

1022-16
Greater New Jersey Annual Conference
Questions of Law

- A. In light of the fact that legislation was introduced by the GNJ Cabinet, Trustees and Connectional Table at the 2022 session of the GNJ annual conference as “A Call For Discernment and Renewal” as found in “2022-AC-PCWB-Addendum-final-version-for-web” beginning with line 30 on page 137 and continuing to line 8 on page 140; and

In light of the fact GNJ published and printed under the heading “Disaffiliation Terms” in a document identified as “2022-AC-PCWB-Addendum-final-version-for-web” and thereafter The Greater New Jersey Annual Conference was denied the right to take action on an amendment to a proposal brought to the 2022 session of the Annual Conference, in which the items set forth under the heading of “Term Sheet” found on page 146 of the “2022-AC-PCWB-Addendum-final-version-for-web” were identified and incorporated, and included by reference to this amendment, and thereby the express subject of the proposed amendment to “A Call For Discernment and Renewal” on pages 137 line 30 to 140 line 8 in the Pre-Conference workbook and the items printed on page 146 of the “2022-AC-PCWB-Addendum-finalversion-for-web” even though the referenced and included items on page 146 were not stand-alone proposals apart from “A Call For Discernment and Renewal.” and

In light of the fact that the amendment was improperly ruled out of order, the ruling was appealed, and the ruling was upheld by the body, thereby the conference was left in the position of taking an action that is contrary to the Book of Discipline because the GNJ Trustees were not thereby held amenable to the annual conference action, when the following was as an identified, included and referenced item being expressly acted upon as part of an amendment to the consideration of “A Call For Discernment and Renewal” found in “2022-AC-PCWB-Addendum-final-version-for-web” beginning with line 30 on page 137 and continuing to line 8 on page 140:

“For congregations that disaffiliate, and their appointed pastor(s) remain(s) in the UMC, the estimated clergy compensation including housing and benefits for 18 months and maximum moving expenses for two moves per individual. If an appointment is identified for the impacted pastor by June 30, 2024, any unused portion from this item will be reimbursed to the disaffiliating congregation by August 1, 2024.” The reference for the materials impact that members of the conference have been denied the right to ask a Question of Law?

- B. In light of the fact that Judicial Council Decisions 1421 (and affirmed by later decisions of law) in which the Judicial Council stated, “The annual conference as the basic body in the Church has the reserved right to make final decisions regarding the disaffiliation of local churches within its boundaries.”

Is there any provision in Paragraph 2553 which allows an action of the annual conference to stand when it permits the conference Trustees to demand clergy funding or other local church funding as referenced in the amendment, as Term Sheet on page 146 of “2022-AC-PCWB-Addendum-final-version-for-web” by the Trustees failing to be amendable to the annual conference, by the trustees deliberately rejecting annual conference authority to exert its final decision reserved rights as provided in the following paragraphs of the Book of Discipline and in Judicial Council decisions, and as evidenced by the trustees’ refusal to be amendable to the annual conference?

Paragraph 640, which refers to the duties of the board of trustees, as stated in Paragraph 2512.1-8, which states in Paragraph 2512.2 "...They shall be amendable to the annual conference..."

- C. Do provisions in the Book of Discipline in paragraphs 620 – 628 and elsewhere regarding clergy funding and appointment, permit conference trustees to usurp authority expressly reserved to the annual conference, by the trustees improperly asserting authority not granted to them and by ignoring proper motions placed before the annual conference action, and making erroneous assertions of authority based on Paragraph 2553?
- D. Does a presiding bishop have the authority to deny an annual conference member's right to propose an amendment to a matter which is properly before the annual conference for its consideration by claiming to rule a proposed amendment out of order as a parliamentary matter, by expressing the basis of his improper assertion of a parliamentary ruling on his own expressed interpretation of provisions of Paragraph 2553 of the Book of Discipline, while his ruling is based on no rule of the conference, no element in Robert's Rules of Order, and no authority to usurp rights granted to the annual conference in the Book of Discipline and in Judicial Council decisions?"
- E. Further, does a presiding bishop have the right to rule an amendment out of order by claiming it is hypothetical solely because it refers to material which has been expressly presented and clearly identified by reference, solely because the material included by reference has not been previously acted upon by the annual conference.
- F. Does a presiding bishop have the authority to deny an annual conference member's right to propose a Question of Law regarding a matter which is properly before the annual conference for its consideration by claiming to rule a proposed Question of Law out of order? May a bishop refuse to accept such Questions of Law by basing his improper claim of parliamentary ruling on his own expressed interpretation of provisions of Paragraph 2553 of the Book of Discipline, while his arbitrary ruling is based on no rule of the conference, no element in Robert's Rules of Order, and no provision of the Book of Discipline?"
- G. Is there any provision in Paragraph 2553 that permits the conference Trustees to demand clergy funding or other funding in violation of the Book of Discipline when it is based on the Trustees failing to be amendable to the annual conference by deliberately rejecting annual conference authority as provided in various provisions of the Book of Discipline? (See attached proposed amendment and materials from the 2022 Pre-Conference Workbook addendum.) Paragraphs 620 to 628; and Paragraph 614 e); and Paragraph 604.2 which states, "An annual conference cannot financially obligate any organizational unit of the United Methodist Church except the annual conference itself." and elsewhere in the Book of Discipline.
- H. Is Missional Transition Support arbitrary and capricious since there is no plan for any new church plants nor any provisions for churches with a majority vote for disaffiliation that falls short of the twothirds threshold?

May 23, 2022

Submitted via zoom chat:

Creed Pogue

Lay Member, West Side United Methodist Church

160 Cumberland Avenue Estell Manor, NJ 0319

The United Methodist Church

Greater New Jersey

Decision of Law Request May 23, 2022

John R. Schol, Bishop

STATEMENT OF FACTS

On May 23, 2022, the first day of the Greater New Jersey Annual Conference session, Mr. Creed Pogue, a lay delegate, submitted a question of law to the bishop and conference secretary in writing during the session. His question of law contained eight questions.

The question of law was submitted shortly after an amendment by Mr. Pogue was ruled out of order. His questions related to the amendment and ruling out of order and the legislation, “A Call to Discernment” which was approved by a 374 to 86 vote. A Call to Discernment outlined ten opportunities for congregations to discern their ministry as their congregations emerge from the pandemic. (APPENDIX I)

One of those opportunities included “discernment and renewal” for congregations seeking to disaffiliate from the UMC. There was also accompanying information in the back of the preconference journal that provided information about disaffiliation. Mr. Pogue submitted a question of law containing eight questions related to the ruling of his amendment out of order and the legislation and material about disaffiliation.

