment until November 2016, when the buyer pulled out as a result of the actions and litigation of "Save St. James." In light of the failure of that sale, Bishop Bruno presented a request to the EDLA Standing Committee to consent to a sale and deconsecration of the NPB Property during its November 2016 meeting. The Standing

Committee authorized the Bishop to sell the NPB Property and deconsecrate it. (Exhibit F). On April 19, 2017, Respondent and potential buyer, Burnham-Ward Properties, LLC, entered a Due Diligence and Confidentiality Agreement and on May 25, 2017, an Agreement of Purchase and Sale and Joint Escrow Instructions. Escrow on the sale is to close on July 3, 2017. The Respondent, as the Bishop as Corporation Sole, must sign documents next week as part of the closing or Corporation Sole will be in default under of the contract.

The Hearing Panel's Sanction is Outside the Jurisdiction of the Hearing Panel.

Title IV does not give the Hearing Panel jurisdiction to control disposition of Diocesan Property. The Bishop and Diocese have control over EDLA property. The Hearing Panel can place restrictions on a Bishop's ministry, recommend that the Presiding Bishop admonish, suspend or depose the Bishop or any combination of these. The Canons do not authorize the Hearing Panel to take control of property. In addition, the Canons do not give the Hearing Panel the right to manage congregations of the EDLA or grant them status that the EDLA has revoked. St. James the Great congregation was dissolved pursuant to EDLA Canon 2.09. (See Hearing Panel Exhibit 202, EDLA Canons, p. 20), There is no provision allowing the Hearing Panel to order the Bishop to place a non-mission, non-parish congregation in a 40,000-square foot EDLA property. The fact that the Church Attorney prays for the relief does not create power to grant the relief under Title IV.

Further, there is nothing in the record (as acknowledged by the Church Attorney) that directed Respondent not to sell the NPB Property during these proceedings. The record in this matter is completely to the contrary. For more than a year the property was in escrow and the Diocese opposed litigation to block the sale. On June 20, 2016, at the conclusion of the Conference Panel proceedings, the Respondent and Respondent's Attorneys and Advisor, Bishop Fitzpatrick, recall the Chair of the Panel and the Panel expressly informing Bishop Bruno, and others, that there were no restrictions on Bishop Bruno's disposition of the NPB Property provided it was "done in the right way," *i.e.*, in compliance with the requirements of Title II.6.3. Consistent with this understanding was the Presiding Bishop May 4th response to a family asking to allow them to use of the NPB Property for a funeral:

Your message to The Most Rev'd Michael B. Curry requesting him to ask Bishop Bruno to allow for a Memorial Service and interment of ashes for your mother, Nancy Knight, at St. James the Great has been received, and forwarded to me for response. **** As you have rightly acknowledged this is a decision to be made by Bishop Jon Bruno of Los Angeles as the Presiding Bishop has no jurisdiction over your request.

(Exhibit G). To allow the Hearing Panel to use the sanction procedure in Canon 13.9 to address an improper demand for intervention from a complainant months after the disciplinary hearing is contrary to purpose and intent of the Canon.13.9.

Respondent Did Not Have Reasonable Notice or Hearing Before Imposition of the Sanction

Given the Hearing Panel's acceptance of and non-disclosure of Kroener's coercive and inappropriate prejudicial and argumentative comments to Beers, Kostel and the Panel on June 9 and the morning of June 14th, the Hearing Panel's immediate demand that Respondent address Kroener's allegations and arguments within 24 hours was unreasonable. The Hearing Panel failed to address Respondent's valid objections to its acceptance of an inappropriate post-hearing contact by Kroener. (Exhibit D). The Hearing Panel accepted legal arguments and non-cross-examined testimony from Kroener and Voorhees without giving Respondent a chance to respond. The Hearing Panel failed to limit the distribution of the Sanctions Order which has been published across the EDLA and on the Episcopal News Network with comments that the Respondent could not address without violating the confidentiality agreement. Title IV.13.9 requires the Hearing Panel to give "reasonable notice" before it imposes sanctions. It did not do so.

Respondent Was Not Disruptive, Dilatory, and Did Not Act Contrary to the Integrity of the Proceeding.

The only action of the Respondent cited in the Hearing Panel's imposition of sanctions is: "Respondent's counsel raised objections but did not address the substance of the Complainant's allegation that there is a pending sale, or furnish any documentation." First, if the Hearing Panel had considered and accepted the objections, the further response would be unnecessary and if the response was given, the objections would be waived. Second, the Respondent could not respond to the request to provide the pending sale information without violating the confidentiality agreement and potentially ending the sale thereby. Finally, the Respondent could not address the Hearing Panel's request without it resulting in a Diocese and TEC-wide distribution. Had the Respondent been given time to address these issues through a hearing and its objections, the Hearing Panel would have received a response.

Finally, the Respondent's confidential sale of the NPB Property is not contrary to any order, representation, or understanding given by the Presiding Bishop, the Conference Panel or the Hearing Panel in this proceeding. Although the Church Attorney argued in his email that Respondent had violated an agreement to maintain the property in "status quo," when asked for citations to the record to support the argument, he had none. (Exhibit E). This is because it was the intent of the Bishop and the Standing Committee to sell the property. When escrow from the first sale was eventually cancelled (more than a year after the Title IV proceeding began) the Standing Committee authorized another sale to be negotiated. The Bishop and the staff of the EDLA made no representation that the property would be maintained in "status quo". It is in the best interest of the EDLA for Respondent to conclude the sale. (Exhibit H).

