

1022-21
Request for a Ruling of Law
Susquehanna Annual Conference

The request for the ruling is based largely on 2512.2 with the Board of Trustees being amenable to the annual conference, and yet the annual conference is not mentioned in Paragraph 2553.4. How can the annual conference be amenable to the terms of disaffiliation if it has no ability to affect those terms, for the vote to disaffiliate a church by the annual conference must only be a yes or no vote with no opportunity to amend.

Further, in Paragraph 2553.4a, it states “Annual conferences may develop additional standard terms that are not inconsistent with the standard form of this paragraph.” That mentions only one entity that has the authority to add additional standard terms, and that is the annual conference and not the Board of Trustees.

Further, can it be assumed that the cabinet, the annual conference treasurer, annual conference benefits officer, director of connectional ministries, and annual conference chancellor can speak for the annual conference without the annual conference having no opportunity for input.

Further, Paragraph 2512.2 does not include any situations where the Board of Trustees are not amenable to the annual conference. But this interpretation of Paragraph 2553.4 violates Paragraph 2512.2. How can these paragraphs allowed to be in conflict with one another where is allowed to supersede the other? Particularly when 2512 has been a basic principle establishing how the Board of Trustees is to serve the annual conference while 2553 allows the Board of Trustees to dictate to the annual based solely on the advice, not direction but advice of a relatively few leading members and employees of the annual conference.

Does the interpretation of 2553.4 limit the rights of the annual conference in Paragraph 2512.2 and 2553.4.1 and/or other relevant church law?

Respectfully submitted,

Rev. Charles W. (Chuck) Sprenkle
June 3, 2022

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Susquehanna Annual Conference
of
The United Methodist Church
Ruling of Law
Bishop Sandra Steiner Ball

DIGEST

Are paragraphs 2512.2 of *The Book of Discipline of The United Methodist Church – 2016* and paragraph 2553.4, added to *The United Methodist Book of Discipline* and effective at the close of the 2019 General Conference, in conflict?

Paragraph 2512.2 states in part, “The Board of Trustees shall meet at least annually and organize by electing a president, vice president, secretary, and treasurer, whose duties shall be those usually pertaining to such offices. They shall be amenable to the annual conference.” Paragraph 2553.4 states in part, “If the church conference votes to disaffiliate from The United Methodist Church, 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.” 2553.4.a states in part, “Annual conferences may develop additional standard terms that are not inconsistent with the standard form of this paragraph.” The General Conference has given the conference trustees the right to set the terms and has given the annual conference the right to establish additional terms, but the General Conference did not give the annual conference the right to tell the trustees that their discretion is limited as to what terms are appropriate. In light of Discipline ¶¶ 2512.2, 2553.4, 2553.4.a, 807.9, 16, 33 and Judicial Council Decisions #1401, #1131, #1156, #823, #886, #1105, #1366, #1420, #1379 and other relevant church law, paragraphs 2553.4 and 2553.4.a are not in conflict with and do not negate paragraph 2512.2, nor does paragraph 2512.2 supersede ¶¶ 2553.4 and 2553.4.a, nor do ¶¶ 2553.4 and 2553.4.a limit the rights of the annual conference in Paragraph 2512.2 and/or other relevant church law.

STATEMENT OF FACTS

Within the Corporate Session of the Susquehanna Conference of The United Methodist Church, following the votes taken on four churches for disaffiliation and a prayer for these congregations, Rev. Chuck Sprenkle was recognized and made a motion. The motion was seconded and Rev. Sprenkle spoke to the motion which the Bishop then ruled out of order. In response to the presider’s action, Rev. Sprenkle requested a decision of Law, without clearly stating the substance of his request. The Bishop responded that she had 30 days to respond. The transcript of the request from the floor is documented in page 2 of the corporate session minutes. (Appendix A)

