

COMMITTEE ON APPEALS NORTH CENTRAL JURISDICTION OF THE UNITED METHODIST CHURCH

*In the Matter of the Decision of the West Ohio Conference Committee on
Investigation in the Matter of Rev. David Wayne Meredith*

(Original Jurisdiction: West Ohio Annual Conference of the United Methodist Church)

OPINION ON APPEAL

This matter was heard on March 9, 2018. Upon consideration of the record on appeal, the briefs of the parties, oral argument, and deliberations of the North Central Jurisdiction Committee on Appeals (hereinafter Committee), the Committee concludes that the weight of the evidence using the standard set forth in the Book of Discipline of the United Methodist Church (2012) of egregious error requires that charges 1 and the uncharged specification of charge 3 be remanded to the West Ohio Conference Committee on Investigation to comply fully with the instruction set forth below.

I. Factual and Procedural History

The appellant, the West Ohio Conference of United Methodist Church, contends that the West Ohio Conference Committee on Investigation (hereinafter West Ohio Committee on Investigation) failed to discharge their duties under the Book of Discipline of the United Methodist Church (2012) (hereinafter *Discipline* – 2012). The West Ohio Conference of United Methodist Church contends that the West Ohio Committee on Investigation failed to adhere and apply the *Discipline* – 2012 as interpreted by the decisions of the Judicial Council specially Judicial Council decision 1341 (hereinafter JCD 1341) to the facts contained in the Charges and Specifications of the Judicial Complaint submitted in the matter of Rev. David Wayne Meredith. The West Ohio Committee on Investigation contends that they reviewed the charges in a thorough thoughtful matter and fulfilled their duty and fully and deliberately considered the *Discipline* – 2012 and the Judicial Council Decisions.

II. Jurisdiction

The Committee has jurisdiction under ¶ 2715 and ¶ 2716 of the *Discipline* – 2012.

III. Appeal Procedures

¶ 2715(1) of the *Discipline* – 2012 provides, in pertinent part, as follows:

In all cases of appeal, the appellant shall within thirty days give written notice of appeal and at the same time shall furnish to the officer receiving such notice (¶¶ 2716.2, 2717.1, 2718.2) and to the

counsel a written statement of the grounds of the appeal, and the hearing in the appellate body shall be limited to the grounds set forth in such statement. [Footnote omitted.]

¶ 2715(10) provides, in pertinent part as follows:

The Church shall have no right of appeal from findings of the trial court. In regard to cases where there is an investigation under ¶ 2702, but no trial is held, egregious errors of Church law or administration may be appealed to the jurisdictional committee on appeals by counsel for the Church. The committee on investigation's decision not to certify a bill of charges does not alone constitute an egregious error of Church law or administration. When the committee on appeals shall find egregious errors of Church law or administration under this part, it may remand the case for a new hearing, in which event it shall return to the chair of the committee on investigation a statement of the grounds of its action. This is not to be double jeopardy.

Counsel for Rev. David Wayne Meredith has maintained that he is properly the respondent in this action. This position was not advanced by either the West Ohio Conference of the United Methodist Church or the West Ohio Committee on Investigation. This appeal is very narrow in its scope and defined by the specific provisions of the *Discipline* – 2012 ¶ 2715. The only remedy allowed is a remand with instructions to the West Ohio Committee on Investigation or to affirm their decision. A respondent must be the entity which can be guided, governed or instructed by the appellate body. Our sole duty is to review the record as present and address one specific issue. We cannot guide, govern or instruct Rev. David Wayne Meredith. While we appreciate if these charges result in a church trial and if there is a verdict by that fact finding body then he would then be an appellant in that appeal. We do not believe that at this time he can be considered a respondent. Rev. Meredith does not have standing in this appeal. Charge 3 and specifications a, b, c, d and e as found by the West Ohio Committee on Investigation are not before us. Only the presented specification 3a which was not charged is before us. This further supports the position that Reverend Meredith is not a respondent as this action did not allow him to appeal from this decision to certify this charge.

IV. Analysis

The West Ohio Committee on Investigation was forwarded three charges each supported with documents and specifications. These charges were:

CHARGE I Willfully engaging in practices not compatible with Christian teaching by being a self-avowed practicing homosexual in violation of ¶ 2702.1(b) of the *Discipline* – 2012, relating to the Complaints by the following

complainants noted above: Alice, Greenway, Pees, Roland, Russell, Slack, G. Wood, and K. Wood.

CHARGE II Immorality, including, but not limited to, not being celibate in singleness or not faithful in a heterosexual marriage pursuant to ¶ 2702.1.(a) of the *Discipline* – 2012, relating to the complaint by the following complainants noted above: Alice, Greenway, Pees, Roland, Russell, Slack, G. Wood, and K. Wood.

CHARGE III Dis-obedience to the order and discipline of The United Methodist Church pursuant to ¶ 2702.1.(d) of *Discipline* – 2012, relating to the Complaints by Alice, Brown, Greenway, Pees, Roland, Russell, Slack, G. Wood, and K. Wood.

The West Ohio Committee on Investigation did not forward charges 1 or 2 and did forward charge 3 but deleted specification a) from the cited specifications.

Specification a) of Charge 3 stated:

- (a) ¶ 341.6 of the *Discipline* – 2012 states that, “Ceremonies that celebrate homosexual unions shall not be conducted by our ministers and shall not be conducted in our churches.” Rev. Meredith’s celebration of his homosexual union with his partner held at Broad Street United Methodist Church on May 7, 2016, was held in direct violation of the *Discipline* – 2012 which forbids the celebration of a homosexual union in a United Methodist Church.