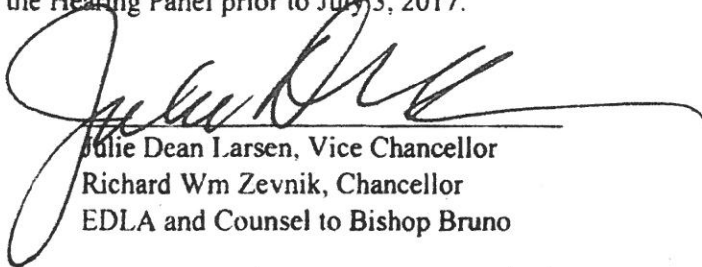
Conclusion

Respondent, has the authority and direction of the Standing Committee to sell the Newport Beach Property. Escrow is scheduled to close on July 3, 2017. The Hearing Panel's Sanctions, if implied to refer to the NPB property and not "St. James property," will require the Bishop to default on the contract. Section 16 of the contract allows the Buyer to choose between suing for specific performance, suing for damages, or terminating the contract in the event of a default.

The Hearing Panel's authority under Title IV.13 does not include the power to block sale of the NPB Property by controlling the Bishop as Corporation Sole. The Sanction was imposed without due process. The Respondent could not provide the information demanded by the Hearing Panel within 24 hours and could not inform the Hearing Panel of its reasons for not responding. The objections raised by Respondent to the "evidence" and to the argument and interference by Kroener and Beers are well founded and preserved herein.

Bishop Bruno respectfully submits that the Disciplinary Board should act expeditiously and reverse or stay the June 17, Sanction order of the Hearing Panel prior to July 3, 2017.

Dated: June 23, 2017



Julie Dean Larsen, Vice Chancellor
Richard Wm Zevnik, Chancellor
EDLA and Counsel to Bishop Bruno



**IN THE TITLE IV DISCIPLINARY MATTER
INVOLVING THE
RT. REV. JON BRUNO, RESPONDENT
IMPOSITION OF SANCTIONS ON THE RESPONDENT**

By emails dated June 9 and 14, 2017 copied to the President of the Hearing Panel, one of the Complainants made a colorable claim that the Respondent may have entered into a contract to sell the St. James property. By email dated June 14, 2017, legal counsel to the Hearing Panel, acting for the President, circulated the Complainant's emails to counsel for the Respondent, the Church Attorney and the members of the Hearing Panel, and directed that counsel express their views on the matters referred to in the emails from the Complainant by 5:00 p.m. Eastern Time on June 15, 2017, including the exact status and related documentation of the alleged sales contract.

Both counsel submitted timely responses. The Respondent's counsel raised several objections, but did not address the substance of the Complainant's allegation that there is a pending sale, or furnish any documentation. The Church Attorney stated that the Respondent did not comply with the Hearing Panel's

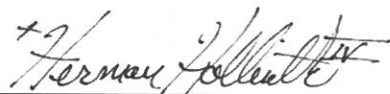
directive and observed that Respondent's Counsel either knows or could learn the exact status of any pending sale from the Respondent. The Church Attorney also argued that if it is true that the Respondent has entered into a sales agreement that is an act of defiance and should be enjoined.

The Hearing Panel has considered these matters and takes them extremely seriously. If the Respondent has entered into a contract to sell, or sold, the St. James property before the Hearing Panel has decided the case, that conduct is disruptive, dilatory and otherwise contrary to the integrity of this proceeding. The same applies to his failure to supply information concerning the alleged sale. Canon IV.13.9(a).

Acting under the authority of Canon IV.13.9(a), the Hearing Panel accordingly imposes the following sanctions on the Respondent, acting individually, or as Bishop Diocesan, or as Corp Sole, or in any other capacity: Respondent is prohibited from selling or conveying or contracting to sell or convey the St. James property until further order of the Hearing Panel.

This Imposition of Sanctions is effective immediately.

June 17, 2017



The Rt. Rev. Herman Hollerith IV
President, for the Hearing Panel

STATEMENT OF ALLEGED OFFENSES

In the Matter of Allegations to be Considered by a Hearing Panel under Title IV of the Canons of The Episcopal Church on a Complaint by:

William F. Kroener, III, and
Certain Other Members of St. James the Great Church, Newport Beach, California, and
Certain Clergy and Lay Persons in the Diocese of Los Angeles
(the "Complainants")

against

The Right Reverend J. Jon Bruno, Bishop of the Diocese of Los Angeles
(the "Respondent")

The Complainants allege facts which may be violations by the Respondent of one or more of the following Canons:

Canon IV.4.1(h)(6), Conduct involving dishonesty, fraud, deceit or misrepresentation

Canon IV.4.a(h)(8), Conduct unbecoming a Member of the Clergy

and

Canon IV.4.1(g), Failure to exercise his ministry in accordance with the applicable provisions of the Constitution and Canons of the Church, specifically Canon II.6.3 requiring the consent of the Standing Committee to dispose of a consecrated church for worldly or common use without the previous consent of the Standing Committee

Background: In 2013 title to the real property of St. James the Great Church was awarded to the Corporation of the Episcopal Diocese of Los Angeles and the Respondent reinaugurated St. James the Great as a Mission Church in the Diocese of Los Angeles, with The Rev'd Cindy Evans Voorhees as its Vicar. In 2009, title to the real property of St. James the Great Church was transferred from the Diocesan Corporation to the Respondent as a California Corporation Sole. The Complainants allege that the Standing Committee's approval of this 2009 transfer to the Corporation Sole was conditioned on the property not being sold for non-religious use if there was a viable congregation at the location.

