

Notice of Complaint before Hearing Panel

**BEFORE THE DISCIPLINARY BOARD
EPISCOPAL DIOCESE OF SOUTHERN OHIO**

IN RE: The Rev. Dr. Daniel Wade McClain

**NOTICE OF ALLEGATIONS OF
CANONICAL OFFENSE(S),**

DUTY TO RESPOND

Case No. 2023-01

Respondent

TO THE ABOVE-NAMED RESPONDENT:

Pursuant to Canon IV.13.2 (c), you are hereby directed and required to file a written response to the attached Written Statement with the Hearing Panel of the Disciplinary Board of the Episcopal Diocese of Southern Ohio, at dblouser@dionwpa.org, and to serve upon, or mail to Steven J. Ellcessor, Church Attorney, at sjellcessor@gmail.com a copy of said answer within 30 days after service of this Notice upon you.

This matter involves allegations of misconduct by you in violation of the Canons of The Episcopal Church, more particularly described in the attached Written Statement. This Notice is also being distributed to the following persons:

The Rev. Lynn Carter-Edmands,	advisor previously appointed for you
Deborah R. Stambaugh, Esq.,	your legal counsel
Steven J. Ellcessor,	Church Attorney
Eric Eonitti,	Complainant

If you fail so to do, pursuant to Canon IV.19.6, the Hearing Panel may in its discretion proceed in your absence to consider the Written Statement, the Intake Report, all investigative reports, other writings and materials collected during proceedings before the Reference Panel

and Conference Panel. and other materials as may be presented by the Church Attorney in determining the outcome of this matter.

DATED this 30th day of January, 2024.

Dionis E. Blausen
Hearing Panel President

Episcopal Diocese of Southern Ohio
Written Statement of the Case (Complaint)
IN RE: The Rev. Dr. Daniel Wade McClain, Case No. 2023-01

TO: Dionis E. Blausser, The Rev. Dr. Susan Q. Claytor, The Rev. Rachel C. Kessler, Clare Long, The Rev. Alison Martin

CC: The Rev. Canon Brian Reid, The Rt. Rev. Bavi E. (“Nedi”) Rivera, Amy J. Howton

FROM: Steven J. Ellcessor, Church Attorney

This is the Written Statement of Offenses, submitted to the Hearing Panel pursuant to Title IV.13.2 of the Canons of The Episcopal Church, involving alleged Offenses by The Rev. Dr. McClain (“Respondent”), currently the Rector-elect at St. Paul’s Episcopal Church in Dayton, Ohio (“St. Paul’s”). This matter has been reviewed by the Reference Panel pursuant to Canon IV.6. The Reference Panel, after consideration and investigation, voted to refer the matter to the Hearing Panel.

Set forth below is a summary of the allegations against the Respondent (i) as contained in the Title IV complaint filed with the Diocese of Southern Ohio (the “Diocese”) in mid-July 2023 by the publisher of Anglican Watch, an online publication, and (ii) as identified as a result of the investigation of the complaint’s allegations upon referral of the matter by the Reference Panel for investigation pursuant to Canon IV.11. In the course of that investigation, interviews were conducted with 28 individuals identified as having knowledge of the issues alleged in the complaint, including the Respondent and 18 current or former parishioners or staff members at St. Paul’s.

I apologize in advance for the length of this statement. The allegations in this matter are extensive and the facts are somewhat complicated, so I believe that it is important that the Hearing Panel and Respondent and his advisors have the benefit of as much detail as is reasonable to provide at this time. Due to concerns expressed by some interviewees, however, I have not named those who were interviewed and whose statements or allegations are provided. Those names are available, of course, and will be provided when and as appropriate.

Background and Allegations

Parish Issues

The Respondent was called to be Priest-in-Charge at St. Paul’s in September 2020. Previously, he had been Priest Associate at St. David’s Episcopal Church in Baltimore, MD, for approximately one year in 2017-2018. Thereafter, he served as Associate Rector at Bruton Parish Episcopal Church in Williamsburg, VA, from June 2018 to August 2020. While there, he also served as chaplain to the Episcopal community at the College of William & Mary.

In the course of the negotiations of Respondent’s employment as Priest-in-Charge at St. Paul’s, an issue arose with regard to funding the downpayment needed for Respondent to

purchase a home in the Dayton area. Although there appears to be little documentation of the matter, it seems agreed that the vestry of St. Paul's agreed to provide Respondent with the \$30,000 needed for a downpayment. Those involved agreed that the mortgage company would not make a loan to Respondent for the house if the downpayment being used was itself a loan from the parish. Therefore, all agreed that the \$30,000 would be termed a "gift." Respondent claims that the money was in fact a gift and that he had no formal obligation to repay it to the parish but did acknowledge that he offered to increase his pledge payments over and above what he would customarily give in gratitude (but not repayment) for the gift and says that he did so for a time. Some who were on the vestry at that time recall that he made a more formal commitment to repay the \$30,000 through increased pledges. In any event, to the extent that any such payments were made by Respondent, it appears that they amounted to significantly less than the amount provided to him by the parish for his downpayment.

