

**JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH**

**DECISION 1315**

IN RE: Appeal of the Opinions and Decision of the Western Jurisdiction Committee on Appeals in the Matter of Filimone Havili Mone

**LDIGEST**

The procedure used by the Western Jurisdiction Committee on Appeals to uphold the Rocky Mountain Trial Court’s conviction of The Rev. Filimone Havili Mone on two charges of disobedience to the order and discipline of The United Methodist Church is upheld.

**STATEMENT OF FACTS**

Rev. Fillimone Havili Mone was ordained in 1981, by the Free Wesleyan Church of Tonga. In 2000, he became a clergy member of the Rocky Mountain Conference by transfer from the Free Wesleyan Church of Tonga. He was thereafter appointed as pastor to the Tongan United Methodist Church of Salt Lake City where he remained until August 2012.

In or about October 2011, parents of several children at TUMC told Rev.Mone that their children had been subjected to child-on-child sexual abuse at the church building. Rev. Mone did not report the (alleged) abuse to the civil authorities, choosing instead to handle the abuse in “the Tongan way.” He ultimately reported the abuse in late July 2012. Upon learning the circumstances, the civil authorities later charged Rev. Mone with Willful Failure to Report Abuse of a Child. Rev. Mone ultimately entered into a plea diversion agreement with the civil authorities. On August 14, 2012, Rev. Tukutau, District-Superintendent-in-training filed a written administrative complaint against Rev. Mone. On August 18, 2012, with the

recommendation of the Conference Board of Ordained Ministry, Bishop Elaine Stanovsky suspended Rev. Mone from all clergy responsibilities. Rev. Mone does not challenge his suspension in the Notice of Appeal.

On October 22, 2012, during supervisory review, Rev. Mone signed and entered into a Just Resolution Agreement with Bishop Stanovsky and District Superintendent Rev. Tukutau. Under the terms of the Just Resolution Agreement Rev. Mone agreed to request the relationship of Voluntary Leave of Absence and, if approved, to remain in that relationship for a period of five years before requesting a return to active ministry. While in that relationship Rev. Mone could not perform acts of ministry without the permission of his bishop. (*2012 Book of Discipline*, ¶ 354.8).

The Just Resolution Agreement further obligated Rev. Mone to abide by the provisions of the Conference's Clergy Covenant, which limits the contact a former pastor may have with former church members and participants, including the performance of pastoral functions in a church or charge to which Rev. Mone was not appointed. Rev. Mone agreed that a violation of the Just Resolution Agreement constituted "disobedience to the order and discipline of the United Methodist Church" under The procedure used by the Western Jurisdiction Committee on Appeals to uphold the Rocky Mountain Trial Court's conviction of The Rev. Filimone Havili Mone on two charges of disobedience to the order and discipline of The United Methodist Church is upheld.

2701 of the 2008 *Book of Discipline*.

Following written complaints alleging Rev. Mone had begun performing acts of ministry, for the Free Wesleyan Church of Tonga, Bishop Stanovsky notified Rev. Mone of these complaints and initiated another supervisory review. During this review Rev. Mone admitted performing various acts of ministry for the FWCT congregation or its members. Bishop Stanovsky referred the complaints as chargeable offenses to the Counsel for the Church.

Originally three chargeable offenses were alleged:

Charge #1: Disobedience to order and discipline by performing acts of ministry to the FWCT and its members in violation of the Just Resolution Agreement and the Discipline.

Charge #2. Undermining the ministry of interim pastors appointed to TUMC

Charge #3: Disobedience to order and discipline by failure to report child sexual abuse occurring at TUMC.

Following an amended Bill of Charges and Specifications, the case was tried on two charges:

Charge #1: Disobedience to order and discipline by performing acts of ministry to the FWCT and its members in violation of the Just Resolution and the Discipline

Charge #2: Disobedience to order and discipline by failing to report child sexual abuse occurring at TUMC.

The Trial Court determined the following: Charge #1 was supported unanimously and Charge #2 was supported by a vote of 12 to 1. The unanimous penalty assessed was termination of Rev. Mone's clergy membership in the Conference. His clergy credentials were not subject to cancellation because of his ordination outside of the denomination.

Following this decision, Rev. Mone filed an appeal to the Western Jurisdiction Committee on Appeals.