During the period after St. James the Great was reinaugurated and until May 17, 2015, the Respondent supported and encouraged the growth and development of St. James the Great and spoke optimistically of its future, without disclosing that he planned to sell the church property and close the church, and was negotiating a contract to sell the property. On May 17, 2015, the Respondent announced to the congregation of St. James the Great that he had agreed to sell the St. James the Great real property for non-church development, but stated that he would permit a leaseback of the church property until October 2015 and that the Diocese of Los Angeles would provide financial support for St. James the Great during the leaseback period. On or about June 29, 2015, the Respondent, without advance notice to the clergy or congregation of St. James the Great, caused the locks on the doors to St. James the Great to be changed and deprived the clergy and congregation of access to the real property and their personal property thereon.

Factual Allegations of alleged Canonical Offenses:

1. The Respondent failed to obtain a valid consent of the Standing Committee of the Diocese of Los Angeles to the sale of the St. James the Great real estate for worldly or common use as required by Canon II.6.3.
2. The Respondent misrepresented to the clergy and congregation of St. James the Great and the local community in various communications prior to May 17, 2015, his plans for the future of St. James the Great.
3. The Respondent misrepresented in various communications in May and June of 2015 that St. James the Great was not a sustainable congregation.
4. The Respondent misrepresented on or about June 17, 2015 that the Vicar of St. James the Great, the Rev'd Cindy Evans Voorhees, had resigned her position as Vicar of St. James the Great.
5. On or about May 17, 2015 the Respondent misrepresented to several members of St. James the Great that the church could have the use of the church property until October 2015 under a leaseback, and that the Diocese would provide financial assistance for the congregation during that leaseback period.
6. The Respondent acted in a manner unbecoming a clergyman by (a) 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.

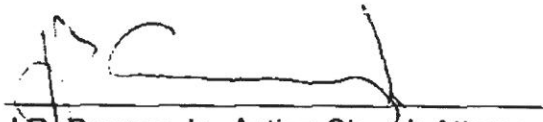
Additional information supporting these factual allegations is included in the attached appendices, as follows:

Appendix A – Report of the Intake Office, The Rt. Rev'd F. Clayton Matthews, dated July 15, 2015, with its attachments, including the original Compliant dated July 6, 2015 and a supplemental Complaint dated July 14, 2015.

Appendix B – Email from Mr. Kroener to Bishop Matthews dated August 17 2015 stating an additional supplemental Complaint.

Appendix C – Email from Mr. Kroener to Bishop Matthews dated January 10, 2016 stating an additional supplemental Complaint.

Respectfully submitted to the
Conference Panel,

A handwritten signature in black ink, appearing to read "J.R. Causey Jr.", written over a horizontal line.

J.R. Causey Jr., Acting Church Attorney
Box 1701
West Point, VA 23181
Phone (804) 843-2700

Date: June 24, 2016

David Tumilty

From: Davenport, Bradfute W. <brad.davenport@troutmansanders.com>
Sent: Wednesday, June 14, 2017 12:05 PM
To: Richard Zevnik; Julie Larsen; rcoughlan@csllaw.com
Cc: 'Holly Hollerith'; Nicholas Knisely; Erik Larsen; Michael Smith; Deborah Stokes; Leah Sici gnano
Subject: Bruno
Attachments: Screenshot

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Bishop Hollerith has directed that you express your views, via email to the members of the Hearing Panel and me, on the matters referred to in the attachments by 5:00 pm Eastern Time tomorrow, June 15, 2017, including the exact status and related documentation of the alleged sales contract.

Bradfute W. Davenport, Jr.

Retired Partner

TROUTMAN SANDERS

Direct: 804.697.1311 | Mobile: 804.690.3136 | Internal: 15-1311

brad.davenport@troutmansanders.com

From: Kroener III, William F. [<mailto:kroenerw@sullcrom.com>]
Sent: Wednesday, June 14, 2017 11:12 AM
To: David Booth Beers (dbeers@goodwinlaw.com); Mary Kostel (mkostel@goodwin.com) (mkostel@goodwinlaw.com)
Cc: Davenport, Bradfute W.; Holly Hollerith; cmatthews@episcopalchurch.org; Jerry Coughlan; catewaynick@gmail.com
Subject: Re: Confirmation

As a follow up, we have now confirmed that a sale contract has gone into formal escrow for the St. James church building. The documentary confirmation, with explanation, is attached.

Bill Kroener

William F. Kroener, III

kroenerw@sullcrom.com

(202) 956-7095

(202) 756-7072 (fax)

(310) 712-6696

(310) 712-8800 (fax)

From: Kroener III, William F.
Sent: Friday, June 09, 2017 9:04 AM
To: David Booth Beers (dbeers@goodwinlaw.com); Mary Kostel (mkostel@goodwin.com) (mkostel@goodwinlaw.com)

Cc: Davenport, Bradfute W.; Holly Hollerith; 'cmatthews@episcopalchurch.org'; 'bishop@indydio.org'; Jerry Coughlan
Subject: Follow Up Supplemental Response

In further response to the question you asked me 11 months ago as to whether Bishop Bruno could or might sell the St James church building during the civil litigation, this is to advise that Bishop Bruno has renewed and intensified his effort to sell the building since the completion of the Title IV hearing. Yet another sale contract now has been entered (for at least the second time since the hearing concluded).

A member of our congregation learned on Wednesday (from an on site surveyor working at the direction of the Chief Financial Officer of the Los Angeles Diocese, Ted Forbath) that the Diocese is now undertaking a survey of the property. Although the surveyor referred all inquiries to Mr Forbath as he was instructed, Mr Forbath when contacted refused to provide details and refused to identify anyone else at the Diocese to whom inquiry might be made. So the Diocese is keeping the matter secret.