Question of Law – A

In light of the fact that legislation was introduced by the GNJ Cabinet, Trustees and Connectional Table at the 2022 session of the GNJ annual conference as “A Call For Discernment and Renewal” as found in “2022-AC-PCWB-Addendum-final-version-for-web” beginning with line 30 on page 137 and continuing to line 8 on page 140; and

In light of the fact GNJ published and printed under the heading “Disaffiliation Terms” in a document identified as “2022-AC-PCWB-Addendum-final-version-for-web” and thereafter The Greater New Jersey Annual Conference was denied the right to take action on an amendment to a proposal brought to the 2022 session of the Annual Conference, in which the items set forth under the heading of “Term Sheet” found on page 146 of the “2022-AC-PCWB-Addendum-final-version-for-web” were identified and incorporated, and included by reference to this amendment, and thereby the express subject of the proposed amendment to “A Call For Discernment and Renewal” on pages 137 line 30 to 140 line 8 in the Pre-Conference workbook and the items printed on page 146 of the “2022-AC-PCWB-Addendum-final-version-for-web” even though the referenced and included items on page 146 were not stand-alone proposals apart from “A Call For Discernment and Renewal.” and

In light of the fact that the amendment was improperly ruled out of order, the ruling was appealed, and the ruling was upheld by the body, thereby the conference was left in the position of taking an action that is contrary to the Book of Discipline because the GNJ Trustees were not thereby held amenable to the annual conference action, when the following was as an identified, included and referenced item being expressly acted upon as part of an amendment to the

consideration of “A Call For Discernment and Renewal” found in “2022-AC-PCWB-Addendum-final-version-for-web” beginning with line 30 on page 137 and continuing to line 8 on page 140:

“For congregations that disaffiliate, and their appointed pastor(s) remain(s) in the UMC, the estimated clergy compensation including housing and benefits for 18 months and maximum moving expenses for two moves per individual. If an appointment is identified for the impacted pastor by June 30, 2024, any unused portion from this item will be reimbursed to the disaffiliating congregation by August 1, 2024.” The reference for the materials impact that members of the conference have been denied the right to ask a Question of Law?

Question of Law – B

In light of the fact that Judicial Council Decisions 1421 (and affirmed by later decisions of law) in which the Judicial Council stated, “The annual conference as the basic body in the Church has the reserved right to make final decisions regarding the disaffiliation of local churches within its boundaries.”

Is there any provision in Paragraph 2553 which allows an action of the annual conference to stand when it permits the conference Trustees to demand clergy funding or other local church funding as referenced in the amendment, as Term Sheet on page 146 of “2022-AC-PCWB-Addendum-final-version-for-web” by the Trustees failing to be amendable to the annual conference, by the trustees deliberately rejecting annual conference authority to exert its final decision reserved rights as provided in the following paragraphs of the Book of Discipline and in

Judicial Council decisions, and as evidenced by the trustees' refusal to be amendable to the annual conference?

Paragraph 640, which refers to the duties of the board of trustees, as stated in Paragraph 2512.1-8, which states in Paragraph 2512.2

“...They shall be amendable to the annual conference...”

Question of Law – C

Do provisions in the Book of Discipline in paragraphs 620 – 628 and elsewhere regarding clergy funding and appointment, permit conference trustees to usurp authority expressly reserved to the annual conference, by the trustees improperly asserting authority not granted to them and by ignoring proper motions placed before the annual conference action, and making erroneous assertions of authority based on Paragraph 2553?

Question of Law – D

Does a presiding bishop have the authority to deny an annual conference member's right to propose an amendment to a matter which is properly before the annual conference for its consideration by claiming to rule a proposed amendment out of order as a parliamentary matter, by expressing the basis of his improper assertion of a parliamentary ruling on his own expressed interpretation of provisions of Paragraph 2553 of the Book of Discipline, while his ruling is based on no rule of the conference, no element in Robert's Rules of Order, and no authority to usurp rights granted to the annual conference in the Book of Discipline and in Judicial Council decisions?"

Question of Law – E

Further, does a presiding bishop have the right to rule an amendment out of order by claiming it is hypothetical solely because it refers to material which has been expressly presented and clearly identified by reference, solely because the material included by reference has not been previously acted upon by the annual conference.

Question of Law – F

Does a presiding bishop have the authority to deny an annual conference member's right to propose a Question of Law regarding a matter which is properly before the annual conference for its consideration by claiming to rule a proposed Question of Law out of order? May a bishop refuse to accept such Questions of Law by basing his improper claim of parliamentary ruling on his own expressed interpretation of provisions of Paragraph 2553 of the Book of Discipline, while his arbitrary ruling is based on no rule of the conference, no element in Robert's Rules of Order, and no provision of the Book of Discipline?"

Question of Law – G

Is there any provision in Paragraph 2553 that permits the conference Trustees to demand clergy funding or other funding in violation of the Book of Discipline when it is based on the Trustees failing to be amendable to the annual conference by deliberately rejecting annual conference authority as provided in various provisions of the Book of Discipline? (See attached proposed amendment and materials from the 2022 Pre-Conference Workbook addendum.)

Paragraphs 620 to 628; and

Paragraph 614 e); and

Paragraph 604.2 which states, “An annual conference cannot financially obligate any organizational unit of the United Methodist Church except the annual conference itself.” and elsewhere in the Book of Discipline.

Question of Law – H

Is Missional Transition Support arbitrary and capricious since there is no plan for any new church plants nor any provisions for churches with a majority vote for disaffiliation that falls short of the two-thirds threshold?

JURISDICTION

The Judicial Council has jurisdiction under Par. 2610 of the 2016 Discipline.

ANALYSIS AND RATIONALE

After more than 40 years of disagreement at General Conference concerning ministry with and by LGBTQ persons, a special General Conference was held in February 2019 to review paragraphs in The Book of Discipline concerning homosexuality and several plans. The General Conference adopted the Traditional Plan. This plan called for continuing the prohibitions for ministry with and by gays and lesbians and allowed for congregations to leave with their property “for reasons of conscience regarding a change in the requirements and provisions of the Book of Discipline related to the practice of homosexuality or the ordination or marriage of self-avowed practicing homosexuals as resolved and adopted by the 2019 General Conference, or the actions or inactions of its annual conference related to these issues

which follow.” This new paragraph, 2553, suspended the trust clause and allowed congregations to leave through December 31, 2023.

Paragraph 2553 required three actions for a congregation to leave The UMC.