Prior to the end of the Corporate session, the Bishop asked Rev. Sprenkle to come back to the microphone and to clearly state the question upon which he was requesting a decision of law. The transcript of the request is documented on bottom of page 3 and top of page 4 of the corporate session minutes. (Appendix A)

On the following day while the body was still in annual conference session, Rev. Chuck Sprenkle submitted his written request for a decision of law. (Appendix B)

From the Floor of the Conference, I interpret the request for the Decision of Law to raise the following questions:

1. Is it proper that the motion was ruled out of order based on paragraph 2553.4?
2. Does paragraph 2512, specifically the statement, "They shall be amenable to the annual conference" negate or conflict with the direction given to the Conference Board of Trustees in paragraph 2553?

As the written request for a Decision of Law is differently worded from the Decision of Law requested from the floor of the Conference session, I interpret the written request for the Decision of Law to raise the following questions:

3. Are paragraphs 2553.4 and Paragraph 2512 in conflict with one another?
4. Does paragraph 2512.2 supersede 2553.4?
5. Does 2553.4 limit the rights of the annual conference in Paragraph 2512.2 and/or other relevant church law?

These questions have been numbered for ease in answering the questions.

ANALYSIS AND RATIONALE

This request for a decision of law was raised and made in relation to the report and vote of the annual conference on disaffiliating congregations and therefore the request is germane to the work of the annual conference.

Question 1. This question is improperly submitted. This question is about whether or not it was proper for a motion made on the floor of the Conference to be called out of order.

Parliamentary questions are matters of order in the annual conference session and are not matters for a request for a decision of law. "The Judicial Council has no jurisdiction to review a parliamentary ruling of a presiding bishop that is rendered during an annual conference session. See Decisions 898, 941, 943, **953, 1117.**" (Judicial Council Decision 1131)

Question 2. Paragraph 2512 does not negate or conflict with paragraph 2553. The precise issue here is about the trustees being amenable to the annual conference which presents a question

of structural separation of powers. “The separation of authority and decision making is integral to the United Methodist Constitution and law,” (JDC 1156) thus calling each branch to respect the defined roles of all other branches of the Church. The General Conference “shall have full legislative power over all matters distinctively connectional,” which includes the authority to enact, amend, and repeal legislation. (¶ 16; JDC 1401)

Paragraph 2553.4 states “If the church conference votes to disaffiliate from The United Methodist Church, 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.” The General Conference has given the trustees in paragraph 2553 the right to set “the terms and conditions” for a church disaffiliation.

The General Conference in paragraph 2553.4a states that the annual conference “may establish additional terms that are not inconsistent with the standard form of this paragraph.” However, the General Conference did not give the annual conference the right to tell the trustees that their discretion is limited as to what terms are appropriate. Additionally, paragraph 2553.4.a makes clear that a conference board of trustees, in handling disaffiliation agreements, must make sure that the agreements follow the standard form for disaffiliation developed by the General Council on Finance and Administration in order “to protect The United Methodist Church as set forth in ¶ 807.9.” The General Conference in paragraph 2553 makes it clear that while a Conference Board of Trustees sets the terms and conditions of disaffiliation, these agreements must be consistent with what the General Council on Finance and Administration has set forth as a standard form. A conference board of trustees as it works with congregations in the disaffiliation process must follow the standard form of the General Council on Finance and Administration. The Conference cannot change that requirement imposed by ¶ 2553 on the conference board of trustees.

Judicial Council Decision 1401: “In our polity, commissions and committees created *by* the General Conference are amenable to the General Conference, except as otherwise provided by legislation.”

See also the rationale for the decision of law in the succeeding questions below.

Question 3. No, paragraphs 2553 and 2512.2 are not in conflict with one another. The General Conference, in paragraph 2553, has given the trustees the right to set the terms and has given the annual conference the right to establish additional standard terms in relation to disaffiliation agreements that are not inconsistent with the standard form as laid out in paragraph 2553. However, General Conference did not give the annual conference the right to direct or limit the trustees in the use of their discretion as to what terms are appropriate.