We do not know whether Bishop Bruno's renewed efforts to sell the building have been consented to by The Episcopal Church or the Hearing Panel or are simply an effort by him to take advantage of the completion of the hearing and absence of any decision in the Title IV proceeding. In view of the pending hearing panel decision and the request for relief made to the Panel by the Church Attorney, we request that the Presiding Bishop order that the building not be sold or demolished until the earlier of the final conclusion of the Title IV proceeding or Bishop Bruno's retirement. We believe that for The Episcopal Church to allow such a sale by inaction or inability to deal with the unbecoming misbehavior of Bishop Bruno in a timely way, particularly in light of the record of the Hearing and the submission of its own appointed Church Attorney, would be highly inappropriate and redound to the serious detriment of The Episcopal Church, its leadership and its canons.

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David Tumilty

From: Davenport, Bradfute W. <brad.davenport@troutmansanders.com>
Sent: Wednesday, June 14, 2017 4:35 PM
To: Richard Zevnik; Julie Dean Larsen; Jerry Coughlan
Cc: Holly Hollerith; Nicholas Knisely; BpNoDak@aol.com; rector@stcolumbaschapel.org; dstokes1@live.com; Leah Sicignano
Subject: Bruno
Attachments: 3209-scan.pdf; ATT00001.htm

Here is the attachment.

Brad

Bradfute W. Davenport, Jr.

Retired Partner

TROUTMAN SANDERS

Direct: 804.697.1311 | Mobile: 804.690.3136 | Internal: 15-1311

brad.davenport@troutmansanders.com

Begin forwarded message:

From: "Kroener III, William F." <kroenerw@sullcrom.com>
Date: June 14, 2017 at 5:07:28 PM EDT
To: "Davenport, Bradfute W." <brad.davenport@troutmansanders.com>
Subject: Fw: Screenshot

Sent from my BlackBerry 10 smartphone.

From: Kroener III, William F. <kroenerw@sullcrom.com>
Sent: Wednesday, June 14, 2017 8:02 AM
To: Kroener III, William F.
Subject: re: Screenshot

Here is a screen shot of the DataTrace listing for 3209 Via Lido.

The list is recorded transactions. The line right above "END OF REPORT" shows an order opened ("OO") for title insurance on 06/09/2017. Such an order is part of an escrow. "FA" means Fidelity Title, the seven-digit number is the order number. Fidelity escrow division and confirmed there's an escrow associated with that order number.

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SERVICES

- TITLE SERVICES
 - T) Subdivided
 - B) Arbs
 - O) Lot Line
 - S) Sectional/Acreage
 - U) Ranches
 - B) Title By Address/Parcel
 - C) General Name
 - E) Grantor/Grantee
 - I) Instrument
 - R) Reference
 - P) Plat List
- TAX SERVICES
 - X) Property Taxes
- BUSINESS SERVICES
 - V) Corporate/LP/LLC
 - N) Notary Public
- STARTER SERVICES
 - L) Starter Exchange
- MISCELLANEOUS SERVICES
 - D) Datedown
 - 7) Batch Datedown
 - H) Batch Imaging
 - 2) Completed Searches
 - C) Display/Maintain Order
 - W) Close/Cancel Order

06/13/2017 12:15PM PDT NZ8D
 INVESTIGATIVE SEARCH RESULTS
 PLANT THROUGH JUNE 06, 2017 05:00PM
 SEARCH PARAMETERS
 ORANGE, CA
 PAGE 1 OF 1 (VOLUME 1 OF 1)

REF. 01 OF 01 FOR APN: 117422-10

LOT	THRU	BLOCK	TRACT	ID
29			3004	
NAME TR 3004 STATUS PLAT VERIFIED AT LOT LEVEL FROM 000000000 BACK TO PLANT BEGINNING THROUGH 999999999 ALL TRACT: NO ADJOINING LOTS: NO				

TYPE BK/PG	DATE	DOC#	GRANTOR	GRANTEE	PTN LG/REMARKS
RC 10358/308	10/04/1971		RECTOR WARDENS VES	3209 VIA LIDO NEW	
RC 11004/296	11/28/1973	20765	BENNETT ROBERT L		6261 861
SR	10/02/1997			FA SU 9734106	
QD	05/27/2014	204355	PROTESTANT EPISCOP	BISHOP PROTESTANT	
00	01/10/2014			USN 30 071439013	
00	08/30/2016			NCS JP 0810902	
00	11/28/2016			FA 0 0000000	
00	06/09/2017			FA DT 5475299	

END OF REPORT

HISTORY

- OED GRT 2004.2932
- CA, LOS ANGELES, INV (06/13/2017) 12:15 PM 6/1: Investigative (12:10 PM 6/1: CA, ORANGE, INV (06/13/2017) 12:10 PM 6/1: Investigative (12:10 PM 6/1: A:423-111-07
- Y:2017.1:369675
- O:2017.369675 (3)
- A:1197-T:907
- P:1 Y:1995 I:201207
- Investigative (12:12 PM 6/1: A:117-611-18
- A:117-T:4981
- Investigative (12:15 PM 6/1: A:117-422-10
- L:29 T:3004

Preview Add Save Request Images

Name/Date Quick Name Quick Order VOL 1 - PAGES 1 - 1 of 1 Volume 1 ID: NZ8D

David Tumilty

From: Richard Zevnik <rwzevnik@gmail.com>
Sent: Thursday, June 15, 2017 10:47 AM
To: David Tumilty; Julie Dean Larsen
Subject: Hearing Panel's June 14, 2017 Inquiry

Dear Bishop Hollerith and Panel Members:

This will respond to the Hearing Panel's June 14, 2017, request to Respondent to address emails and a "screen shot" provided to the Hearing Panel by non-party, William Kroener, III.