That body heard the appeal on August 18, 2015. In reference to Charge #1,"the Committee found that Charge #1 and the Specifications thereunder were supported by not merely

sufficient evidence, but overwhelming evidence and admissions of the Appellant. In reference to Charge #2, the committee indicated “there can be no appeal as to the weight of the evidence: Appellant himself admits he did not report as was required both by the Discipline and criminal law.” Subsequently ,Rev. Mone appealed that decision to the Judicial Council.

### **JURISDICTION**

The Judicial Council has jurisdiction under ¶ 2609.8 of the 2012 *Discipline*.

### **ANALYSIS AND RATIONALE**

Paragraph 2701 of the Book of Discipline under investigations, Trial and Appeals states: “The judicial process shall have as its purpose a just resolution of judicial complaints, in the hope that God’s work of justice, reconciliation and healing may be realized in the body of Jesus Christ...Special attention should be given to ensuring racial, ethnic, age and gender diversity of boards, committees, and courts and the timely disposition of all matters.” The trial material and correspondence relevant to this case strongly suggest that Tongan ethnic customs and ways of understanding process were at play as matters were being decided. What appears to be a straightforward case of a clergy member of an annual conference admitting guilt to two charges of disobedience to order and discipline of the United Methodist Church raises fair process issues for the complainant in this case. He raises four questions:

1. Can a Jurisdiction Committee on Appeals alter its composition that is spelled out in paragraph 2716.1 of the Discipline?

Paragraph 2716.1 of the 2012 *Discipline* states what follows:

Each Jurisdictional ... conference ... shall elect a committee on appeals composed of [nine members] .... No member shall participate in the hearing of an appeal who is a member of a conference in the episcopal area of the appellant.

In accordance to this provision, a quorum of nine is not required in order for a committee on appeal to hear and decide appeals. The exclusion of same-conference members clearly shows that the *Discipline* does not require all nine members nor does it elsewhere prescribe a quorum for a committee on appeals.

2. When the Presiding Officer at the Church Court proscribed the redacted civil deposition transcript from admission as an exhibit, does the Book of Discipline conflict lawfully with that decision by allowing it to be included in trial records and eventually ending up with a committee on appeal?

Paragraph 2713.5 states what follows:

The secretary of the court shall at the conclusion of the proceedings send all trial documents to the secretary of the annual conference, .... If an appeal is taken, the secretary shall forward the materials forthwith to the president of the court of appeals of the jurisdictional or central conference.

Rev. Mone's question asserts that the redacted trial civil deposition was included with "all" trial documents.

3. Why was Rev. Marv Vose allowed to be both witness and Assistant Church Council yet Mr. Taniela M. Lavulo were (*sic*) not permitted to be both Assistant Council for Respondent as well as witness?

According to the records, Rev. Vose (interim District Superintendent) was the original complainant. Paragraph 2701.1a states what follows: “*Right to be Heard* In any judicial proceeding, the complainant shall have the right to be heard before any final action is taken.”

Hence, Rev. Vose had the right to be heard which assumes that he had to be present at the hearing. The records also show that Rev. Vose was at the oral argument as the original complainant. He properly recused himself as a member of the Committee.

4 4. Why has the Church not responded to our assertion that there is no mention in trial record of the Presiding Officer’s ruling on our motion for dismissal?

The *Discipline* does not require that rulings of the Presiding Officer be made in a writing separate from transcribed proceeding.

Paragraph 2701.2 lists the rights of the respondent (Rev. Mone in this case): they are: the “right to be heard...right to notice of hearings...right to be accompanied...right against double jeopardy...right to access to records.” There is no evidence that Rev. Mone was denied any of these rights.

In accord with specified procedures, Rev. Mone was tried and convicted by his conference on two violations of disobedience to discipline and order. Upon appeal to the Western Jurisdiction Committee on Appeals, conviction was upheld. While questions may exist concerning

understandings of intent and behavior, there were no procedural errors that would affect the decision rendered by the Western Jurisdiction Committee on Appeals.

### **DECISION**

The procedure used by the Western Jurisdiction Committee on Appeals to uphold the Rocky Mountain Trial Court's conviction of The Rev. Filimone Havili Mone on two charges of disobedience to the order and discipline of The United Methodist Church is upheld.

F. Belton Joyner, Jr., Secretary

William B. Lawrence, President

May 9, 2016