1. A two-thirds vote by the congregation to disaffiliate from The UMC.
2. A term sheet developed by the conference board of trustees with the advice of the cabinet, the annual conference treasurer, the annual conference benefits officer, the director of connectional ministries, and the annual conference chancellor.
3. A vote by the annual conference to allow the congregation to disaffiliate.

Subsequently, the Judicial Council has issued rulings that clarify and affirm paragraph 2553.

Decision 1379 states that paragraph 2553 is constitutional, and the following must be met in “any legislation of the General Conference permitting the "gracious exit" of a local church requiring at a minimum that (1) the disaffiliation resolution be approved by a two-thirds majority of the professing members of the local church present and voting at the church conference, (2) the terms and conditions, including effective date, of the agreement between the annual conference and the exiting local church be established by the conference board of trustees with the advice of the cabinet, the annual conference treasurer, the annual conference benefits officer, the director of connectional ministries, and the annual conference chancellor and in accordance with applicable church law and civil laws, and (3) the disaffiliation agreement be ratified by a simple majority of the members of the annual conference present and voting.”

Decisions 1424 and 1425 - Annual conferences may develop additional procedures and standard terms that are not inconsistent with those established by the General Conference in ¶ 2553.

Decision 1440 clarifies that the board of trustees has authority to develop the term sheet with input from the chancellor, treasurer, cabinet, director of connectional ministries and the benefits officer.

RULINGS OF LAW

As to **Question A**, this first section of Mr. Pogue's request is null and void because there is no question, but a series of statements. Even the final sentence, while having a question mark at the end of the sentence, is a statement rather than a question. Bishops only to rule on questions of law that pose a particular disciplinary question.

As to **Question B**, paragraph 2553 of the BOD grants full authority to the Board of Trustees to establish the terms and conditions of the disaffiliation agreement: "the terms and conditions for that disaffiliation shall be established by the board of trustees of the applicable annual conference, with the advice of the cabinet, the annual conference treasurer, the annual conference benefits officer, the director of connectional ministries, and the annual conference chancellor." This paragraph places the terms of the agreement solely in the purview of the Board of Trustees. Such authority would include any modification of the agreement. --Judicial Council Decision 1440

The role of the Annual Conference in disaffiliation is not mentioned in 2553. The Judicial Council in Decision 1379 added that role by reading paragraph 2553 in the context of other provisions of BOD. The Judicial Council held that "Absent specific language to the contrary, this

provision can reasonably be construed as requiring ratification (i.e. consent after) by simple majority of the members of an annual conference.” -Judicial Council Decision 1440

Paragraph 2512.2, states that the conference board of trustees is amenable to the annual conference and the General Conference passed legislation authorizing the board of trustees to develop the term sheet for disaffiliation. When there appears to be two conflicting paragraphs in The Book of Discipline, each must be first read as having validity, and as possible, to “harmonize” the passages just as the Judicial Council did in Memorandum 1446 and Decision 1312.

The General Conference has determined that the board of trustees in matters of disaffiliation have the authority to develop the term sheet and that the annual conference has the authority to approve or disapprove the disaffiliation of a church without the authority to amend the term sheet developed by the board of trustees.

As to **Question C**, the board of trustees did not “usurp” others authority but is ensuring that funding be available for the cabinet to do its work if an appointment is not available or an appointment at the equitable compensation level for the pastor that remains in The UMC is not available. The trustees added the term in question by Mr. Pogue in conversation with the cabinet as paragraph 2553 provides the board of trustees to add items to the term sheet.

As to **Question D**, this question is null and void because it is a parliamentary matter. The Judicial Council does not have the authority to review a parliamentary procedure, but it is a

matter for the annual conference to resolve. Mr. Pogue offered an amendment that was ruled out of order. Mr. Pogue challenged the ruling of the chair and the chair's ruling was sustained by the body. See JCD 898, 941, 1117, 1187, 1205, 1356, and 1339.

As to **Question E**, his question is null and void because it is a parliamentary matter. The Judicial Council does not have the authority to review a parliamentary procedure, but it is a matter for the annual conference to resolve. Mr. Pogue offered an amendment that the bishop ruled out of order. Mr. Pogue challenged the ruling of the chair and chair's ruling was sustained by the body. See JCD 898, 941, 1117, 1187, 1205, 1356, and 1339.

As to **Question F**, this question is null and void because all of Mr. Pogue's question of law have been responded to in this ruling.

As to **Question G**, paragraph 2553 of the BOD grants full authority to the Board of Trustees to establish the terms and conditions of the disaffiliation agreement: "the terms and conditions for that disaffiliation shall be established by the board of trustees of the applicable annual conference, with the advice of the cabinet, the annual conference treasurer, the annual conference benefits officer, the director of connectional ministries, and the annual conference chancellor." This paragraph places the terms of the agreement solely in the purview of the Board of Trustees. Such authority would include any modification of the agreement. --Judicial Council Decision

1440

The role of the Annual Conference in disaffiliation is not mentioned in 2553. The Judicial Council in Decision 1379 added that role by reading paragraph 2553 in the context of other provisions of BOD. The Judicial Council held that “Absent specific language to the contrary, this provision can reasonably be construed as requiring ratification (i.e. consent after) by simple majority of the members of an annual conference.” -Judicial Council Decision 1440

Paragraph 2512.2, states that the conference board of trustees is amenable to the annual conference and the General Conference passed legislation authorizing the board of trustees to develop the term sheet for disaffiliation. When there appears to be two conflicting paragraphs in The Book of Discipline, each must be first read as having validity, and as possible, to “harmonize” the passages just as the Judicial Council did in Memorandum 1446 and Decision 1312.

The General Conference has determined that the board of trustees in matters of disaffiliation have the authority to develop the term sheet and that the annual conference has the authority to approve or disapprove the disaffiliation of a church without the authority to amend the term sheet developed by the board of trustees.

As to **Question H**, this question is null and void because there are no references to “arbitrary and capricious” in paragraph 2553 or in any other reference to church law and therefore there is no standard on which to base a ruling.

Submitted by: John R. Schol, Bishop

APPENDIX I

ANNUAL CONFERENCE 2022



Deliver

Luke 4:17-18

The Spirit of the Lord is on me
and anointed me to bring good news to the poor,
proclaim release to the captives and recovery of sight to the blind,
to let the oppressed go free and to proclaim the year of the Lord's favor.

