

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

IN RE: THE REV. DR. DANIEL W. MCCLAIN CASE NO. 2023-01

THE DIOCESE OF SOUTHERN OHIO'S MOTION FOR PARTIAL SUMMARY JUDGMENT

The Diocese of Southern Ohio (“the Diocese”), through Church Attorney Steven J. Ellcessor, requests that the Hearing Panel render judgment in its favor on the Offenses alleging violations of Canons IV.4.h.9 and IV.4.1.c with which Respondent, the Rev. Daniel McClain, is charged, based upon his admitted engagement in an extended adulterous relationship, both during his tenure as rector at St. Paul’s, Dayton, and thereafter. There is no genuine factual dispute that Respondent committed adultery in violation of the Canons and his ordination vows.

SUMMARY JUDGMENT STANDARD

Summary judgment is a litigation tool commonly used in the secular courts. Summary judgment is to be granted to the moving party, in this instance the Diocese, if the moving party shows that no genuine issue of material fact exists as to a claim and it is entitled to judgment as a matter of law on that claim. *Celotex v. Catrett*, 477 U.S. 317 (1986). In deciding whether to grant a motion for summary judgment, the role of the trier of fact, whether Judge or Hearing Panel, is not to weigh the evidence, but simply to decide whether a fact material to a claim is in dispute. Of the charges brought against Respondent, several are related to his commission of adultery. (List of offenses attached as Respondent’s Exhibit 1). As demonstrated below, there is no factual dispute that Respondent committed adultery. He has admitted that to the Title IV investigator and to the Hearing Panel. (See Respondent’s Motion for Summary Judgment at p. 20, paragraph 116 and Affidavit of Scott Smith, Esq., attached hereto as Exhibit AA (the “Smith Affidavit”), paragraph 7). It is also beyond cavil that adultery is a violation of the canons and of Respondent’s ordination vows.

The primary purpose of summary judgment is to promptly and efficiently resolve claims when there is no genuine dispute about a material fact, thereby avoiding the need for a trial on that claim. This pre-trial tool prevents unnecessary expense and delay. The goals of saving money and time are no less important in canonical proceedings than in secular ones. The parties’ time and resources should not be wasted in trying a claim capable of only one outcome, in this case, judgment in favor of the Diocese on the Offenses based on Respondent’s open and notorious engagement in an adulterous affair.

Summary judgment motions are normally filed after the discovery phase of a lawsuit has ended, but before a claim goes to trial or hearing. Although discovery in this case has not been completed, Respondent’s admission that he committed adultery entitles the Diocese

to judgment in its favor with regard to the Offenses based upon those actions without the necessity of a hearing.

Undisputed Facts

Respondent began serving as the Priest in Charge at St. Paul's Church in Oakwood, Ohio in September 2020. At that time, he was married to Kate McClain. In the spring of 2022 Kate McClain filed a divorce petition against Respondent. Attempts at reconciliation failed. Their divorce decree was issued in December 2024.

Respondent met a woman in February 2023, while still married to Kate McClain. Their relationship became sexual. Respondent began spending significant time in Columbus, Ohio, where his girlfriend lived. Columbus is approximately an hour and a half drive from Oakwood. On more than one occasion he led morning on-line prayer services from the porch of her home in Columbus. In the summer of 2023, he took his girlfriend with him on a church-financed trip to the UK, ostensibly for the purposes of scouting out a location for a 2024 church retreat. (Smith Affidavit, paragraphs 7, 10, 18). The facts are undisputed that he did not just commit adultery; he repeatedly demonstrated to his congregation and community his indifference to church law and his ordination vows. (Pritchard Dep. Tr. p. 106, line 3 – p. 107, line 12, attached as Exhibit C to Diocese's Memorandum in Opposition to Respondent's Motion for Summary Judgment).