It is alleged that almost immediately upon starting at St. Paul's Respondent began making significant changes to worship practices and in parish life at St. Paul's with little or no consultation with parish leadership. Worship times were changed, and liturgical practices considered by many to be "high church" were introduced, including the use of incense at services. As in-person services began to resume around Christmas 2020, complaints about the changes and especially the use of incense were communicated to Respondent by various parishioners, including the wardens. Respondent allegedly rejected all such complaints without discussion.

Also within a few weeks after his arrival at St. Paul's, Respondent hired his wife, Katherine ("Kate") McClain, to be assistant director of formation. It appears that the hiring was done without posting the position, without any prior discussion with the director of formation, without any vestry approval, and contrary to advice given to the Respondent by the senior warden to the effect that hiring his wife to be a paid staff member would be improper. It also appears that, while Respondent purposely structured the position to be an assistant director to avoid issues with his wife reporting directly to him, he nonetheless ignored the technical reporting relationship in practice. He also directed the then director of formation not to inform parishioners that he had hired his wife to be in charge of children's formation. When the director of formation ultimately resigned in January 2021, Respondent allegedly falsely told people in the parish that he had hired his wife to be assistant director of formation because the director of formation had insisted on it.

Once in-person services restarted, concerns began to be voiced over Respondent's attitude and policies regarding COVID and compliance with safety precautions and the guidelines of the Diocese. Contrary to the guidelines, Respondent allegedly refused to wear a mask and continued to offer full communion during services. When the Diocese issued guidelines in 2020 recommending that Christmas services be conducted remotely as a safety precaution, Respondent allegedly became very angry and said publicly that "the Diocese can't tell me how to run my church." Ms. McClain, who was now in charge of children's formation including Sunday School, was apparently known to be anti-vaccine, anti-mask, and outspoken in her belief that COVID was not a real disease. Complaints from a number of parishioners, especially those with children of Sunday School age, followed with some parents withdrawing their children from Sunday School. In response to being informed of the complaints and

concerns, Respondent allegedly just said that “people need to get on board” with his leadership of the parish and made no changes to accommodate the concerns.

During December 2020 and January 2021 issues began to arise with staff members. At least three staff members either resigned or were terminated. The organist, whom Respondent allegedly made unkind comments about in staff meetings, resigned in late 2020. As noted above, the director of formation resigned in January 2021. Her resignation was in part because of health issues but also because she allegedly had come to distrust the Respondent. The music director was terminated because he refused to accept new terms of employment demanded by the Respondent. In the latter case, a meeting to discuss the Respondent’s demands apparently turned into a shouting match between him and the music director during which, a witness to the meeting says, “both behaved badly.”

At about the same time, Respondent hired two people to be vergers at St. Paul’s. This was allegedly done without approval of the vestry or notice to or input from the worship committee. This was a position not previously known at St. Paul’s, and the two new staff members apparently made it clear at a meeting of the worship committee that they would decide how to run worship. It is alleged that a number of long-time worship service volunteers were put off by the vergers and their attitudes and have since resigned their positions.

Respondent’s alleged tendency to take actions without proper consultation with and approval of the vestry apparently extended to matters other than hiring decisions. Several of the interviewees noted that since his arrival at St. Paul’s Respondent has spent significant sums of money on various items, some for his personal use, and has used parish funds for personal expenses such as his own food and drink, taking favored parishioners out for lunch, and having his children routinely charge the costs of their lunches at a local bakery to the parish account there. One person with knowledge of office matters at the parish spoke at length regarding Respondent’s “loosey-goosey” approach to financial matters and advised that the Diocese should at some point have a forensic audit conducted for the period of Respondent’s tenure. Respondent asserts that all spending items were ultimately approved by vestry and denies use of funds for personal matters.

In February 2021 Respondent brought two cats into the church as full-time residents, giving them the run of the building, including in the sanctuary and around the altar, which some parishioners found problematic. Although Respondent denies having received any complaints about the cats, statements from those interviewed indicate that numerous complaints were made, especially as to allergic reactions to the cats’ presence, including from the preschool that used space in the church. Despite requests to remove the cats from the church, Respondent refused to do so. The cats were apparently removed from the church during the time when Respondent was on administrative leave in 2022 (see below).