THE UNITED METHODISTS OF GREATER NEW JERSEY

PRE-CONFERENCE WORKBOOK ADDENDUM

MAY 23 - 24, 2022

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A Call To Discernment And Renewal

Whereas the church and the world are emerging from a very challenging season because of the COVID-19 pandemic that calls us to renew our commitment to the mission; and

Whereas the mission of The United Methodist Church (UMC) is to make disciples of Jesus Christ for the transformation of the world, and the purpose of the Greater New Jersey Conference (GNJ) is recruiting and equipping transformational leaders that make disciples of Jesus Christ and grow vital missional congregations to transform lives, communities, and the world; and

Whereas GNJ, based in its commitment to the mission, is resourcing all GNJ congregations willing and ready to deepen faith, develop leadership, grow congregational vitality, and end the sins of racism, sexism, and exclusion; and

1 Whereas some of these key initiatives and resources include:

- 2 • A Journey of Hope Training and Planning - *learning, understanding, and growing to end the sin of*
3 *racism.*
- 4 • Pathways – *visioning and planning for congregations that desire to grow in health and*
5 *fruitfulness in their witness and ministry in the community. Areas of focus, include,*
 - 6 ○ Growing missional vitality – *training, planning, and coaching to develop and carry out a*
7 *plan to grow any one or more of the following: discipleship system, worship, small*
8 *groups, mission engagement, new disciples, and generosity.*
 - 9 ○ Sustainability – *understanding your congregation’s sustainability and how to strengthen*
10 *your sustainability and financial capacity for mission.*
 - 11 ○ Organization – *training, planning, and coaching to shift the local church governance*
12 *structure into a simplified missional leadership board.*
 - 13 ○ Hope Centers and Community Engagement – *understanding, planning, and engaging in*
14 *community with the community.*
- 15 • Growing a vital mission congregation – *training, planning, and coaching to develop and carry out*
16 *a plan to grow any one or more of the following: worship, small groups, mission engagement,*
17 *new disciples, and generosity.*
- 18 • Sustainability – *understanding your congregation’s sustainability and how to strengthen your*
19 *sustainability.*
- 20 • Organization – *training, planning, and coaching to shift the local church governance structure*
21 *into a simplified missional leadership board.*
- 22 • Hope Centers and Community Engagement – *understanding, planning, and engaging in*
23 *community with the community.*
- 24 • Leadership Academy – *training and coaching to develop the leadership capacity of*
25 *congregations for vitality and fruitful witness and ministry in the community and the world.*
- 26 • Next Generation – *reaching and equipping the church to reach a new generation of younger and*
27 *more diverse young people.*
- 28 • Gracious Conversations – *congregations seeking a facilitated conversation about theological, or*
29 *political, or human sexuality understandings and differences within the congregation.*
- 30 • Conflict Resolution – *a facilitated process for congregations experiencing conflict about*
31 *direction, mission, leadership, or programing.*

32
33 Whereas our denomination has gone through several challenging years related to concerns of
34 congregations and/or pastors disaffiliating from the UMC related to differencing views, understanding
35 and attitudes regarding human sexuality; and

36
37 Whereas, through *A Way Forward*, United Methodists of Greater New Jersey recognize there will be
38 different beliefs, traditions, understandings, and attitudes relating to Christian faith and our
39 understanding of human sexuality and will work with congregations recognizing their different beliefs
40 and understandings, and remain united in our common mission; and

41
42 Whereas some congregations and/or pastors may choose to disaffiliate from the denomination; and
43 Whereas discernment and renewal are spiritual practices calling us to seek God’s wisdom for our future
44 knowing *all things work together for good for those who love God and who are called for the purposes of*
45 *God (Romans 8:28); and*

1 Whereas GNJ proclaims as one of its core values that Christ is the source of our faith, hope and unity.

2
3 Therefore, be it resolved that GNJ recommits to its mission and strategic priorities, goals, and resourcing
4 strategies to recruit and equip transformational leaders that make disciples and grow vital
5 congregations for the transformation of the world.

6
7 Be it further resolved that GNJ set as a priority for the next year as a time of *discernment* and *renewal* to
8 assist congregations in discerning God’s missional calling and move forward with their ministry emerging from
9 the pandemic; and

10
11 Be it further resolved that GNJ will in addition to its missional priority, inform and assist any
12 congregation seeking to disaffiliate utilizing the principles, and process set forth in paragraph 2553 of
13 the Book of Discipline of The United Methodist Church (BOD), related to congregations considering a
14 change in relationship to the UMC and GNJ, and the several Judicial Council rulings including but not
15 limited to 1379, 1420, 1421, 1422, 1423, 1424 and 1425 concerning separation from the UMC, as
16 follows:

- 17
18 1. Discernment Process – the cabinet will develop and carry out an up to 6-month discernment
19 process with any church considering disaffiliating from the UMC (Judicial Council Ruling
20 1425).
- 21 2. Vote to Disaffiliate - following the discernment process, a Church Conference will be held to
22 vote on disaffiliation. A 2/3’s approval vote is required to disaffiliate (paragraph 2553 and
23 Judicial Council Ruling 1379).
- 24 3. Connectional Covenant – if the congregation votes to disaffiliate by a 2/3’s vote or more,
25 the cabinet will develop a connectional covenant for disaffiliation. A connectional covenant
26 is not a legal agreement, but a promise between GNJ and the disaffiliating congregation, and
27 if disaffiliating to a denomination, with the receiving denomination that outlines how all
28 parties will respect, honor, and treat one another during the disaffiliation and for five years
29 following the disaffiliation (Judicial Council Ruling 1424).
- 30 4. Congregation Due Diligence – the disaffiliating congregation will perform all the necessary
31 research and submit all the necessary documents and information required by the GNJ
32 Board of Trustees to draft the Disaffiliation Agreement.
- 33 5. Disaffiliation Agreement - the GNJ Board of Trustees, with the advice of the GNJ cabinet,
34 treasurer, benefits coordinator, the chairperson of CFA, DCM and chancellor, will draw up
35 an agreement detailing the terms and conditions of the disaffiliation, including the effective
36 date of disaffiliation and local church’s obligations (payments/liabilities due, etc.), that will
37 be memorialized in a binding Disaffiliation Agreement between the annual conference and
38 the trustees of the local church, in consultation with the local church Administrative Council,
39 acting on behalf of the congregation’s members. (Paragraph 2553 and Judicial Council ruling
40 1379).
- 41 6. Annual Conference Approval – the annual conference at its regular annual session votes to
42 ratify the disaffiliation agreement. A simple majority approval vote is required to approve
43 the terms and disaffiliation (paragraph 2553 and Judicial Council ruling 1379).
- 44

1 Be it further resolved that GNJ communicate to any congregation seeking to disaffiliate that it has until
2 December 31, 2023, to pay for and complete all the items in the term sheet to disaffiliate. (Paragraph
3 2553, BOD).