In his motion for summary judgment Respondent agrees that he committed adultery. However, he argues that it was not a significant offense because he and his wife were separated at the time his sexual affair outside his marriage began. Neither the canons nor his vows draw such a distinction. Equally irrelevant is his anticipated argument that whatever his marital missteps, the former girlfriend is now his wife and he has been punished enough already. Before the Hearing Panel at this point is whether an Offense under the canons was committed. There is no dispute that he did commit such an offense, a flagrant, months-long adulterous affair. Moreover, Respondent did not self-report with humility and regret. He did not tell the Diocese about the affair until confronted with it in the course of these proceedings under questioning by the investigator. (Smith Affidavit, paragraph 7). And even now, with no repentance whatsoever, he asks this Panel to treat his adultery as a trivial matter. It is the position of the Diocese that this offense alone justifies his deposition from the priesthood. At his ordination, Respondent vowed to be loyal to the doctrine, discipline and worship of Christ as this Church has received it. (Book of Common Prayer, Ordination Service, p. 526). Respondent has repeatedly demonstrated that his first loyalty is to himself and his own desires, not the Episcopal Church. His deposition from the priesthood would merely confirm a choice already made by Respondent.

CONCLUSION

The Diocese respectfully requests that its motion for partial summary judgment be granted.

Respectfully submitted,

Steven J. Ellcessor,

Church Attorney

EXHIBIT AA
AFFIDAVIT OF SCOTT A. SMITH, ESQ.

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

IN RE: The Rev. Dr. Daniel W. McClain, Respondent

Case No. 2023-01

Affidavit of Scott A. Smith

Scott A. Smith, being first duly sworn upon his oath, hereby affirms and states as follows:

1. I am a resident of Minnesota and an attorney licensed to practice in the federal and state courts of Minnesota. I am also an experienced Title IV investigator, having conducted Title IV investigations under Canon IV.11 of the Constitution and Canons of The Episcopal Church on behalf of several Episcopal dioceses throughout the United States.

2. On August 23, 2023, I was retained by the Church Attorney of the Episcopal Diocese of Southern Ohio to conduct a Title IV investigation into allegations that The Rev. Daniel McClain (“Respondent”) committed one or more Offenses during his tenure at St. Paul’s Episcopal Church, Dayton, Ohio. As part of my investigation, I interviewed numerous individuals whom I determined may possess information relevant to those allegations. In this affidavit, I set forth an accurate accounting of information I obtained during the course of my interviews, organized by witness.

3. *The Rev. Christopher Epperson.* Rev. Epperson reported to me that he was the Rector at Bruton Parish Episcopal Church, Williamsburg, Virginia when Respondent served there from June 2018 to August 2020 as Associate Rector and as Chaplain to the Episcopal Community at the College of William and Mary. Rev. Epperson reported to me that Respondent performed well as Chaplain but less well as Assistant Rector. He described Respondent to me as “arrogant,” “dictatorial,” “manipulative,” and dismissive of those who disagreed with him on various issues.

Rev. Epperson also reported to me that, while at Bruton Parish, Respondent attempted to hire his wife, Kate McClain, as a parish employee in violation of the parish's anti-nepotism policy. When Respondent left the employment of the parish, Rev. Epperson informed me, Respondent took with him a record collection worth hundreds of dollars which had been purchased with church funds. Rev. Epperson expressed fear to me that Respondent would retaliate against him for any involvement in the investigation.

4. *Aimee Hill.* Ms. Hill and her husband joined St. Paul's as parishioners in approximately 2017-2018, and she was subsequently hired in July 2019 to serve as the parish's Director of Communications and Formation. She was, at the same time, a postulant in the church and had been warmly and enthusiastically supported by St. Paul's in that regard.

Shortly after Respondent arrived at St. Paul's in September 2020, Ms. Hill reported to me, Respondent informed her, without prior notice and without Vestry consultation, that he had decided to hire his wife, Kate McClain, to take over children's formation, with Ms. Hill remaining responsible for youth formation. However, Ms. Hill shared with me that Respondent also informed Ms. Hill that he wanted it to appear on paper that Ms. Hill remained in charge of formation overall because Respondent knew it would be inappropriate for his wife to report to him. Ms. Hill informed me that Respondent also directed her not to inform others that he had hired his wife to serve on parish staff. Although Respondent's hire of Ms. McClain was entirely his decision, Ms. Hill informed me that she later learned Respondent falsely told others that Ms. Hill had told him she would quit if he did not hire Ms. McClain.