The Judicial Council has stated, “in exercising its rights, an Annual Conference cannot take an action which negates General Conference legislation,” JCD 823, that “annual conferences may not legally negate, ignore, or violate provisions of the *Discipline* with which they disagree, even when the disagreements are based upon conscientious objections to those provisions,” JCD 886, and that “no Annual Conference may adopt any rule or policy that is in conflict with the *Discipline*.” JCD 1105.

Question 4. No, paragraph 2512.2 does not supersede or limit the requirements of 2553.4. In paragraph 2553 authority and responsibility is given to the Conference Board of Trustees to establish the terms and conditions for congregations that make the decision to disaffiliate. Once the Board of Trustees has exercised its responsibility for working with a congregation on the terms and conditions of disaffiliation and a disaffiliation agreement has been reached, the Board of Trustees brings requests for disaffiliation to the floor of the annual conference session for an up or down vote. In this way, the Board of Trustees fulfills its responsibility to be amenable to the annual conference and fulfills the disciplinary responsibility and authority for setting the terms and conditions of a “Disaffiliation Agreement between the annual conference and the trustees of the local church, acting on behalf of the members.” (§ 2553.4)

The actions of the annual conference are further restricted to ratifying a disaffiliation by a vote up or down by the members of the annual conference but does not include the right to amend the disaffiliation agreement. (JCD 1420)

Question 5. No, 2553.4 does not limit the rights of the annual conference in Paragraph 2512.2 and/or other relevant church law.

“In exercising its rights, an Annual Conference cannot take an action which negates General Conference legislation,” JCD 823. “Annual conferences may not legally negate, ignore, or violate provisions of the *Discipline* with which they disagree, even when the disagreements are based upon conscientious objections to those provisions,” JCD 886. “No Annual Conference may adopt any rule or policy that is in conflict with the *Discipline*.” JCD 1105. Therefore, since paragraph 2553.4 directs the Conference Board of Trustees to establish the terms and conditions for disaffiliation, it is the right of the Conference Board of Trustees to set the terms and conditions of disaffiliation. It is also the right of the annual conference to develop additional standard terms that are not inconsistent with §2553. The annual conference’s right to develop additional standards is preserved but it cannot act to eliminate the authority and discretion given by the General Conference to the Conference Board of Trustees.

The rights of the annual conference include autonomous control over the agenda, business, discussion, and vote on the question of withdrawal. (JCD 1366 page 44) Under § 33 *The Book of Discipline* (Article II of the Constitution), 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. (JCD 1379) Paragraph 2553 preserves and does not limit the reserved rights of the annual conference as given in § 33.

DECISION

The General Conference has given the conference board of trustees the right to set the terms and conditions of disaffiliation. The General Conference has given the annual conference the right to establish additional terms. However, the General Conference did not give the annual conference the right to tell the trustees that their discretion is limited as to what terms are appropriate. In accordance with *The Book of Discipline* ¶¶ 2512.2, 2553.4, 2553.4.a, 807.9, 16, 33, and Judicial Council Decisions #1401, #1131, #1156, #823, #886, #1105, #1366, #1420, #1379 and other relevant church law, paragraph 2553.4 is not in conflict with and does not negate Paragraph 2512.2. Paragraphs 2553.4 and 2553.4.a are not in conflict with paragraph 2512.2. Paragraph 2512.2 does not supersede 2553.4. Paragraph 2553.4 does not limit the rights of the annual conference in Paragraph 2512.2 and/or other relevant church law.

SUSQUEHANNA ANNUAL CONFERENCE
BOARD OF TRUSTEES
CORPORATE SESSION
JUNE 2, 2022

Two highlighted sections contain the request for a Decision of Law

Chaired by Bishop Steiner Ball during the 2022 Session of the Annual Conference. It was moved by Mark Shover, chair of the Trustees, that the corporate session be convened. The motion was approved.