Respondent objects to the Hearing Panel's consideration of the document described as a "screen shot" by a non-party. As with the unsolicited submissions of other non-parties, this document should be rejected by the Hearing Panel and not made part of the record.

The Respondent objects to acceptance of the "screenshot" because it is not relevant. On its face it was created after the Title IV complaint and after the Hearing and cannot provide relevant evidence related to the charges.

The Respondent objects to the document because it lacks foundation. Nothing in its submission tells how it was created or by whom.

The Respondent objects to the document because it is ambiguous, as the Church Attorney admits.

The Respondent objects to Mr. Kroener's testimony regarding the document. Respondent has no opportunity to cross examine Mr. Kroener, or the creator of the document, regarding the document. Canon IV.13. 6 provides: "All testimony shall be given under oath or solemn affirmation and be subject to cross-examination."

Respondent objects to the emails from Kroener as prejudicial to Respondent and in violation of Canon IV.19.11 in seeking to improperly influence the Presiding Bishop and the Hearing Panel in this Title IV proceeding.

Respectfully submitted,

Richard Zevnik, Chancellor EDLA
Julie Dean Larsen, Vice Chancellor, EDLA

David Tumilty

From: Davenport, Bradfute W. <brad.davenport@troutmansanders.com>
Sent: Thursday, June 15, 2017 4:34 PM
To: Jerry Coughlan
Cc: Richard Zevnik; Julie Dean Larsen; Holly Hollerith; Nicholas Knisely; BpNoDak@aol.com; rector@stcolumbaschapel.org; dstokes1@live.com; Leah Sicignano
Subject: Re: Bruno

Follow Up Flag: Follow up
Flag Status: Flagged

What is in the record that the church status would remain in status quo pending a decision?

Bradfute W. Davenport, Jr.

Retired Partner

TROUTMAN SANDERS

Direct: 804.697.1311 | Mobile: 804.690.3136 | Internal: 15-1311

brad.davenport@troutmansanders.com

On Jun 15, 2017, at 10:56 AM, Jerry Coughlan <jerry@coughlanmediation.com> wrote:

Good morning: I am not able to independently interpret the attachment. I assume Mr Zevnik and Ms. Larsen have actual knowledge of the sale status and will include that in their response. However, assuming Respondent has entered into a sale agreement and escrow I believe that to be a clear violation the Title IV proceeding and an act of defiance of the panel, especially if done secretly as Mr Kroener alleges. Clearly everyone understood that the church status would remain in status quo while a decision was pending. At a minimum the panel should require full disclosure from Respondent. As I submitted in my post-trial brief Canon IV. 14.6 provides broad authority for the panel to intervene to obtain to obtain full information and enjoin the sale pending a final decision. Jerry Coughlan.

Sent from my iPhone

On Jun 14, 2017, at 7:35 PM, Davenport, Bradfute W. <brad.davenport@troutmansanders.com> wrote:

Here is the attachment.

Brad

Bradfute W. Davenport, Jr.

Retired Partner

TROUTMAN SANDERS

Direct: 804.697.1311 | Mobile: 804.690.3136 | Internal: 15-1311

brad.davenport@troutmansanders.com

Begin forwarded message:

From: "Kroener III, William F." <kroenerw@sullcrom.com>
Date: June 14, 2017 at 5:07:28 PM EDT
To: "Davenport, Bradfute W."
<brad.davenport@troutmansanders.com>
Subject: Fw: Screenshot

Sent from my BlackBerry 10 smartphone.

From: Kroener III, William F. <kroenerw@sullcrom.com>
Sent: Wednesday, June 14, 2017 8:02 AM
To: Kroener III, William F.
Subject: re: Screenshot

Here is a screen shot of the DataTrace listing for 3209 Via Lido.

The list is recorded transactions. The line right above "END OF REPORT" shows an order opened ("OO") for title insurance on 06/09/2017. Such an order is part of an escrow. "FA" means Fidelity Title, the seven-digit number is the order number. Fidelity escrow division and confirmed there's an escrow associated with that order number.

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David Tumilty

From: Jerry Coughlan <jerry@coughlanmediation.com>
Sent: Friday, June 16, 2017 8:21 AM
To: Davenport, Bradfute W.
Cc: Richard Zevnik; Julie Dean Larsen; Holly Hollerith; Nicholas Knisely; BpNoDak@aol.com; rector@stcolumbaschapel.org; dstokes1@live.com; Leah Sicignano
Subject: Re: Bruno

Brad: It is a justifiable assumption by me that as all the evidence showed the sale had fallen through, the general plan had not been changed, the cloud on title remains and Respondent knew of the relief I requested and that the panel has been working on the matter he would not sell the property secretly without informing the panel in advance and undoubtedly at an enormous discount. Mr Zevnik's non-response to your request further suggests secrecy and disdain for these proceedings. I submit that Respondent either during the hearing or thereafter when this possibility came up at least should in good faith have informed the panel and the Church and Church Attorney and not have presented everyone with a fait accompli and mooting much of the effort that has been involved. Certainly the panel deserves a complete answer to its request for specifics. Mr. Kroener for example believes Respondent conditioned the sale on the buyer not using the property as an Episcopal Church, which if true seems particularly offensive. Jerry Coughlan.