By the summer of 2021, some parishioners were starting to move to other parishes or just stop attending. The junior warden at the time resigned and transferred to another parish, saying that he was deeply distressed by Respondent’s indifference to concerns within the parish regarding COVID practices, use of incense, the presence of the cats in the church, etc.

In September 2021, members of vestry frustrated with Respondent's attitude toward COVID safety and the presence of Ms. McClain on staff (both because of the nepotism issue and her opinions and actions regarding COVID) proposed two resolutions for consideration by vestry at its meeting, one to mandate the wearing of masks in certain situations and the other to eliminate Ms. McClain's position and require that it be reposted the following January. Respondent allegedly responded badly to the resolutions and became visibly angry with the vestry members who presented them. As one interviewee put it, "all hell broke loose." Nonetheless, the resolutions were approved. Respondent was allegedly livid with anger over the matter and castigated one of the persons involved in presenting the resolutions, telling him that he had, in Respondent's words, committed an "unforgiveable sin." Ms. McClain thereafter resigned her position and Respondent agreed (grudgingly according to some) to comply with the COVID requirements.

Also in September 2021 the process began for selecting candidates for warden and vestry terms to begin in early 2022. At St. Paul's, the bylaws provide for the nominating committee to decide who is to run and to present a slate to the congregation for an up or down vote, though there is also provision for someone to collect signatures and self-nominate. Respondent was active in this process, advising the chair of the committee about who should or should not be on the committee (objecting, for instance, to a particular longtime parishioner with whom Respondent had allegedly had conflicts over property issues such as Respondent placing furniture in areas that blocked an emergency exit door and an electrical panel and refusing to move them until required to do so as a result of a fire inspection and intervention by the senior warden). He also objected to the plans of the then current senior warden to run for a second term and told the chair that he could not work with that person (allegedly saying that he would leave if the current senior warden was renominated). The current senior warden was one of those with whom Respondent was extremely angry at the September 2021 vestry meeting. Rather than create a problem for the nominating committee, the current senior warden then stood down and a candidate acceptable to Respondent was nominated.

Four persons presented themselves as candidates for the three vestry positions that year, three of whom were strong supporters of Respondent and approved by him. The fourth was someone known to be critical of Respondent's leadership, especially around COVID issues. Respondent told the chair of the committee that the latter person was not eligible to be considered because his daughter was on the committee (the youth representative) and he should, therefore, be dropped. The person under consideration objected, noting that his daughter could simply recuse herself from any vote relating to him and, on that basis, Respondent's objection was overruled, and the person involved was made one of the three candidates. Ultimately, that person withdrew from the slate before the election both for personal reasons related to his job and due to unhappiness with Respondent's COVID positions, plus the fact that he and his family believed that, since the nominating committee disagreement, Respondent had been shunning their daughter when she served as an acolyte during services. Thereafter, they withdrew their pledge and left the parish. The Respondent then allegedly demanded that the fourth potential candidate, who had been left off the slate but had been soliciting signatures to be on the ballot without nominating committee support, be added to the approved slate. The chair of the committee felt that the committee should formally reconsider that person, as there had been at least one specific reason why he had not been approved in the first place, but Respondent

disagreed and demanded that the person be added to the approved slate without formal committee consideration or approval.

During Advent in 2021 Respondent was approached at coffee hour by a member of vestry who had complained to Respondent before about her problems breathing when incense was used in services and who wished to once again object to its use. Respondent refused to talk to her about it and sent her an email a few days later castigating her for complaining once again about the incense and, as a member of vestry, disagreeing with Respondent's practices and decisions in public. He finished the email with the following language: "Never do that again.... But if you cannot abide by this expectation, I will accept your resignation from vestry."

In May 2022 Respondent was placed on administrative leave with pay as a result of a Title IV complaint filed with the Diocese by Ms. McClain. The issues relating to Respondent's relationship with his wife are discussed further below. During the time that Respondent was on leave, some parishioners who had left St. Paul's began to attend again. At the end of August, however, Respondent's leave was dissolved, and he was returned to active ministry. He returned to St. Paul's in early September. The senior warden and at least one other vestry member immediately resigned and, by the end of 2022, it is alleged that those who had returned to St. Paul's during Respondent's leave, along with several others, had left the parish. Apparently, a number of the parish's larger donors were included in the departures.

In October 2022 the process for forming the nominating committee for the 2023 vestry elections began. At the vestry meeting that month, Respondent announced his preferred candidates for the committee. According to one vestry member present at that meeting, the vestry members did not know two of the people Respondent named and did not recall seeing them in church. Another vestry member observed that the people named by Respondent were neither impartial nor reflective of the parish as a whole and told Respondent that he could not just pack the nominating committee with people who favored him. He also reminded Respondent that one of the retiring vestry members needed to be on the committee. According to two vestry members present, Respondent then became angry and verbally attacked the vestry member who had suggested that he was trying to pack the committee. Ultimately, one of the retiring vestry members was named to the committee, all of the other members being supporters of Respondent. At that point, Respondent allegedly "stormed out" of the meeting.