4
5 Submitted by:
6 The GNJ Cabinet
7 The GNJ Board of Trustees
8 The GNJ Connectional Table
9

10 NOTE: Further information is available on the GNJ website at www.gnjumc.org about each of the
11 ministries and resources above and are included in the information section of this addendum.
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1 **Informational**

2 **Connectional Covenant**

3 Between

4 _____ Church (Disaffiliating Congregation) and its predecessor congregations and
5 The denomination it joins _____ (Affiliating Denomination) (removed if the church
6 does not join a denomination)

7 and

8 The United Methodist Church of Greater New Jersey (GNJ) and its predecessor bodies

9
10 We are the body of Christ (I Corinthians 12). While made up of different parts, together, we seek to
11 bring honor and glory to God. While from time to time, the body of Christ divides and multiplies, we are
12 still connected through Jesus Christ (Colossians 3:12-17).

13
14 This Connectional Covenant (Covenant) offers the opportunity for all to honor God, respectfully discern
15 a path forward, disaffiliate and identify opportunities for continued collaborative ministry and missional
16 engagement.

17
18 **Ministries and Missional Engagement after Disaffiliation**

19 Laity, clergy, and congregations are encouraged to continue to share in one another’s ministries,
20 programs, and outreach. This includes, but is not limited to, the following ministries.

- 21 • Seasonal special services during the Christian year.
- 22 • Sacraments, as permitted by one another’s denominations.
- 23 • Presiding at weddings and funerals as permitted by one another’s denominations.
- 24 • Fellowship, Bible studies and outreach ministries.
- 25 • United Methodist Men, United Women in Faith and NextGen activities.
- 26 • Volunteer mission projects
- 27 • Volunteers in Mission
- 28 • Youth programs
- 29 • Pulpit exchanges
- 30 • Joint programs to end the sins of racism, sexism, and exclusion

31
32 **Communication**

33 Honoring one another as beloved children of God, and for the sake of our common mission of making
34 disciples of Jesus Christ, the Disaffiliating Congregation, GNJ and the Affiliating Denomination, and their
35 leadership, pledge not to disparage or undermine one another’s ministries through any internal or
36 public communication media or outlet. (Mathew 28:19, John 13:35)

37
38 GNJ will state the following message in any public information related to the Disaffiliating Congregation

39
40 *The _____ congregation after prayer and discernment has (become an independent*
41 *congregation or affiliated with the _____ (Affiliating Denomination).*
42 *The churches and leadership of GNJ pray God’s blessing upon the _____ congregation and*
43 *look forward to opportunities to serve God together for the benefit of the community.*
44
45

1 The Disaffiliating Congregation and the Affiliating Denomination it joins will state the following
2 concerning disaffiliation from the United Methodist Church or GNJ.

3

4 *The _____ Church after prayer and discernment has (become an independent*
5 *congregation (or affiliated with the _____ denomination).*

6

7 The Disaffiliating Congregation is welcome to share its ministry and future vision and mission.
8 In speaking with the press regarding the disaffiliation, the Disaffiliating Congregation is only to
9 use the above statement.

10

11 **Reunification**

12 While we find ourselves in a season of difference, it does not need to define the future. GNJ remains
13 open to the work of the Holy Spirit and future reunification (Revelation 7:9).

14

15 In Christ,

16

17

18

19 _____
Representative from Disaffiliating Congregation

_____ Date

20

21

22

23 _____
Representative from Affiliating Denomination

_____ Date

24

25

26

27 _____
Bishop John R. Schol, Resident Bishop, GNJ

_____ Date

28

29

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32

1 **Disaffiliation Terms Worksheet**

2
3 Pursuant to ¶2553 in the *Book of Discipline*, the GNJ Board of Trustees, in collaboration with the GNJ
4 cabinet, treasurer, benefits coordinator, the chairperson of CFA, DCM and chancellor, have identified
5 the following required actions/items for local churches seeking disaffiliation from The United Methodist
6 Church (UMC).

7
8 **Due Diligence**

9 The disaffiliating congregation will perform all the necessary research and submit all the necessary
10 documents and information required by the GNJ Board of Trustees to draft the terms sheet.

- 11
- 12 1. The time, date, and location of the disaffiliation vote.
- 13 2. The method(s) used to announce the special church conference to church members.
- 14 3. The disaffiliation resolution voted on by the church conference and the votes for and against for
- 15 each vote.
- 16 4. Copy of the official minutes of the meeting.
- 17 5. Present Articles of Incorporation and Bylaws (if there are any bylaws in addition to the Book of
- 18 Discipline).
- 19 6. The names and contact information of all current trustees and other fiduciaries of the church.
- 20 7. Copies of deeds for all owned property.
- 21 8. Copies of mortgages and other liens against the church entity and real property.
- 22 9. Appraisal of all local church properties performed by an appraiser certified by the New Jersey
- 23 State Board of Certified Real Estate Appraisers.
- 24 10. Balance sheets for the past three years.
- 25 11. Profit and Loss statements for the last three years.
- 26 12. All monthly or quarterly bank and investment account statements for the last three years
- 27 except funds invested through the GNJ Foundation.
- 28 13. Statements for all mortgages and other debt incurred or loans made.
- 29 14. Audit reports for the last three years.
- 30 15. If the local church has any endowments, trusts, memorials or restricted funds, a copy of all
- 31 underlying trust documents, contracts, or wills that restrict the use of such funds; and if there is
- 32 a related entity, such as a cemetery or preschool, please also provide items (5-14), above, for
- 33 such entity.
- 34 16. Notarized certification that the disaffiliating church has no pending lawsuit, charge, complaint
- 35 or other action against GNJ.
- 36 17. A standard title search process is completed by a licensed title company in the state where the
- 37 real property resides for all real properties that will be released to the disaffiliating church.

38
39 Requests for additional information will be made as needed.

1 **Required Payments**

2
3 Unless a different date is specified, the disaffiliating congregations must satisfy the following payments
4 before the disaffiliation date and/or not later than December 31, 2023.