Discipline – 2012 ¶ 2706 governs the West Ohio Committee on Investigation. This section provides that the options available to the West Ohio Committee on Investigation which are to find that there are reasonable grounds and to refer the bill of charges and specifications for trial or to find that there are not reasonable grounds. Each of these results require an explanation with reasoning. To do otherwise places this Committee in a position to speculate. From the record presented to us it is not possible to tell which of the actions set forth in *Discipline* – 2012 was intended. It is our conclusion that the West Ohio Committee on Investigation is required to be more diligent in either the forwarding or dismissing of each of the charges and specifications, by providing clear rationale and identifying the specific steps taken in the process of a new hearing that leads them to the conclusions they reach and addressing the alternative actions set forth in *Discipline* – 2012 ¶ 2706.5(c).

Under the facts of this case and *Discipline* – 2012 ¶ 2715 these acts in light of duties of the Committee are evidence of an egregious error of church law. A reasonable person is unable, due to the absence of information and rationale, to determine how conclusions were reached.

Further, the Committee is bound by the language of JCD 980 that “where the facts concede a practice which the discipline declares to be incompatible with Christian teaching, reasonable grounds exist to bring a bill of charges and specifications and it is egregious error of Church law not to bring such a bill of charges and specifications.”

The Committee does agree that even with the lack of rational based on the transcript of the hearing alone that there was not egregious error in failing to refer charge number 2 in light of JCD 1341.

V. Decision

1. The Committee finds with clarity that the West Ohio Committee on Investigation was the respondent, i.e., the body that would be directed by the decision. Rev. David Meredith was not the body or person whom the West Ohio Committee on Appeals would direct. Further, the communications by the Committee to Rev. Meredith and his counsel were done as a courtesy. As we have deliberated we have been mindful that we are all the Church and no one party has that label exclusively.
2. The Committee affirms the West Ohio Committee on Investigation’s decision not to refer for trial Charge 2, Immorality, in light of JCD 1341.
3. The Committee finds that there are “egregious errors of church law” as noted which constitute grounds for remanding to a new hearing pursuant to *Discipline – 2012* ¶ 2715.10:
 - The Committee finds that there has been a failure of the West Ohio Committee on Investigation to apply ¶ 304.3 and ¶ 2702 of the *Discipline – 2012* and JCD 886, 920, 980 and 1341 to the uncontested facts stated in the bill of charges and specifications numbers 1 and 3 specification a. which constitutes an egregious error of Church law.
 - The Committee finds there was a failure exhibited by the West Ohio Committee on Investigation that rose to the level of egregious errors of law. The conclusions reported by the West Ohio Committee on Investigation were done so without discernable rationale supported by church law as noted in *Discipline – 2012 & 2016* and Judicial Council Decisions.
 - The Committee finds the West Ohio Committee on Investigation failed to provide evidence to demonstrate their position for refusal to refer charges and specifications 1 and 3.a,
 - Pursuant to ¶ 2716.4 & ¶ 2706.2.b, the Committee orders the West Ohio Conference of United Methodist Church to engage competent counsel for the West Ohio Committee on Investigation so that thorough and applicable work is completed.

4. The Committee is aware of the current dynamics of conflict in regard to human sexuality in the UMC and culture. Mindful of the Statement of the Council of Bishops delivered and adopted as the way forward at the 2016 General Conference which concludes with this language:

“We will continue to explore options to help the church live in grace with one another - including ways to avoid further complaints, trials and harm while we uphold the Discipline. We will continue our conversation on this matter and report our progress to you and to the whole church. Today, as a way of beginning to find our way forward, we suggest that in place of the allotted legislative time we spend 1-2 hours of plenary time in prayer, confession and exploration of a creative way forward. The bishops are prepared to provide questions to guide your conversations. Your conversations will be the first step to a way forward”.

In fairness to all parties, we order, pursuant to, ¶ 2716.4 & ¶ 2706.2.b that the West Ohio Conference of United Methodist Church pause this judicial proceeding until after the proceedings of the Special Called Session of the General Conference in 2019 are concluded.

IT IS SO FOUND AND SO ORDERED.

DATED: March 19, 2018

Rev. Benton R. Heisler, Secretary, NCJ Committee on Appeals


[SIGNATURES ON FOLLOWING PAGE]

**VOTING PAGE: 0Appeal of the October 18, 2017 Decision of the West Ohio Conference Committee on
Investigation in the matter(s) of Rev. David Wayne Meredith.**

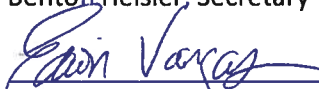
DATED: **March 9, 2018**


COMMITTEE MEMBERS JOINING IN ALL PARTS OF THE OPINION:

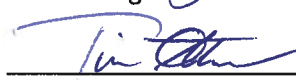

Beverly Wilkes-Null, Chairperson

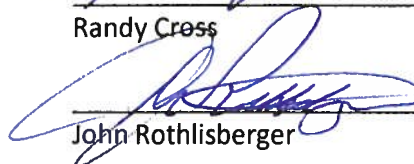

Benton Heisler, Secretary


Sandy Harlan


Edwin Vargas


Randy Cross


Tim Ottmar


John Rothlisberger


Cindy Patterson

COMMITTEE MEMBERS NOT JOINING IN ALL PARTS OF THE OPINION:


Lonnie Chaffin