Sent from my iPhone

On Jun 15, 2017, at 7:34 PM, Davenport, Bradfute W. <brad.davenport@troutmansanders.com> wrote:

What is in the record that the church status would remain in status quo pending a decision?

Bradfute W. Davenport, Jr.

Retired Partner

TROUTMAN SANDERS

Direct: 804.697.1311 | Mobile: 804.690.3136 | Internal: 15-1311

brad.davenport@troutmansanders.com

On Jun 15, 2017, at 10:56 AM, Jerry Coughlan <jerry@coughlanmediation.com> wrote:

Good morning: I am not able to independently interpret the attachment. I assume Mr Zevnik and Ms. Larsen have actual knowledge of the sale status and will include that in their response. However, assuming Respondent has entered into a sale agreement and escrow I believe that to be a clear violation the Title IV proceeding and an act of defiance of the panel, especially if done secretly as Mr Kroener alleges. Clearly everyone understood that the church status would remain in status quo while a decision was pending. At a minimum the panel should require full disclosure from Respondent. As I submitted in my post-trial brief Canon IV. 14.6 provides broad authority for the panel to intervene to obtain to obtain full information and enjoin the sale pending a final decision. Jerry Coughlan.

Sent from my iPhone

On Jun 14, 2017, at 7:35 PM, Davenport, Bradfute W. <brad.davenport@troutmansanders.com> wrote:

Here is the attachment.

Brad

Bradfute W. Davenport, Jr.

Retired Partner

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Direct: 804.697.1311 | Mobile: 804.690.3136 | Internal: 15-1311

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The Episcopal Diocese of Los Angeles

Meeting of the Members of the Standing Committee

November 16, 2016

The meeting was held at the Cathedral Center of St. Paul, 840 Echo Park Avenue, Los Angeles, California in the Absalom Jones' Conference Room.

Members present were: Canon Patsy Brierley, Dr. Betty Ferrell, Canon Lynn Headley, Ms Julie Dean Larsen, the Very Reverend Melissa McCarthy, and the Reverend Dr. Rachel Nyback.

Also present were: Canon Janet Wylie (Recording Secretary), and Canon Richard Zevnik (Vice-Chancellor).

Absent members were: The Reverend Michael Archer and the Reverend Abel Lopez.

The President, the Very Reverend Melissa McCarthy, called the meeting to order at 1:00 p.m. and Dr. Betty Ferrell offered the invocation.

The agenda was accepted as presented.

The minutes of the October meeting were presented. The minutes were approved with one correction. The Reverend Dr. Nyback did not recuse herself from running for President of the Standing Committee for 2017.

The President then excused the Recording Secretary and Vice-Chancellor for the interview with Ms Holly Cordone. After the interview, Canon Patsy Brierley moved, and Ms Julie Dean Larsen seconded the motion, to approve Ms Cordone for Candidacy to the Transitional Diaconate under Canon VIII.

The Recording Secretary and Vice-Chancellor then returned to the meeting.

Ms Julie Dean Larsen attended the November 15 meeting of the Corporation of the Diocese. She presented Packet D (enclosed with the original copy of the Corporation minutes for November), as a request from St. George's in Laguna Hills to enter into or continue three separate leases. Based on the recommendation from the directors of the Corporation, Ms Larsen moved, and Canon Lynn Headley seconded the motion, to approve the three leases. The motion carried.

A motion to accept the amendment to the Bylaws from St. Joseph's in Buena Park was made by Canon Brierley. Canon Headley seconded the motion. Because this amendment follows the approved template and has been reviewed The Reverend by the Bishop's staff, the motion to accept the revised Bylaws carried.

MEMBERS PRESENT

MEMBERS ABSENT

CALL TO ORDER AND INVOCATION

AGENDA ACCEPTED

MINUTES APPROVED

CORDONE INTERVIEW

Cordone, Holly 6, 0, 0

CORPORATION OF THE DIOCESE ITEMS

**Laguna Hills
—carried—**

BYLAWS

**Buena Park
—carried—**

Exhibit F

The Reverend Dr. Rachel Nyback moved, and Canon Brierley seconded the motion, to consent to the election of a Bishop Coadjutor for the Diocese of Haiti. The motion carried unanimously.

By way of a packet B, Bishop Bruno asked the members to approve the Disciplinary Board nominees for ratification at the 2016 Diocesan Convention. Canon Brierley moved, and Ms Larsen seconded the motion, to approve the slate of nominees. The motion carried.

A list of those submitting Clergy Ministry Reports (non-stipendiary clergy, non-parochial clergy, retired clergy, and all Deacons) was presented for the member's advice and consent to the Bishop Diocesan. (See the list enclosed with the original copy of these minutes.) Ms Larsen moved, and Dr. Nyback seconded the motion, to accept the report (list) in accordance with Article VI.15e of the *Constitution of the Diocese of Los Angeles*. The motion carried.

There was no report regarding the Commission on Ministry. Canon Lynn Headley reported on the work of the Diocesan Council. The main focus of the November meeting was on the Task Force report on transferring properties from Corporation Sole to the Corporation of the Diocese. A summary report was presented to the Council members from representatives of the Task Force. This summary will be presented at Convention with Council's oral report.

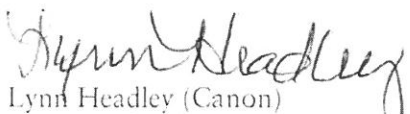
Dean McCarthy then presented a letter from Bishop Bruno regarding Title II.6.3 of the Canons of The Episcopal Church. The letter is enclosed with the original copy of these minutes. Acknowledging the Standing Committee has no canonical authority over Corporation Sole, the members of the Standing Committee, meeting on November 16, 2016, formally go on record and consent to the Bishop Diocesan to dispose of the consecrated Church property, whose title is legally held by Corporation Sole, and provide consent to the secularization and sale of the Lido Isle real and personal property, previously occupied by St. James the Great congregation. Canon Headley moved acceptance of this statement and Dr. Ferrell seconded the motion. The motion carried with a vote of five (5) positive, one (1) negative, and no abstentions.