Respondent's preferred candidate for senior warden in the 2023 elections was someone whose family had a long history with St. Paul's but who himself had not attended nor been involved with the parish since about 2012. Apparently, he and Respondent met at a dinner party in 2021 or 2022, became good friends, and the individual began attending St. Paul's. As Respondent has acknowledged, he engaged in a parishioner calling campaign to encourage support for the nomination and election of this person and others he favored.

There were two people who presented themselves as potential candidates for the junior warden position. The first was known to be favored by Respondent and the second was the person who had chaired the nominating committee the prior year and who had rebuffed Respondent's efforts to keep the candidate off of the vestry ballot whose daughter was on the committee. The nominating committee was scheduled to finalize the slate of candidates at a

meeting to be held on December 29, 2022. The second junior warden candidate flew to New York the prior day on a trip to celebrate New Year's Eve with a friend. Upon his arrival in New York he received a message from Respondent telling him that it was urgent that he call Respondent back. He did so and says that Respondent told him that he (Respondent) wanted him to withdraw his name from consideration by the nominating committee before the next day's vote. The alleged reason for this was that Respondent was "not comfortable" with him. He says that he refused and was asked twice more by Respondent during the call to resign and refused. Respondent acknowledges making the call and asking the candidate to consider whether it was a good idea for him to serve. When asked whether he had asked the candidate to withdraw, Respondent replied that "I could see myself doing that, but I can't recall if I did or not." Respondent also acknowledged that at the end of the call the candidate confirmed his intention to be a candidate and to serve if slated. It is not clear what exactly happened at the nominating committee meeting the following day, but the committee allegedly was falsely told that the candidate whom the Respondent called had withdrawn, and the candidate favored by Respondent was then named to the junior warden slot. One member of the committee present says that either Respondent or the chair of the committee, who was a strong supporter of Respondent, told the committee about the supposed withdrawal. Respondent denies having done so.

The nominating committee's slate, which was comprised entirely of people approved by Respondent, was accepted at the 2023 annual meeting of the parish. As a result, both of the wardens and nine out of twelve of the vestry members were strong supporters of Respondent. Of the remaining three vestry members, one resigned in the spring of 2023 after the vestry voted to call Respondent as Rector, and the other two have indicated that they do not intend to continue in any service to the parish after their terms expire in 2024.

There is also evidence that Respondent, assisted by the vergers he hired, performed an exorcism of the St. Paul's church building in 2023. Respondent acknowledges this but asserts that it was part of a building cleansing and blessing service and that no consent from the Bishop was necessary because the exorcism was being conducted on a building and not on people. However, the provisions concerning exorcism in the Book of Occasional Services quite clearly provide that anyone desiring to conduct an exorcism should make the matter known to a presbyter, who in turn is to consult with the bishop. The bishop then determines whether exorcism is needed, who is to officiate at the rite, and what prayers or other formularies are to be used. There is no distinction made between exorcisms on people and on buildings.

As noted, the current senior warden and junior warden of St. Paul's are supporters of Respondent and not surprisingly feel that the parish is a better and happier place now that most of those who were unhappy with Respondent have left. They acknowledge, however, that the departures have left the parish in a difficult financial position. According to the parish financial records, total pledge and plate income for 2019 was \$506,000, and it declined slightly in each of the following three years, amounting to \$458,000 for 2022. But the projected pledge and plate income for 2023 was only \$291,000, with a projected budget deficit for the year of \$215,662.

A consistent theme in many of the interviews conducted by the Investigator was the characterization of Respondent as manipulative, vindictive, and intransigent, and determined to get his own way in whatever way was required. A number of those interviewed expressed fear

of Respondent generally and particularly feared retaliation. At least two people whom the Investigator wished to interview refused to cooperate due to fears of retaliation. The Diocese of Ohio erroneously received an email in July of 2023 expressing fear of Respondent. The sender did so anonymously allegedly because of that fear. The email was eventually forwarded to the Intake Officer of the Diocese. The email stated as follows:

It is with a heavy, and frankly fearful heart that I send this email. I would come to you directly, but have seen over and over that when Father Dan realizes someone doesn't support him fully, he eviscerates their character, often through well-thought out lies. His manipulations are precise and know no bounds. I am genuinely afraid of him to the extent that I signed up for an anonymous email. I'm afraid for everyone at St. Paul's who crosses his path and for all who've stood up to him before now. Please look into his treatment of his family further. Please reach back out to people who have already submitted concerns. Behind his façade he is a very scary man. I will most likely delete this account. I know this doesn't give you much to go so, and I do apologize. I'm very afraid of him.

