



JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH
 CONSEIL JUDICIAIRE DE L' EGLISE METHODISTE UNIE
 RECHTSHOF DER EVANGELISCH-METHODISTISCHEN KIRCHE
 CONSELHO JUDICIAL DA IGREJA METODISTA UNIDA
 CONSEJO DE LA JUDICATURA DE LA IGLESIA METODISTA UNIDA



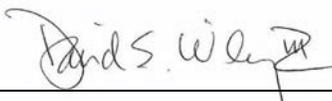
Petition for Declaratory Decision

This form is to be used by the Secretary of the body authorized to petition the Judicial Council for a ruling in the nature of a declaratory decision as to the constitutionality, meaning, application, or effect of (please check one):

- The Book of Discipline 2016* or any portion thereof (¶ 2610.1)
- any act or legislation of a General Conference (¶ 2610.1)
- any proposed legislation (¶ 2609.2)

Name of body authorized to make a Petition (¶ 2610.2): Greater New Jersey Annual Conference
 Date of session: 5/21-23/2017 (month/day/year) Location: Wildwood, NJ
 Name of Secretary: Rev. David E. Wiley III
 Address: 205 Jumping Brook Road City: Neptune
 State/Province: NJ ZIP/Postal Code 07753 Country: USA
 Phone: 732/359-1000 Fax: 732/359-1003 E--mail: conference secretary@gnjumc.org

To be reviewed (indicate paragraph number, title of legislation and/or act where applicable):
 Book of Discipline: Par. 355, 362.2, 363.1b, 636, 2701 - 2716 (2012) 2701 - 2719 (2016)
 Legislation: _____
 Act of General Conference: _____

Signature:  Date: 06/26/2017
 Secretary of the Conference/Body (month/day/year)

- The following must be attached:**
- o Text of the written Petition for Declaratory Decision as originally presented
 - o Minutes of proceedings (relevant portions only)
 - o List of names and addresses of interested parties, including e--mail
 - o Other relevant materials (e.g. conference rules, resolutions, policies, reports)

Send electronic copy of this form and all materials in PDF and Microsoft Word format to:
 secretaryjudicialcouncil@gmail.com
 Mail four (4) sets of hard copies to: Secretary of the Judicial Council, 5556 North
 Sheridan Road, # 610; Chicago, IL 60640 U.S.A.

Declaratory Decision – Submitted by Rev. Dr. Robert E. Costello

May 21, 2017 – verbal

May 23, 2017 – written, after the adjournment of the conference

“Bishop, I move that the Greater New Jersey Annual Conference request a declaratory decision from the Judicial Council on the following matter regarding the involuntary leave of Jisun Kwak:

“What is the constitutionality, application, meaning and effect of Paragraphs 636 and 362.2 of the 2012 Book of Discipline in regard to ensuring ‘that the disciplinary procedures for discontinuance of..., involuntary leave of absence (Para 355),...are properly followed’ in the case of the Rev. Dr. Jisun Kwak where her numerous objections were dismissed by the Administrative Review Committee without a fair process hearing with her or her counsel, where the results were not given to her until the meeting of the clergy session seven months after she entered her request for review with them and after reminders from her on two further occasions that she had presented her objections for review?

“Challenges and objections presented included, but are not limited to (a copy is available):

“the challenge by the respondent that Bishop Schol held a supervisory meeting on

June 6th, exerted coercive influence on her by giving her a proposed resolution that was presented to her at the meeting, and by giving her only 3 days to execute the resolution, without having even filed a complaint, in violation of previous Judicial Council rulings;

“included also was the objection that Bishop Schol admittedly held ex parte meetings with members of the Board of Ordained Ministry Executive Committee and the Board of Ministry itself prior to their hearings, in direct violation of prohibitions set forth in Paragraph 362.2d;

“included also was the challenge that Bishop Schol failed to handle the matter in a timely manner as required in Paragraph 362.2 and 363.1b, by first suspending the respondent and then seeking an involuntary leave of absence, without having his chosen Counsel for the Church file a complaint as of May 21, 2017, and further noting that Judicial Council decision number 973 clearly indicates that making a request for an involuntary leave of absence does not constitute the filing of a complaint.

“Further, what is the constitutionality, application, meaning, and effect of the various paragraphs and Judicial Council Decisions cited in the objections individually or collectively presented by Rev. Dr. Kwak to the Administrative Review Committee with respect to being sufficient grounds to overturn the recommendation for involuntary leave of absence?