- 5
6 1. Any unpaid apportionments for the 12 months prior to the disaffiliation date, as well as an
7 additional 12 months of apportionments.
8 2. Any unpaid GNJ billings for the present calendar year, as well as all unpaid billings in previous
9 years.
10 3. Any GNJ grants received in the present calendar year, and the past two calendar years.
11 4. All unfunded pension liabilities as identified by Wespath and apportioned by the GNJ Board of
12 Pension and Benefits.
13 5. All unfunded retiree health care liabilities as apportioned by the GNJ Board of Pension and
14 Benefits.
15 6. All BSA settlement contributions as apportioned by the GNJ Council on Finance and
16 Administration (CFA).
17 7. Any outstanding loans as identified by GNJ Loan Board; CFA or the GNJ Board of Trustees.
18 8. For congregations that disaffiliate, and their appointed pastor(s) remain(s) in the UMC, the
19 estimated clergy compensation including housing and benefits for 18 months and maximum
20 moving expenses for two moves per individual. If an appointment is identified for the impacted
21 pastor by June 30, 2024, any unused portion from this item will be reimbursed to the
22 disaffiliating congregation by August 1, 2024
23 9. All property and congregational transfer costs including GNJ legal fees.
24 10. All court costs and GNJ legal fees related to disaffiliation or suits related to disaffiliation of the
25 church.
26 11. A Missional Transitional Support that will be assessed by multiplying the three-year average of
27 the total amount of all cash, bank balances, investments, endowments, and reserves by the
28 percent of the votes against disaffiliation during the Church conference vote.
29 12. A \$3,500 administrative fee to defray the cost of the discernment and disaffiliation guides that
30 will be used by the GNJ cabinet and the board of trustees to facilitate the process. Any unused
31 portion of the administrative fee will be reimbursed to the disaffiliating church by or no later
32 than 10 days after the disaffiliation date.
33 13. Any other fees and costs identified by the GNJ Board of Trustees including but not limited to the
34 determination that a contribution is in order related to the congregation's real property. These
35 may vary per case.

36
37 **Other Actions/Items Required by the Disaffiliation Date**

- 38
39 1. Disaffiliating Church will cease all use of "United Methodist," the Cross & Flame insignia, and
40 any other intellectual property of the denomination and Annual Conference, including the
41 removal of all signage containing the same.
42

- 1 2. Disaffiliating Church will cease to use, and will ensure that any affiliates of Disaffiliating Church
2 which have been included in the group tax exemption ruling shall cease to use, any and all
3 documentation stating that Disaffiliating Church is included in the denomination’s group tax
4 exemption ruling administered by the General Council on Finance and Administration of The
5 United Methodist Church, with the exception of finalizing year-end financial documents and
6 reporting related to Disaffiliating Church. Disaffiliating Church and any of its affiliates which have
7 been included in the group tax exemption ruling will be removed without notice as of the
8 Disaffiliation Date.
- 9 3. Disaffiliating Church will indemnify and hold harmless to the fullest extent permitted by law,
10 including reasonable attorneys' fees and litigation expenses, GNJ, its officials, employees’ agents,
11 successors, and assigns, from all claims and/or lawsuits, known or unknown, asserted or that
12 may ever hereafter be asserted against GNJ arising out of and/or related to the disaffiliating
13 church.
- 14 4. Disaffiliating Church will take all steps necessary to [close and/or dissolve any legal entities and
15 to settle, liquidate, or transfer all assets and obligations of such entities, or to establish any new
16 legal entities, or to modify its current organizing documents,] as needed to effectuate its
17 disaffiliation from The United Methodist Church to the satisfaction of GNJ.
- 18 5. Upon the completion of all of their respective obligations herein, GNJ and Disaffiliating Church,
19 for themselves and their agents, representatives, members, trustees, employees, successors,
20 attorneys, and assigns, hereby fully and forever covenant not to sue each other, and release and
21 discharge each other, and their current and former trustees, officers, representatives,
22 employees, and assigns, in both their official and individual capacities, from any liability for any
23 and all causes of action and claims, including any statutory or common law cause of action, tort
24 or contractual claims, any claims for attorneys’ fees, expenses and all other damages, whether
25 known or unknown, foreseen or unforeseen, which GNJ or Disaffiliating ever had, now has,
26 hereafter may have or claim to have against any of the above-named entities or persons in any
27 way arising out of their relationship with each other.
- 28 6. The disaffiliating church will hold harmless and indemnify GNJ from all claims, demands, costs,
29 expenses, lawsuits, or other claims of whatever nature arising out of or related to acts or
30 omissions involving the disaffiliating church and/or its officers, trustees, and representatives.
- 31 7. The disaffiliating church may continue to sponsor benefit plans from the General Board of
32 Pension and Health Benefits to the extent permitted by federal law, and provided that
33 disaffiliating church has not expressly resolved that it no longer shares common religious bonds
34 with The United Methodist Church.

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APPENDIX II

Greater New Jersey Annual Conference 2022

May 23, 2022,

Call to Discernment and Renewal

Rev. Matt Enzler and Rev. Hector Burgos presented the Call to Discernment and Renewal legislation. Enzler made a motion to approve the legislation.

Amendment

Daniel Pyo made a motion for and read the following amendment:

“Whereas it is expected that there will be congregations that will consider disaffiliation with GNJ pursuant to paragraph 2553:

Be it resolved to amend item known as “A Call for Discernment...” on line 18 of page 138 of the 2022 Addendum to the Pre-Conference Workbook to replace “6-month” with “4-month”. Be it further resolved to amend item #5 beginning on line 33 of page 139 of the Addendum to the 2022 Pre-Conference Workbook as follows:

Add at the end of line 40 on page 139: “The GNJ Conference Trustees are hereby directed by the 2022 session of the GNJ Annual Conference to strongly consider including in the Disaffiliation Agreement the requirement to make payments of the items listed as “informational” on page 143, and further identified as “Disaffiliation Items Worksheet” on page 145, and further identified under the heading of “Required Payments” on page of 146 of the 2022 Pre-Conference Workbook identified as items 1, 2, 4, 5, 6, 7, and 9,” which are hereby identified as printed and included by reference to this amendment. The Trustees are specifically directed to not include items identified as numbers 3, 8, 10, 11, 12, or 13 as printed on page 146 of the 2022 Addendum of the Pre-Conference workbook and here by identified and included in this amendment by reference.

Be it further resolved that a copy of this resolution shall be communicated to the GNJ Trustees within three days of the close of the current GNJ Annual Conference session.”

Suggestion

Bishop Schol asked if Mr. Pyo was amenable to split the amendment into parts since it was so long. Mr. Pyo agreed to this.

Amendment

Daniel Pyo made a motion for acceptance of an amendment:

“Whereas it is expected that there will be congregations that will consider disaffiliation with GNJ pursuant to paragraph 2553:

Be it resolved to amend item known as “A Call for Discernment...” on line 18 of page 139 of the 2022 Addendum to the Pre-Conference Workbook to replace “6-month” with “4-month”. The motion did not pass.