The characterization of Respondent as manipulative was particularly prevalent in the interviews. At least seven of those interviewed referred without any prompting to Respondent's capacity and ability to manipulate others to get what he wanted. There were numerous allegations of Respondent's practice of saying things to an individual and then later denying the comment or turning it around to his advantage. The interview with his supervisor at a prior parish suggests that these alleged tendencies on Respondent's part were not something new when he came to St. Paul's, as he referred to Respondent as arrogant, dictatorial, ham-handed, and manipulative, noting that Respondent tended to "cut off" anyone who did not share his views.

Reference was made above to a couple of specific instances in which Respondent allegedly shunned or castigated people who either had opposed him or disagreed with him. There were also specific allegations of efforts to retaliate by Respondent. In one case, a vestry member who voted against calling him as Rector was shortly thereafter removed by Respondent from a leadership position, allegedly for not being current in Safe Church Training. Updating Safe Church Training in the Diocese is simple to do, so the issue could have been easily resolved by having the person update her training. More importantly, it is alleged that other leaders in the parish were also not current in their training at that time but were not removed from their positions by Respondent. It is alleged, therefore, that this person was targeted by Respondent in retaliation for the vote against his being called as Rector. Mention was made above of his email telling a vestry member with whom he had issues to resign from vestry if she could not support him. Another long-term member with whom Respondent had issues mentioned to a member of staff that he was considering taking a "sabbatical" from St. Paul's, only to almost immediately receive an email from Respondent asking where transfer papers for the parishioner should be sent. When the director of formation resigned, the then senior warden recommended that she be paid through the end of the month in which she resigned. Respondent apparently was upset about the resignation and refused to allow any such payment. The senior warden and another parishioner felt that this was inappropriate and came up with the money from their own pockets to pay the director. It is also alleged that Respondent attempted to mar the reputation of someone

who opposed him by suggesting that the assistant director of formation, his wife, “keep an eye” on that person, falsely suggesting that she might be mistreating her children.

According to a number of those interviewed, Respondent also had a tendency to publicly demean and denigrate those with whom he had real or perceived issues, and this happened not just with staff members and parishioners. The priest who was an interim at St. Paul’s for a couple of years in the mid-2010’s was by all accounts beloved by many at St. Paul’s and parishioners would from time to time ask him to officiate at weddings, funerals, etc. This priest, out of respect, he says, to Respondent, refused all such requests without even reaching out to Respondent. However, when he was asked to officiate at the burial at a private cemetery of a person who was not a St. Paul’s parishioner (i.e., a matter not even involving St. Paul’s other than that the request came from a St. Paul’s parishioner), he reached out to Respondent as a courtesy. In response, Respondent directed him to come to St. Paul’s for a meeting where, in front of a St. Paul’s staff member, he allegedly berated the former interim priest and told him point blank that he would never be permitted to have any role at St. Paul’s. As the former interim priest had never requested permission to do anything at St. Paul’s and, indeed, had multiple times turned down requests that he do so, he was taken back and insulted to be spoken to in such a way in a public setting. It is also alleged that Respondent took steps to damage the reputation of the former interim priest and his wife outside the parish. After the former interim’s wife passed away, her funeral was held at another Dayton parish, not St. Paul’s. But the volunteer who was preparing the list of those to be remembered at St. Paul’s for All Souls/All Saints services that year added her name to St. Paul’s list as she had been part of St. Paul’s when her husband was the interim priest. When Respondent reviewed the list, he struck her name. When the volunteer protested, Respondent said “no, she’s off the list” and refused to reconsider. Acts of petty vindictiveness on the part of Respondent were apparently not uncommon according to those interviewed.

One interviewee, who is not a St. Paul parishioner but knows Respondent well, observed that Respondent is a “very good manipulator” who can “spin a story on anything.” The interviewee noted that persons who are disenfranchised or hold grievances seem to find him very attractive and that he often makes snide remarks about those whom he cannot attract to his fold. This person also stated that “I can see why people are afraid of him.”

Even those who support Respondent acknowledge that when Respondent started at St. Paul’s he became very defensive over any criticism or disagreement and refused to admit any error. The current junior warden, who was elected at Respondent’s behest, noted that at the beginning of his tenure Respondent seemed to feel a need to be right all the time. At the same time, the current wardens feel that Respondent has matured over the past year and no longer seems to feel the need to be the way he was in the beginning. The fact, however, that many of those who might disagree with Respondent have now left the parish might also have something to do with that.