“Further, we request from the Judicial Council a declaratory decision on the constitutionality, application, meaning and effect of Paragraphs 355.2a (2012 Book of Discipline) as used in the putting of Rev. Dr. Jisun Kwak onto involuntary leave of absence without a fair process hearing, particularly in light of the entire process being

based on untested allegations, in violation of the presumption of innocence until such time as a fair process could only be completed with the filing of a complaint, the findings of the Committee on Investigation, and a trial as set forth in Paragraph 2701 (2012 and 2016 editions) and elsewhere in the Book of Discipline, and in accordance with provisions set forth in Paragraphs 2701 to 2716 in the 2012 edition and 2701 to 2719 in the 2016 edition, in light of the fact that Paragraph 362.1a was violated by the respondent being denied fair hearing prior to the final decisions on her status.

“Further, we request from the Judicial Council a declaratory decision on the constitutionality, application, meaning and effect of the requirements of separation of powers as noted in Judicial Council decisions 915, 1156, 1216 and elsewhere, particularly in light of the fact that the entire process was led by the bishop, based merely on allegations and that the Administrative Review Committee report indicated that its focus was merely on timelines in the process, and the entire process was not reviewed by the Administrative Review Committee as required by paragraph 636 of the Book of Discipline.”

The motion passed. Rev. Costello announced that he needed to type the motion and would present it when it was ready. *(It was presented to the Conference Secretary following adjournment of Annual Conference, Tuesday, May 23, 2017. The text above is based upon that submission.)*

Appendix 1

**DAILY PROCEEDINGS OF THE EIGHTEENTH SESSION
OF THE ANNUAL CONFERENCE OF
THE UNITED METHODIST CHURCH OF GREATER NEW JERSEY
May 21-23, 2017
Wildwood, NJ**

Sunday, May 21, 2017 – 4:00 p.m.

CLERGY SESSION

Bishop John Schol began with words of welcome. The bar for the clergy session was set. Rev. Hector A. Burgos, Director of Connectional Ministries, led the body in song. Rev. Thomas Korkuch, chair of the Board of Ordained Ministry (BOOM), read John 17:6 - 11. Rev. Shawn Callender-Hogan offered the opening prayer.

QUESTIONS 17-50a

Rev. Korkuch and Rev. Jessica Naulty, also on the Board, presented the report of the Board Report (Parts II-V of the Disciplinary Questions – 17 – 50a). As each question was presented, it was received and/or adopted, as action required. During this time, the Candidates for Ordination were introduced. Bishop Schol asked the historical questions, and the candidates were led out of the room. Bishop Schol asked for a vote to approve the candidates. They were approved unanimously. Similarly, the Candidates for Commissioning were introduced, led out of the room, and Bishop Schol asked for a vote to approve the candidates. They were approved unanimously.

MOTION

When question 50b was presented, which involved approval of continuing Rev. Jisun Kwak on Involuntary Leave of Absence, a motion was made by Rev. David Wiley to suspend the rules and use a process agreed upon by all concerned parties, in order to discuss the question. The motion passed. There were three speeches for and three speeches against question 50b.

Question 50 of the Board of Ordained Ministry Report:

50. Who are the provisional, ordained members or associate members on leave of absence and for what number of years consecutively has each held this relation (§353)? (Indicate credential. Record Charge Conference where membership is held.)

Name	Number of Years	Charge Conference
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a) Voluntary?

(1) Personal, 5 years or less (§353.2a 3) (v)

Kristin Helms (PD)	2	St. Paul's: Thorofare
Eugene Kim (FE) (eff.	2	Hackensack
Matthew Na (FE)	3	Cornerstone: Hasbrouck

(2) Personal, more than 5 years (§353.2a 3) (v 2/3)

Holly Hughes Cartwright (FE) 17 Keyport: Calvary

(3) Family, 5 years or less (§353.2b 3) (v)

William Benjamin (FE)	1	Asbury: Woodlynn
Allyson Estes (FE)	5	Asbury Park: Ballard

(4) Family, more than 5 years (§354.2b 3) (v 2/3)

(5) Transitional (§353.2c)

Maylis de La Fe Rodriguez (PD) 1

b) Involuntary (§ 354)? (v 2/3)

Jisun Kwak (FE) (eff. 10/22/16) 2	First UMC: Millville
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(Clergy Executive Session did not affirm)

MOTIONS

Rev. Robert E. Costello made a motion to take the vote for question 50b by written ballot. The motion passed. The ballot was taken and tellers retired to count the votes.