Amendment

Daniel Pyo made a motion for acceptance of an amendment, which was read by the conference secretary:

“Be it further resolved to add at the end of line 40 on page 139: “The GNJ Conference Trustees are hereby directed by the 2022 session of the GNJ Annual Conference to strongly consider including in the Disaffiliation Agreement the requirement to make payments of the items listed as “informational” on page 143, and further identified as “Disaffiliation Terms Worksheet” on page 145, and further identified under the heading of “Required Payments” on page of 146 of the 2022 Pre-Conference Workbook identified as items 1, 2, 4, 5, 6, 7, and 9,” which are hereby identified as printed and included by reference to this amendment. The Trustees are specifically directed to not include items identified as numbers 3, 8, 10, 11, 12, or 13 as printed on page 146 of the 2022 Addendum of the Pre-Conference workbook and hereby identified and included in this amendment by reference.”

Out of Order

Chancellor Lynn Catterson, via text explained that according to the Book of Discipline, an Annual Conference cannot tell Trustees what to do, making this amendment out of order. Bishop Schol ruled the amendment out of order.

Amendment

Mr. Henry Cho, from KCCUMC in Englewood, made a motion for an amendment and went on to explain his amendment was the same as Mr. Pyo. Mr. Cho’s amendment wanted to take each item separately. Since it was the same, Bishop Schol ruled this amendment out of order.

Challenge

At Mr. Cho’s request, Bishop Schol affirmed his ruling that Mr. Pyo and Mr. Cho’s amendments are out of order. Mr. Cho challenged the parliamentary ruling made by Bishop Schol that the amendments by Pyo and himself are out of order. His assertion was that Trustees work for the Annual Conference.

Rev. Bob Costello’s indicated he would like to speak to the matter, he was unmuted but did not reply.

Bishop Schol reminded the conference that paragraph 2553 of the Book of Discipline gives the responsibility of the Terms sheet to the Board of Trustees and Judicial Council decision 1440 further clarifies that the Board of Trustees are to put the Term sheet together.

Motion

Bishop Schol indicated that a vote in favor sustains his ruling and a vote against does not sustain his ruling. The conference voted to sustain his ruling 401 to 102.

Amendment

Creed Pogue made a motion for the following amendment:

Be it further resolved to amend item #5 beginning on line 33 of page 139 of the Addendum to the 2022 Pre-Conference workbook as follows: Add at the end of line 40 on page 139: "To the extent necessary to remain in conformity to the BOD and applicable Judicial Council Decisions, the GNJ Conference Trustees are hereby directed by the 2022 session of the GNJ Annual Conference to include in the Disaffiliation Agreement the requirement to make payments of the items listed as "Informational" on page 143, and further identified as "Disaffiliation Terms Worksheet" on page 145, and further identified under the heading of "Required Payments" on page of 146 of the 2022 Pre-Conference Workbook identified as items 1, 2, 4, 5, 6, 7, and 9 – which are hereby identified as printed and included by reference to this amendment. The Trustees are specifically directed to not include items identified as items 3, 8, 10, 11, 12, or 13, as printed on page 146 of the 2022 Addendum to the Pre-Conference workbook.

Out of Order

Bishop noted that this amendment is similar to the previous two amendments and so ruled it out of order.

Appeal

Creed Pogue appealed Bishop Schol's ruling. Bishop Schol indicated that a vote in favor sustains his ruling and a vote against does not sustain his ruling. The conference voted to sustain his ruling 365 to 103.

Motion

Kelly Corbett made a motion to suspend the rules to vote for all that is before us. The motion passed.

Motion

Kelly Corbett made a motion to vote for all that is before us. The motion passed. The original motion for the "A Call to Discernment and Renewal" legislation passed.

MOMENT OF SHARING

Bishop Schol celebrated how well GNJAC stands compared to the other Conferences in our Jurisdiction.

VIDEO

A video highlighting the IGNITE mission, Global Ministries, and UMCOR was shown.

SERVICE OF REMEMBRANCE

LEGISLATION AND REPORTS

2023 Budget

Vasanth Victor presented the 2023 Budget Recommendation legislation. He explained the rationale for this budget. Rev. Jennifer Cho presented the healthcare premiums, explaining the 12% increase is due to a 120% of payouts compared to what is collected. She recommended several ways to control costs. Victor made a motion for the legislation's adoption. The motion passed.

2022 Budget Addendum

Vasanth Victor presented the 2022 Budget Addendum. He made a motion for its adoption. The motion passed.

St. John UMC Fund

Matt Enzler presented the St. John UMC Fund legislation. He made a motion for its adoption. The motion passed.

Questions of Law

Bishop Schol acknowledged receiving Questions of Law submitted in the chat from Mr. Sim, Rev. Costello, and Mr. Pogue. They are noted and will be recorded. Subsequently, Rev. Costello withdrew his first question of law and submitted an updated question on the second day.

Greater New Jersey Annual Conference 2022

May 24, 2022

Questions of Law

Bishop Schol made the Conference aware that seven Questions of Law had been raised by Rev. Bob Costello, Creed Pogue and Mr. Sim. Bishop stated that they are included in the record and posted during the annual conference session. Later it was learned the three individuals asked a total of sixteen questions.

Creed Pogue – Questions of Law 5.23.2022

A. In light of the fact that legislation was introduced by the GNJ Cabinet, Trustees and Connectional Table at the 2022 session of the GNJ annual conference as “A Call For Discernment and Renewal” as found in “2022-AC-PCWB-Addendum-final-version-for-web” beginning with line 30 on page 137 and continuing to line 8 on page 140; and

In light of the fact GNJ published and printed under the heading “Disaffiliation Terms” in a document identified as “2022-AC-PCWB-Addendum-final-version-for-web” and thereafter The Greater New Jersey Annual Conference was denied the right to take action on an amendment to a proposal brought to the 2022 session of the Annual Conference, in which the items set forth under the heading of “Term Sheet” found on page 146 of the “2022-AC-PCWB-Addendum-final-version-for-web” were identified and incorporated, and included by reference to this amendment, and thereby the express subject of the proposed amendment to “A Call For Discernment and Renewal” on pages 137 line 30 to 140 line 8 in the Pre-Conference workbook and the items printed on page 146 of the “2022-AC-PCWB-Addendum-final-version-for-web” even though the referenced and included items on page 146 were not stand-alone proposals apart from “A Call For Discernment and Renewal.” and

In light of the fact that the amendment was improperly ruled out of order, the ruling was appealed, and the ruling was upheld by the body, thereby the conference was left in the position of taking an action that is contrary to the Book of Discipline because the GNJ Trustees were not thereby held amenable to the annual conference action, when the following was as an identified, included and referenced item being expressly acted upon as part of an amendment to the consideration of “A Call For Discernment and Renewal” found in “2022-AC-PCWB-Addendum-final-version-for-web” beginning with line 30 on page 137 and continuing to line 8 on page 140:

“For congregations that disaffiliate, and their appointed pastor(s) remain(s) in the UMC, the estimated clergy compensation including housing and benefits for 18 months and maximum moving expenses for two moves per individual. If an appointment is identified for the impacted pastor by June 30, 2024, any unused portion from this item will be reimbursed to the disaffiliating congregation by August 1, 2024.” The reference for the materials impact that members of the conference have been denied the right to ask a Question of Law?