Domestic Issues

Reference was made above to the fact that in 2022 a Title IV complaint was filed with the Diocese against Respondent by his wife. Ms. McClain withdrew that complaint, and the matter

was then dismissed as a result. However, the complaint filed in this matter and the Intake Report raise allegations related to Respondent's actions in connection with his domestic situation and the divorce proceedings between Respondent and Ms. McClain that need to be considered and were, therefore, part of the interviews conducted by the Investigator in this matter.

Many of the allegations made against Respondent in connection with what are clearly acrimonious divorce proceedings get into issues that are probably best left to the civil courts handling the matter. But there are several specific allegations that, if true, must be considered as possible Offenses in this matter.

As noted, the divorce proceedings between Respondent and his wife are continuing and they are still married. Nonetheless, Respondent is engaged in an affair with another woman. He admits this and acknowledges that it is a "romantic" and "sexual" relationship. She accompanied him on a weeklong trip to the United Kingdom in the summer of 2023 which he indicates was a church-related trip. It is not known which of the expenses from this trip were charged to the parish. Respondent has also on at least two occasions live-streamed 9:00 a.m. morning prayer services to the parish's website from the patio of this woman's home in Columbus. It is also alleged that Respondent has recently made a practice of spending several days at a time away from the parish, apparently in Columbus, leaving his 16-year-old son home alone, and has started including the woman with whom he is having the affair in activities with his children and posting pictures of her and the children together. Respondent asserts that the affair did not begin until reconciliation efforts with his wife terminated.

There are several other allegations related to the divorce proceedings that should be considered. Court records from the divorce proceedings indicate that after Ms. McClain obtained a Civil Protection Order against Respondent on April 19, 2022, and left the family home with their children, Respondent redirected his direct deposits out of their joint bank account and closed or lowered the lines of credit on several credit cards that were in their joint names. Ms. McClain sought a court order restoring her access to those funds. When the divorce action was filed, the court entered a temporary order assessing the amount of child and spousal support to be paid to Ms. McClain by Respondent. In November 2023, two motions were filed with the court on Ms. McClain's behalf. The first alleged that Respondent has not paid the full support required by the court's prior rulings and asked for a garnishment order against Respondent's wages from St. Paul's. The second motion alleged that Respondent had recently cancelled Ms. McClain's homeowner's and/or automobile insurance coverage in violation of prior court orders and had accumulated debt on a credit card for which she is responsible. In December 2023, the court granted the motion for garnishment of Respondent's wages. It also issued an order finding that probable cause exists for a finding of contempt against Respondent and set the matter for a hearing on January 31, 2024, for Respondent to show cause why he should not be held in contempt of court for violating the support and temporary orders.

Ms. McClain has also advised that in June 2022 Respondent made applications with three financial institutions seeking a \$50,000 loan, in each case indicating on the applications that Ms. McClain had consented to the application. Upon being advised by the institutions about the applications, she informed them that she did not consent and, as a result, no loan funds were ever disbursed to Respondent on those applications.

Upon the recommendation of one of her advisors who allegedly believed that Ms. McClain might be in danger from Respondent, Ms. McClain obtained another Civil Protection Order from the court and had it served on Respondent. Respondent contends that the order was a “sham” and based on false information, but it is nonetheless clear that it was entered by the court and served on Respondent. The order prohibited Respondent from coming within 500 feet of Ms. McClain. According to Ms. McClain, Respondent violated that order on July 26, 2023, by going to the Boonshoft Museum of Discovery in Dayton at a time when Ms. McClain was there with one of their sons and attempting to enter the building, knowing that she was inside. According to her, he was met by museum security personnel and prevented from entering, and she was then helped by the security personnel to leave the building with her son. Respondent acknowledges going to the museum in order to see his son but denies trying to enter the building or coming within 500 feet of Ms. McClain. She filed a formal report with the Dayton police regarding the incident, but the police declined to prosecute Respondent for a violation of the protection order.

There is some evidence from the interviews that in the course of the domestic dispute between Respondent and Ms. McClain he has spoken to people in the parish about the dispute and attempted to turn them against her. It appears that he may also have confided to them information relating to alleged medical issues on the part of Ms. McClain. According to Ms. McClain, one specific member of the parish, who is a strong supporter of Respondent, called her while she and Respondent were in reconciliation talks to suggest that, if she were to return to St. Paul’s, she should write a letter to the church explaining her mental condition and what treatment she is receiving.