Rev. Mark Shover introduced the following people: Evelyn Madison, secretary of the Board of Trustees, Jennifer Parks-Snyder, chair of the Property and Casualty Insurance Committee, Jay Layman, Conference Chancellor, and Mark Knecht, Conference Treasurer.

Moved by Mark Shover that the minutes of the last Corporation meeting on June 19, 2021, as printed on pages 211-212 or the 2021 Conference Journal, be approved. The motion carried.

Rev. Shover directed the Conference to Report #7, found on pages 57-63 in the Conference Program Book. In addition, the report of the work of the Property and casualty insurance committee is found on P. 62.

An amendment to Part IV, p. 59 (closed churches) was offered by Rev. Shover. These churches voted to close after the report was printed:

Mt. Hope UMC -- to be closed June 30, 2022

Ross UMC – closed May 25, 2022

Sanborn UMC – to be closed June 12, 2022

West Milton UMC – to be closed June 17, 2022

Barry Robison, dean of the Cabinet, confirmed that the report as amended is correct.

Rev. Shover introduce Rev Jennifer Parks-Snyder, who gave a report from the Property & Casualty Insurance Committee. She introduced the new broker for the Conference insurance policies, Carter Bumgardner.

Rev. Shover then explained the process that congregations must follow in order to disaffiliate from the UMC. The Board of Trustees has been working with the four churches being presented today for disaffiliation. We now have co-signed disaffiliations agreements detailing the financial liability requirements that the congregation must meet and a cost for the purchase of the property.

It was moved by Mark Shover that we approve the disaffiliation of Bethel Catawissa UMC from the UMC, conditioned upon full completion within 60 days of the close of Annual Conference 2022 of all the requirements of ¶2553 of the United Methodist Book of Discipline and our Susquehanna Conference Disaffiliation agreement. Failure to comply with all the terms and conditions within 60 days of the completion of Annual Conference 2022 will render the disaffiliation null and void. The motion carried

It was moved by Mark Shover that we approve the disaffiliation of Lime Ridge UMC from the UMC, conditioned upon full completion within 60 days of the close of Annual Conferences 2022 of all the requirements of ¶2553 of the United Methodist Book of Discipline and our

Appendix A – Minutes for the Susquehanna Conference Corporate Session

Susquehanna Conference Disaffiliation agreement. Failure to comply with all the terms and conditions within 60 days of the completion of Annual Conference 2022 will render the disaffiliation null and void. The motion carried

It was moved by Mark Shover that we approve the disaffiliation of Pine Run UMC from the UMC, conditioned upon full completion within 60 days of the close of Annual Conferences 2022 of all the requirements of ¶2553 of the United Methodist Book of Discipline and our Susquehanna Conference Disaffiliation agreement. Failure to comply with all the terms and conditions within 60 days of the completion of Annual Conference 2022 will render the disaffiliation null and void. The motion carried.

It was moved by Mark Shover that we approve the disaffiliation of Zion Penn's Creek UMC from the UMC, conditioned upon full completion within 60 days of the close of Annual Conferences 2022 of all the requirements of ¶2553 of the United Methodist Book of Discipline and our Susquehanna Conference Disaffiliation agreement. Failure to comply with all the terms and conditions within 60 days of the completion of Annual Conference 2022 will render the disaffiliation null and void. The motion carried

A prayer for these congregations was given.

Following the votes on disaffiliation, Rev. Chuck Sprenkle was recognized and made a motion. "I move that if a congregation in the Susquehanna Conference chooses to seek disaffiliation from the United Methodist Church, that the fees sought by the Conference will be limited to that which is required by the Discipline, namely, two years shares of ministry and the congregation's assessed portion of unfunded pension." There was a second to the motion.

Rev. Chuck Sprenkle referenced the call we have been given to "move into mission" and described the Trust Clause as "an anchor." If his motion is approved and enacted it will enable congregations to move into mission and ministry, an act he described as "just and gracious."