The Standing Committee also recommends to the Bishop Diocesan as Corporation Sole that the Articles for Corporation Sole be amended to require the advice and consent of the Standing Committee for the disposition of consecrated Church property within the meaning of Title II.6.3. Dr. Nyback moved the resolution for this recommendation, and Canon Brierley seconded the motion. The motion carried.

Canon Richard Zevnik and Ms Larsen then gave updates on the Title IV presentment charges against Bishop Bruno and the Hearing Panel's actions.

There being no further business, the President adjourned the meeting at 2:50 p.m. with a closing prayer.

Respectfully submitted,


Lynn Headley (Canon)
Secretary for the Standing Committee

REQUEST FOR CONSENT

Coadjutor for Haiti
—carried—

**DISCIPLINARY BOARD
NOMINEES**

**CLERGY MINISTRY
REPORTS**

—carried—

**REPRESENTATIVE
REPORTS**

Commission on Ministry
Diocesan Council

**OTHER MATTERS OF
IMPORT**

Sale and secularization of
property—Newport Beach
—carried—

**RECOMMENDATION TO
AMEND CORPORATION
SOLE ARTICLES OF
INCORPORATION**

—carried—

**ITEMS FOR THE GOOD OF
THE ORDER**

ADJOURNMENT



The Episcopal Diocese of Los Angeles

November 16, 2016

Dear Standing Committee,

It has become apparent that some members of the Diocese believe TEC Canon II.6.3 and certain Diocesan canons apply to Corporation Sole when it determines to sell the real and personal property of a dedicated and consecrated Church or Chapel. This issue has been raised in the Title IV proceedings against me by certain individuals, in my capacity as the incumbent of Corporation Sole, in regard to the intended sale of the Lido Isle property. Subsequent to the initial sales agreement which I signed with Legacy Partners in April 2015, my office has been approached by other interested parties which would like to purchase the property, including recently.

At this point in time, the question regarding authority of the above referenced canons over the Corporation Sole has not been resolved. The National Canons do not refer to corporations sole, either specifically or generally. Further, EDLA Canon 30.00, which mandates the existence of Corporation Sole, and provides that the incumbent Diocesan Bishop is also the incumbent of Corporation Sole, likewise is silent to whether any other body of the Diocese, whether Diocesan Convention or the Standing Committee, has any role in Corporation Sole's decisions with respect to consecrated Church property.

However, so that I can proceed without worry of further Title IV filings of alleged violations of Canon II.6.3 arising out of a potential sale of that property, I am asking the Standing Committee to formally go on record, even if the canons do not provide expressly for advice and consent of the Standing Committee to disposition of consecrated Church property whose title is held by Corporation Sole, as providing its consent to the secularization and sale of the Lido Isle real and personal property, previously occupied by St. James the Great.

Thank you for your consideration.

Yours in Christ,

The Right Reverend J. Jon Bruno, Sixth Bishop of Los Angeles

The Cathedral Center of Saint Paul • 840 Echo Park Avenue • Los Angeles, California 90026

Post Office Box 512164 • Los Angeles, California 90051 • 213.482.2040, extension 236 • 213.482.0844 facsimile • bishop@ladiocese.org • www.ladiocese.org

From: <cmatthews@episcopalchurch.org>
Date: May 4, 2017 at 10:44:36 AM PDT
To: <bscuderi@comcast.net>
Cc: <csikkema@episcopalchurch.org>, <bishop@ladiocese.org>, <jonbruno@ladiocese.org>
Subject: RE: Memorial Service at St. James the Great Request

Dear Ms. Scuderi,

Your message to The Most Rev'd Michael B. Curry requesting him to ask Bishop Bruno to allow for a Memorial Service and interment of ashes for your mother, Nancy Knight, at St. James the Great has been received, and forwarded to me for response. Please excuse the informality of this note, but I wanted to respond to you as soon as I could.

As you have rightly acknowledged this is a decision to be made by Bishop Jon Bruno of Los Angeles as the Presiding Bishop has no jurisdiction over your request. Also, I am sure you know that the Disciplinary matter between the Bishop and St. James the Great is now in the hands of the Hearing Panel of this Church, and we are waiting for their judgement.

Given these two realities the only option before us is to copy Bishop Bruno on your request which I am doing with this email response.

Please know you and your family will be in thoughts and prayers during this pastorally challenging period in your life.

Sincerely,

Clayton Matthews

Cc. The Rt Rev'd Jon Bruno
The Most Rev'd Michael B. Curry

The Rt Rev'd F. Clayton Matthews Office of the Presiding Bishop The Episcopal Church|
Bishop, Office for Pastoral Development
Managing Director of The College for Bishops
800-334-7626 ext 6163 | 252-635-5004 | Fax: 252-635-5006
cmatthews@episcopalchurch.org
2857 Trent Road
New Bern, NC 28562

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

From: PB CommAsst (Chris Sikkema)

Sent: Tuesday, May 02, 2017 3:59 PM
To: Clayton Matthews
Subject: FW:

Bishop Matthews—

For your review!