B. In light of the fact that Judicial Council Decisions 1421 (and affirmed by later decisions of law) in which the Judicial Council stated, “The annual conference as the basic body in the Church has the reserved right to make final decisions regarding the disaffiliation of local churches within its boundaries.”

Is there any provision in Paragraph 2553 which allows an action of the annual conference to stand when it permits the conference Trustees to demand clergy funding or other local church funding as referenced in the amendment, as Term Sheet on page 146 of “2022-AC-PCWB-Addendum-final-version-for-web” by the Trustees failing to be amendable to the annual conference, by the trustees deliberately rejecting annual conference authority to exert its final decision reserved rights as provided in the following paragraphs of the Book of Discipline and in Judicial Council decisions, and as evidenced by the trustees’ refusal to be amendable to the annual conference?

Paragraph 640, which refers to the duties of the board of trustees, as stated in Paragraph 2512.1-8, which states in Paragraph 2512.2 “...They shall be amendable to the annual conference...”

C. Do provisions in the Book of Discipline in paragraphs 620 – 628 and elsewhere regarding clergy funding and appointment, permit conference trustees to usurp authority expressly reserved to the annual conference, by the trustees improperly asserting authority not granted to them and by ignoring proper motions placed before the annual conference action, and making erroneous assertions of authority based on Paragraph 2553?

D. Does a presiding bishop have the authority to deny an annual conference member's right to propose an amendment to a matter which is properly before the annual conference for its consideration by claiming to rule a proposed amendment out of order as a parliamentary matter, by expressing the basis of his improper assertion of a parliamentary ruling on his own expressed interpretation of provisions of Paragraph 2553 of the Book of Discipline, while his ruling is based on no rule of the conference, no element in Robert's Rules of Order, and no authority to usurp rights granted to the annual conference in the Book of Discipline and in Judicial Council decisions?"

E. Further, does a presiding bishop have the right to rule an amendment out of order by claiming it is hypothetical solely because it refers to material which has been expressly presented and clearly identified by reference, solely because the material included by reference has not been previously acted upon by the annual conference.

F. Does a presiding bishop have the authority to deny an annual conference member's right to propose a Question of Law regarding a matter which is properly before the annual conference for its consideration by claiming to rule a proposed Question of Law out of order? May a bishop refuse to accept such Questions of Law by basing his improper claim of parliamentary ruling on his own expressed interpretation of provisions of Paragraph 2553 of the Book of Discipline, while his arbitrary ruling is based on no rule of the conference, no element in Robert's Rules of Order, and no provision of the Book of Discipline?"

G. Is there any provision in Paragraph 2553 that permits the conference Trustees to demand clergy funding or other funding in violation of the Book of Discipline when it is based on the Trustees failing to be amendable to the annual conference by deliberately rejecting annual conference authority as provided in various provisions of the Book of Discipline? (See attached proposed amendment and materials from the 2022 Pre-Conference Workbook addendum.)

Paragraphs 620 to 628; and

Paragraph 614 e); and

Paragraph 604.2 which states, "An annual conference cannot financially obligate any organizational unit of the United Methodist Church except the annual conference itself." and elsewhere in the Book of Discipline.

H. Is Missional Transition Support arbitrary and capricious since there is no plan for any new church plants nor any provisions for churches with a majority vote for disaffiliation that falls short of the two-thirds threshold?

Submitted via zoom chat:

Creed Pogue, Lay Member

West Side United Methodist Church 160 Cumberland Avenue

Estell Manor, NJ 0319

Interested Parties
Greater New Jersey Annual Conference
1022-15

Rev. Shelley Smith [Secretary of the Annual Conference]
205 Jumping Brook Road, Neptune, NJ 07753
ConferenceSecretary@gnjumc.org

Mr. Creed Pogue [Asked Q of Law]
169 Cumberland Avenue, Estell Manor NJ 08319
creed.pogue@gmail.com

Mr. Vasanth Victor [Chair, CCF&A]
7 Cliffview Court, Princeton Junction, NJ 08550
vasanth_victor@hotmail.com

Rev. Matthew Enzler [President, Conference Board of Trustees]
205 Jumping Brook Road, Neptune, NJ 07753
mathew.enzler@gmail.com

Mr. Robert Zuckerman [Treasurer, Conference Board of Trustees]
205 Jumping Brook Road, Neptune, NJ 07753
rzuckerman@gnjumc.org

Rev. Kay Dubuisson [Chair, Connectional Table]
205 Jumping Brook Road, Neptune, NJ 07753
kaay718@gmail.com

Rev. Sang Won Doh [Dean of Cabinet]
Raritan Shore District Superintendent & Dean of Cabinet
205 Jumping Brook Road, Neptune, NJ 07753
sdoh@gnjumc.org

Bishop John R. Schol [Resident Bishop, Presiding]
205 Jumping Brook Road, Neptune, NJ 07753
BishopJohnSchol@gnjumc.org

Shelley Smith [GNJ Conf Secy] <ConferenceSecretary@gnjumc.org>,
Creed Pogue [Asked Q of Law] <creed.pogue@gmail.com>,
Vasanth Victor [Chair, CCF&A] <vasanth_victor@hotmail.com>,
Matthew Enzler [President, Conf Bd of Trustees] <mathew.enzler@gmail.com>,
Robert Zuckerman [Treasurer, Conf Bd of Trustees] <rzuckerman@gnjumc.org>,
Kay Dubuisson [Chair, Connectional Table] <kaay718@gmail.com>,
Sang Won Doh [Dean of Cabinet] <sdoh@gnjumc.org>,
Bishop John R Schol [Presiding Bishop] <bishopjohnschol@gnjumc.org>,