Bishop Steiner Ball ruled this motion out-of-order, because ¶2553 specifically states that the terms and conditions for 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." She also stated that "the Judicial Council has also ruled that the discretionary power and authority (in) all of the annual conferences must be faithful to and consistent with the Discipline on this matter."

Rev. Sprenkle questioned this, based on ¶2512.2. He stated that the "Judicial Council also spoke of 'under the guidance of the Annual Conference,' and that also talks about the Trustees being amenable to the Annual Conference."

Bishop Steiner Ball, "¶2553 is very clear: this particular process is under the direction of the Conference Board of Trustees," and again ruled the motion out of order.

Rev. Sprenkle then requested a decision of Law.

Rev. Sprenkle: "I would ask for a rule of law on that ma'am."

Bishop: "You may do that and put it in the appropriate process and I will answer it in 30 days."

Rev. Sprenkle: Thank you very much. (Highlight added)

Appendix A – Minutes for the Susquehanna Conference Corporate Session

Mark Shover then moved the adoption of Resolution 6, an amendment to the Bylaws of the Conference Board of Trustees. The motion carried.

Rev. Shover presented the following persons have been nominated to serve on the Board of Trustees: Class of 2026: Evelyn Madison, Michael Crawford, and Donna Wilson; Class of 2025: Heather Ruoss; and Allan Kinsman (interim Class of 2024). He then moved their election. The motion carried.

A proposal to provide more information about disaffiliations has been drafted. This proposal will be presented to the Trustees at their reorganization meeting and would apply to any disaffiliations being presented at the 2023 Annual Conference.

The following information will be provided by the Board of Trustees when a disaffiliation is presented:

1. Name of church
2. Date of the disaffiliation vote
3. The vote count
4. The text of the church's resolution to disaffiliate
5. Financial obligations required to disaffiliate
 - a. Unpaid apportionments
 - b. Amount of the additional year of apportionments
 - c. Unfunded pension obligation
 - d. Outstanding debts and obligations
 - e. Other payments due to the Conference, such as property & casualty insurance, health insurance, pension payments
 - f. Amount of the payment to retain real estate and personal property free and clear of the Trust Clause
6. This proposal is for disaffiliation resolutions to be presented at Annual Conference 2023.

The intention is to provide this information in the pre-conference workbook. The Trustees were asked to include which District in addition to the name of the church. 5.c. was clarified as "pension liability."

The Trustees will share the decision of that Board with the Conference.

Rev. Shover then moved the adoption of the full report. The motion carried, but was not unanimous.

Rev. Shover moved the following resolution: Be it resolved by the Susquehanna Annual conference of the United Methodist Church, a Pennsylvania Non-Profit Corporation, in annual session assembled June 2, 2022, that all acts of the Board of Trustees of the Conference Corporation from June 19, 2021, to and including June 2, 2022, be and are hereby approved, ratified, and confirmed. The motion carried; not unanimous.

Bishop Steiner Ball asked Rev. Chuck Sprenkle to return to the mic and clearly state the question on which he was requesting a decision of law.

Bishop: "Before we close the Corporate Session, Chuck, I would ask you to come back to the microphone and just state very clearly your question, the question upon which you would like a decision of law."

Rev. Sprenkle: “That it be ruled out of order based on 2553 while disregarding 2512.”

Bishop: “OK”

Rev. Sprenkle: “And the amenable guidance of the Annual Conference. And I think that's an important part of the understanding.”

Bishop: “Ok, please make sure you put your request in writing and get it up here and make sure your original motion is also in writing and gets to the front table.”

Rev Sprenkle: “It’s already written.”

Bishop: “Alright. Thank you. Just wanted to make sure we cleaned that up a little bit before we closed the corporate session.” (Highlight added)

Rev. Shover moved to adjourn the corporate session. The motion carried.