Rev. Costello read a motion requesting a declaratory decision from the Judicial Council, as follows:

“Bishop, I move that the Greater New Jersey Annual Conference request a declaratory decision from the Judicial Council on the following matter regarding the involuntary leave of Jisun Kwak:

“What is the constitutionality, application, meaning and effect of Paragraphs 636 and 362.2 of the 2012 Book of Discipline in regard to ensuring ‘that the disciplinary procedures for discontinuance of..., involuntary leave of absence (Para 355),...are properly followed’ in the case of the Rev. Dr. Jisun Kwak where her numerous objections were dismissed by the Administrative Review Committee without a fair process hearing with her or her counsel, where the results were not given to her until the meeting of the clergy session seven months after she entered her request for review with them and after reminders from her on two further occasions that she had presented her objections for review?

“Challenges and objections presented included, but are not limited to (a copy is available):

“the challenge by the respondent that Bishop Schol held a supervisory meeting on June 6th, exerted coercive influence on her by giving her a proposed resolution that was presented to her at the meeting, and by giving her only 3 days to execute the resolution, without having even filed a complaint, in violation of previous Judicial Council rulings;

“included also was the objection that Bishop Schol admittedly held ex parte meetings with members of the Board of Ordained Ministry Executive Committee and the Board of Ministry itself prior to their hearings, in direct violation of prohibitions set forth in Paragraph 362.2d;

“included also was the challenge that Bishop Schol failed to handle the matter in a timely manner as required in Paragraph 362.2 and 363.1b, by first suspending the respondent and then seeking an involuntary leave of absence, without having his chosen Counsel for the Church file a complaint as of May 21, 2017, and further noting that Judicial Council decision number 973 clearly indicates that making a request for an involuntary leave of absence does not constitute the filing of a complaint.

“Further, what is the constitutionality, application, meaning, and effect of the various paragraphs and Judicial Council Decisions cited in the objections individually or collectively presented by Rev. Dr. Kwak to the Administrative Review Committee with respect to being sufficient grounds to overturn the recommendation for involuntary leave of absence?

“Further, we request from the Judicial Council a declaratory decision on the constitutionality, application, meaning and effect of Paragraphs 355.2a (2012 Book of Discipline) as used in the putting of Rev. Dr. Jisun Kwak onto involuntary leave of absence without a fair process hearing, particularly in light of the entire process being based on untested allegations, in violation of the presumption of innocence until such time as a fair process could only be completed with the filing of a complaint, the findings of the Committee on Investigation, and a trial as set forth in Paragraph 2701 (2012 and 2016 editions) and elsewhere in the Book of Discipline, and in accordance with provisions set forth in Paragraphs 2701 to 2716 in the 2012 edition and 2701 to 2719 in

the 2016 edition, in light of the fact that Paragraph 362.1a was violated by the respondent being denied fair hearing prior to the final decisions on her status.

“Further, we request from the Judicial Council a declaratory decision on the constitutionality, application, meaning and effect of the requirements of separation of powers as noted in Judicial Council decisions 915, 1156, 1216 and elsewhere, particularly in light of the fact that the entire process was led by the bishop, based merely on allegations and that the Administrative Review Committee report indicated that its focus was merely on timelines in the process, and the entire process was not reviewed by the Administrative Review Committee as required by paragraph 636 of the Book of Discipline.”

The motion passed. Rev. Costello announced that he needed to type the motion and would present it when it was ready. *(It was presented to the Conference Secretary following adjournment of Annual Conference at 12:30PM, Tuesday, May 23, 2017. The text above is based upon that submission.)*

A recess was taken for dinner.

REPORT OF VOTE

After the recess, Bishop Schol reported the result of the vote: 122 yes votes, 137 no votes. Question 50b to continue Rev. Jisun Kwak on Involuntary Leave of Absence was not supported.

QUESTIONS 52-72

The remainder of the Board report from the Board of Ordained Ministry was presented and approved.

Bishop Schol acknowledged all the retirees.

The Clergy Report in its entirety was presented for approval. The entire report was approved with the exception of question 50b.

Rev. Dr. Gina Hendrickson, Dean of Cabinet for GNJAC presented the proposed process for initiating part-time appointments and then made a request for a decision of law.

REQUEST FOR DECISION OF LAW

Rev. Dr. Gina Hendrickson, Dean of Cabinet for GNJAC, submitted the following request: “Bishop Schol, I ask for a decision of law. Does the cabinet’s process for initiating part-time appointments abide by the requirements of paragraph 338 of the Book of Discipline?”

This was received, and the session adjourned at 6:10 p.m.

List of Interested Parties in Docket No. 1017-4

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