Respondent acknowledges sending an email to Ms. McClain in January 2023 telling her that she was not welcome to attend services at St. Paul’s. He contends that he did so with the knowledge and at the invitation of Bishop Susan Haynes of the Diocese of Southern Virginia, who was his bishop when he was canonically resident there and who apparently was involved in efforts to reconcile Respondent and Ms. McClain. There is no indication, however, that Respondent ever reviewed this action with his diocesan bishop or provided a notice concerning it.

In January 2023, while Respondent and Ms. McClain were engaged in reconciliation talks, they exchanged a series of emails in which Ms. McClain, apparently at the request of Respondent, stated that the allegations of abuse that she made against Respondent in the 2022 Title IV complaint were false. In her interview in connection with this matter, she stated that Respondent had been pressuring her to do this throughout their reconciliation efforts and that she provided the emails in an effort to help the reconciliation process. She now says that her email statements were untrue, and her original allegations were true. Those abuse allegations are not at issue in this current matter. However, her allegation now that Respondent manipulated her into writing those emails by falsely claiming to be interested in reconciliation is relevant. Of note in that regard is the fact that once Respondent received the emails in which Ms. McClain recanted her prior allegations of abuse, the reconciliation efforts immediately ended, and the divorce proceedings were taken off pause. Indeed, they apparently became even more acrimonious as Respondent then hired counsel and threatened Ms. McClain (and others who supported her) with

a defamation action on account of what he called her lies and forbade her from attending an Epiphany service at St. Paul's until she repented of those lies. Respondent's affair, discussed above, also apparently began right after the receipt by Respondent of the emails and the end of the reconciliation efforts.

Offenses

The Canons require that, during the initial review and investigation of a complaint, we are to determine whether the conduct attributed to Respondent, taken as if true, constitutes an Offense under Title IV and, if so, whether the conduct is "material and substantial or of clear and weighty importance to the ministry of the Church". Canon IV.6.5. On this basis, the following Offenses are hereby alleged against the Respondent:

1. Canon IV.4.h.9.
 - a. The allegations, if true, reflect what appears to be a standard, usual, and ongoing practice on the part of Respondent of using intimidation, retaliation, manipulation, deceit, gaslighting, temper tantrums, and demeaning and belittling tactics against anyone who opposes or disagrees with him. This constitutes conduct unbecoming a member of the clergy.
 - b. It is, of course, not unusual for a priest who comes to a new parish to encounter some unhappiness and opposition if she or he begins to make changes to what the parish has been used to with prior priests. It is not normal, however, for that to result in a massive split in the congregation with many long-time parishioners leaving the parish, along with their financial support. If the allegations reviewed in this statement are taken as true, it appears that this has resulted at St. Paul's because of the doctrinaire and intransigent attitude of the Respondent in demanding that everything be done as he dictated, despite advice from people inside and outside the parish, and his use throughout his tenure at St. Paul's of the tactics referred to in clause a, above, to demean, marginalize, and demoralize those whom he perceived as opposing him and his practices. Based on the allegations made, this was an ongoing and continuing pattern of behavior on his part to eliminate from leadership positions and from the parish all those with whom he disagreed (or who were not sufficiently supportive of him). The allegations suggest that he regarded this as *his* church, not a church of God's people of which he was the steward, and believed that the vestry and members of the parish owed him total and absolute obedience. If true, these allegations constitute conduct unbecoming a member of the clergy.
 - c. The fact that Respondent is openly engaged in an affair with someone while still married to his wife must also be considered conduct unbecoming a member of the clergy. The fact that he has decided that the marriage is irretrievably damaged does not change the basic fact that he began the affair and has continued it while still married.
 - d. Respondent allegedly used his position at St. Paul's to turn the congregation against Ms. McClain and encourage members of the parish to think negatively about her. This, if true, is an abuse of his position and conduct unbecoming a member of the clergy.