Bishop Steiner Ball adjourned the corporate session and reconvened the ecclesiastical session. Rev. Shover moved that in this ecclesiastical session of the Susquehanna Conference of the United Methodist Church, we approved, confirm and support the actions taken in the 2022 Corporate Session of the Susquehanna Conference of the United Methodist Church. The motion carried; not unanimous.

Rev. Shover then expressed his appreciation to Virginia Bailey, Terry Hughes, and Jay Layman, who have completed their service to the Board of Trustees this past year. The Board of Trustees will meet virtually on Thursday morning, June 9, 2022, for their annual reorganizational meeting.

Respectfully submitted,
Evelyn Madison, Secretary for the Susquehanna Conference Board of Trustees

Received by Cindy Weaver, Susquehanna Conference Secretary, as part of the 2022 annual conference minutes and record.

Appendix B: Written request for Decision of Law submitted by Rev. Chuck Sprenkle

The motion made by Chuck Sprenkle, Retired Elder, on June 2, 2022, during the Corporate Session of the Susquehanna Annual Conference.

“I move that if a congregation within the Susquehanna Conference chooses to seek disaffiliation with the United Methodist Church, that the fees sought by the conference will be limited to that which is required by the Discipline, namely two years shares of ministry and that congregation’s assessed portion of unfunded pension liability.’

Once the motion was seconded, Rev. Sprenkle spoke to motion.

Bishop Steiner Ball ruled the motion out of order on the basis of Paragraph 2553.4:

4. *Process Following Decision to Disaffiliate from The United Methodist Church* – If the church conference votes to disaffiliate from The United Methodist Church, ***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.*** (Bold italics added)

Rev Sprenkle responding by saying that he believed the Judicial Council (Decision Number 1379) also included the phrase, “as guided by the annual Conference.” (It does not. The clarification does not refer to Paragraph 2553.4 at all.) Rev. Sprenkle then lifted up Paragraph 2512.2 which in part states,

“2. The board of trustees shall meet at least annually and organize by electing a president, vice president, secretary, and treasurer, whose duties shall be those usually pertaining to such offices. ***They shall be amenable to the annual conference***” (Bold italics added)

Bishop Steiner Ball reiterated that the process for establishing the terms for disaffiliated is clearly written out in Paragraph 2553.4

Rev. Sprenkle then requested a ruling of law.

The request for the ruling is based largely on 2512.2 with the Board of Trustees being amenable to the annual conference, and yet the annual conference is not mentioned in Paragraph 2553.4. How can the annual conference be amenable to the terms of disaffiliation if it has no ability to affect those terms, for the vote to disaffiliate a church by the annual conference must only be a yes or no vote with no opportunity to amend.

Further, in Paragraph 2553.4a, it states “Annual conferences may develop additional standard terms that are not inconsistent with the standard form of this paragraph.” That mentions only one entity that has the authority to add

additional standard terms, and that is the annual conference and not the Board of Trustees.

Further, can it be assumed that the cabinet, the annual conference treasurer, annual conference benefits officer, director of connectional ministries, and annual conference chancellor can speak for the annual conference without the annual conference having no opportunity for input.

Further, Paragraph 2512.2 does not include any situations where the Board of Trustees are not amenable to the annual conference. But this interpretation of Paragraph 2553.4 violates Paragraph 2512.2. How can these paragraphs allowed to be in conflict with one another where is allowed to supersede the other? Particularly when 2512 has been a basic principle establishing how the Board of Trustees is to serve the annual conference while 2553 allows the Board of Trustees to dictate to the annual based solely on the advice, not direction but advice of a relatively few leading members and employees of the annual conference.

Does the interpretation of 2553.4 limit the rights of the annual conference in Paragraph 2512.2 and 2553.4.1 and/or other relevant church law?

Respectfully submitted,

Rev. Charles W. (Chuck) Sprenkle
June 3, 2022