-Chris

Christopher Sikkema | COORDINATOR FOR DIGITAL EVANGELISM | Office of
Communications | The Episcopal Church | 212-716-6055

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<<http://www.episcopalchurch.org/page/jesus-movement>>

On 5/2/17, 2:51 PM, "webmaster@episcopalchurch.org on behalf of Episcopal Church"
<webmaster@episcopalchurch.org> wrote:

Submitted on Tuesday, May 2, 2017 - 15:51
Submitted by anonymous user: 66.32.17.68
Submitted values are:

Your Name: Betsy Scuderi
Your email: bscuderi@comcast.net
Subject: Memorial service for my mom at St. James the Great in Newport Beach
California

Message:

Hi Bishop Curry,

My name is Betsy Scuderi and I am the daughter of Nancy Knight who was a long time (60 years!) parishioner of St. James Episcopal Church in Newport Beach California. My mom recently passed away and she wanted to have her funeral service and her ashes interred at St. James, however, as you know, Bishop Bruno has locked the parish out of the church building and also denied our request to hold her service there. She was a member of the church since 1956 and served as senior warden, junior warden and most recently on the alter guild, as did my grandmother. My siblings and I were baptized, confirmed and married there. I live in Western Massachusetts and am involved with my church St. Andrews in Longmeadow where I have served as clerk of the vestry for 10 years. I love the Episcopal church and the family I have there and I am so saddened and disappointed that we cannot honor my mom and her long time service to the episcopal community in Newport Beach, by having her memorial service at the church. I have visited her often this past year while she has been sick and I have participated in worship with her and the other faithful parishioners of St. James the Great in Newport Beach, who have been meeting at a park and now in a community room in the city hall. This is a strong, vibrant community who love the word and love each other, and who are growing even without a church building. Imagine what they could do with their building back!

I am writing to ask you if you would speak with Bishop Bruno and together find a way to allow us to hold a memorial service for my mom and allow her

ashes to be interred in the columbarium at St. James the Great in Newport Beach.

Thanks,
Betsy Scuderi
413-575-4239

The results of this submission may be viewed at:
<http://www.episcopalchurch.org/node/10116/submission/132731>



The Episcopal Diocese of Los Angeles

Special Meeting of the Members of the Standing Committee

June 21, 2017

The meeting was held telephonically.

Members present were: The Very Reverend Canon Michael Archer, Canon Patsy Brierley, the Reverend Nancy Frausto, Canon Lynn Headley, Canon Randolph Kimmler, the Reverend Abel Lopez, and the Reverend Dr. Rachel Nyback.

Also present were: Canon Janet Wylie (Recording Secretary), Canon Richard Zevnik (Chancellor), the Right Reverend J. Jon Bruno, and Canon David Tumilty (Chief of Staff).

Absent member was: Canon Julie Dean Larsen.

MEMBERS PRESENT

MEMBERS ABSENT

The President, the Reverend Dr. Rachel Nyback, called the meeting to order at 1:30 p.m. Bishop Bruno asked for the advice of the Standing Committee regarding the sanction imposed on him June 17.

CALL TO ORDER AND INVOCATION

Bishop Bruno reviewed for the members the chronology to date. After the sanction was imposed, the Bishop talked with his counsel and agreed the Hearing Panel has no authority to authorize this particular sanction. The action will be appealed. The charges for this sanction are not dependent on "no sale" Acting on the advice of the Conference Panel Bishop Bruno had no reason to believe he could not sell the property, as any sale would be outside the scope of the original Title IV charges.

REQUEST FOR ADVICE REGARDING SANCTION

After much discussion, Canon Randolph Kimmler moved, and the Reverend Nancy Frausto seconded the motion, to renew their consent as written in the November 16, 2016, minutes of the Standing Committee and give permission to sell the Lido Isle property. The motion carried unanimously with those present on the phone call using a roll call vote. A letter to Bishop Bruno will be written from the Standing Committee to convey the position of the Standing Committee to him.

MOTION TO CONSENT AND SELL

—CARRIED—

There being no further business, the President adjourned the meeting at 2:15 p.m. with a closing prayer offered by the Very Reverend Canon Michael Archer.

ADJOURNMENT

Respectfully submitted,

Lynn Headley (Canon) Secretary for the Standing Committee

Exhibit H



The Episcopal Diocese of Los Angeles

June 21, 2017

The Right Reverend J. Jon Bruno
The Cathedral Center of St. Paul
840 Echo Park Avenue
Los Angeles, CA 90026

Dear Sir,

At a special meeting this afternoon, serving as your Council of Advice, the Standing Committee, in considering the Title IV Hearing Panel sanction recommitted itself to the decision made at its November 16, 2016, regular meeting. That is:

Acknowledging the Standing Committee has no canonical authority over Corporation Sole, the members of the Standing Committee, meeting on November 16, 2016, formally go on record and consent to the Bishop Diocesan to dispose of the consecrated Church property, whose title is legally held by Corporation Sole, and provide consent to the secularization and sale of the Lido Isle real and personal property, previously occupied by St. James the Great congregation.

Additionally, the Standing Committee expressed concern regarding whether the Hearing Panel has authority over the Bishop and Standing Committee of a Diocese regarding church property, specifically in this matter, since it is not one of the articulated alleged offenses levied against you.

By way of a unanimous motion, the Standing Committee members reaffirm their action regarding the sale of Lido Isle. The Standing Committee concurs with your decision and judgment that sale of this property is in the best interest of the Diocese of Los Angeles.

Yours sincerely,

The Standing Committee

(Signed by the Recording Secretary of the Standing Committee (Canon M. Janet Wylie) for expediency.)

dc: The Most Reverend Michael Curry
The Right Reverend Herman Hollereth IV
The Right Reverend Clay Matthews