- e. The alleged actions of Respondent described in the Offenses listed below, if determined to be true, also constitute conduct unbecoming a member of the clergy.
2. Canon IV.4.1.a. As part of his efforts to influence members of the parish against his wife, Respondent apparently made statements to some members about her mental and medical condition. Such actions would constitute a failure to respect and preserve the confidences of others if true.
3. Canon IV.4.1.b. The Disciplinary Rubrics of the Book of Common Prayer regarding The Holy Eucharist specify that if a priest refuses Communion to anyone, that priest must notify the Bishop Diocesan, within fourteen days at the most, giving the reasons for refusing Communion. Respondent on one or more occasions allegedly told Ms. McClain that she was not allowed to attend services at St. Paul's, thereby denying her the ability to take Communion there. There is no evidence that Respondent ever notified the Bishop of the Diocese of that refusal of Communion.
4. Canon IV.4.1.c.
 - a. One of Respondent's vows at his ordination was to undertake to be a faithful pastor to all whom he is called to serve, laboring together with them and with his fellow ministers to build up the family of God. His alleged actions against those in his parish who opposed or disagreed with him, resulting in a significant split in the parish and the departure of many parishioners, would constitute a violation of this vow if true.
 - b. Respondent also vowed to do his best to pattern his life [and that of his family, or household, or community] in accordance with the teachings of Christ, so that he may be a wholesome example to his people. The alleged conduct referred to above under Offenses 1.a and 1.b certainly is not in accordance with the teachings of Christ. Further, his engaging in an open and acknowledged adulterous affair is also a violation of this vow as is, if true, his use in the course of his domestic dispute with his wife of manipulative and deceitful practices.
5. Canon IV.4.1.e.
 - a. It appears to be agreed that the advance made by the parish to Respondent when he became the Priest-in-Charge at St. Paul's was characterized as a gift in order to satisfy the requirements of the mortgage lender. It is also clear that members of vestry at that time believe that Respondent made an oral promise to repay the amount advanced through pledge payments over and above what he would customarily make. Respondent denies that he made any sort of binding commitment but merely agreed that he would increase his pledge payments over time in gratitude for the gift. Either way, Respondent has not followed through on his agreement and has apparently not made any significant payments to recompense the parish for having enabled him to buy a home. If so, this is an ongoing failure on his part to honor a financial commitment to the parish and a failure on his part to safeguard the property and funds of the parish.
 - b. It is alleged that Respondent has had a practice of making financial commitments on behalf of the parish without proper prior approval and using parish funds for personal purposes without following proper approval procedures. He also made several hires at the parish, including the hiring of his wife, without prior approval of the vestry. Even if such hires were approved after the fact, which it appears

that they were not, Respondent entered into financial commitments on behalf of the parish without proper authority. The fact that one of those hired was a family member whose hiring therefore represented an increase in income to him and his family without prior approval is a clear conflict of interest. He also allegedly has had a practice of using parish funds or credit cards for family or personal expenses and not following proper approval procedures. These actions, if true, represent failures to safeguard the property and funds of the parish.

6. Canon IV.4.1.g.

- a. The Canons of the National Church (Canon I.14.2) specify that, except as limited by law or canon, the vestry shall “be agents and legal representatives of the Parish in all matters concerning its corporate property.” The Code of Regulations of St. Paul’s (Article V, Section 5.5) provide similarly, stating that the vestry shall “hold and exercise all authority of the Congregation.” Respondent’s alleged practice of taking actions on behalf of the parish affecting its financial matters without first consulting with and obtaining the approval of vestry would be a violation of these governance provisions.
- b. The admitted conduct by Respondent of an exorcism without having consulted with and obtained the direction of the Bishop Diocesan as required in the Book of Occasional Services is a violation of Respondent’s duties under the Canons.

7. Canon IV.4.1.h.6.

- a. Among the actions alleged against Respondent are attempts to obtain credit by misrepresenting that his wife consented to the applications, putting debt on her credit card without her consent, and violating the terms of the civil protection order issued against him by the court handling their divorce proceedings. These actions would constitute conduct involving dishonesty, fraud, deceit, or misrepresentation if the allegations are true.
- b. When Ms. McClain was hired to be assistant director of formation, an act that was (i) apparently not approved by the vestry, (ii) allegedly a breach of the parish’s anti-nepotism policy, and (iii) a conflict of interest on the part of Respondent, he allegedly specifically told the then director of formation not to mention to any of the parishioners his actions in hiring Ms. McClain. Such a direction in the context appears to have been an attempt to cause the director of formation to assist him in keeping the hiring and its details from the congregation. If true, this would be conduct violating this Canon.
- c. The actions of Respondent in connection with the nominating committee’s selection of a junior warden candidate in December 2022 raise serious questions of deceit or misrepresentation. Despite his repeated requests for one of the potential junior warden candidates to withdraw in favor of Respondent’s favored candidate, the candidate whom he wanted to withdraw made it very clear that he would not do so, and Respondent acknowledges this. Yet, at the nominating committee meeting the day following Respondent’s conversation with the disfavored candidate, the committee was told that he had withdrawn. Respondent denies telling the committee this, but a member of the committee present clearly remembers either Respondent or the committee chair, a supporter of Respondent, doing so. Whether Respondent was directly responsible for the false statement or indirectly responsible by either communicating false information to the chair or

through his failure to correct her false statement during the meeting, this would, if true, be conduct involving dishonestly, deceit, or misrepresentation.

This Statement is intended for the use of the Hearing Panel in these proceedings.

DATED this 25th day of January, 2024.

Steven J. Ellcessor

Steven J. Ellcessor

Church Attorney for the Diocese of Southern Ohio