During staff meetings in late 2020, Ms. Hill reported to me, several staff members and parishioners, including Rev. Peg Sammons, expressed concern to Respondent regarding his seeming unwillingness to follow COVID protection guidelines. Ms. Hill recalled Respondent

saying angrily during a staff meeting, “This is not [Rev. Sammons’] place – where does she get the gall to talk to me about how to run my parish?” Similarly, Ms. Hill reported to me that in December 2020, when the Diocese requested that all parishes conduct Christmas services remotely, Respondent became “beyond livid” and “incredibly angry” and exclaimed that “the diocese can’t tell me how to run my church.” (At this point in time, Respondent had been the priest-in-charge at St. Paul’s for only a few months.) Ms. Hill, herself a young mother, became very concerned over Respondent’s and his wife’s indifference to COVID protection.

Ms. Hill related several other concerns to me. She reported that, during her tenure at St. Paul’s, Respondent stocked a parish refrigerator with beer. She also reported to me that, while she was leading a young adult Bible study on ZOOM, which included Respondent and his oldest son, something occurred to cause Respondent to loudly accuse his son of disrespecting Kate McClain. Respondent picked up a watermelon, smashed it on the floor, and told his son “You caused this, you clean it up”. Participants on the call were taken aback by this incident. Ms. Hill also reported to me that Ms. McClain continually undercut her remaining authority by privately informing Respondent of how she wanted to run formation, getting Respondent’s approval, and then presenting it to Ms. Hill as a done deal. Finally, Ms. Hill reported to me that, well after she left St. Paul’s, she observed Respondent via livestream conducting morning prayer services from what she later learned was his girlfriend’s porch in Columbus, Ohio.

Ms. Hill informed me that, on account of these factors, in January 2021 she told Respondent that she was resigning from her staff positions at St. Paul’s. According to Ms. Hill, Respondent cautioned her to “think very carefully about what you’re going to say when asked about this” because “I don’t want to get e-mails questioning why all my staff is quitting.” She subsequently left St. Paul’s and moved with her family to California. She described Respondent to me as “a

master manipulator” and “abusive.” She reported to me that she observed Respondent, during staff meetings, attempt to smear or sully the reputations of persons who disagreed with him or whom he perceived as standing in the way of how he wanted to run the parish. She told me that “no staff member at St. Paul’s is safe in any way” from retaliation from Respondent. She reported to me that she was terrified of him and that she was extremely fearful of cooperating in my investigation, commenting that “if I were still on staff, I would not talk with you” (a fear, as it turned out, that was shared by many other staff members). According to Ms. Hill, Respondent made it clear that he would destroy the reputation of anyone who disagreed with him.

5. *Bruce Huntsbarger.* Mr. Huntsbarger was a parishioner at St. Paul’s from 1993 until 2023, when he left the parish. He also served on the Vestry from February 2019 through February 2022 and was the Chair of the Vestry Nominating Committee during 2021-2022.

Mr. Huntsbarger shared with me several concerns regarding Respondent’s tenure at St. Paul’s. When Respondent was initially hired, Mr. Huntsbarger informed me, Respondent asked that the church cover the \$30,000 down payment for his new home in Dayton. Mr. Huntsbarger reported to me that the Vestry extended that sum to Respondent, although nominally as a gift, with the mutual expectation and understanding that Respondent would repay it through increased tithing to the parish. Mr. Huntsbarger informed me that Respondent orally agreed thereto but later reneged on that agreement and that those funds were never repaid. Mr. Huntsbarger also reported to me that Respondent was “reckless” with church funds, citing to me Respondent’s unilateral ordering of new vestments costing \$15-20,000 without first securing approval from the Vestry. According to Mr. Huntsbarger, Respondent was extremely discourteous toward and disdainful of The Rev. Greg Sammons, a beloved figure at St. Paul’s, derisively referring to him as “St. Greg.” Mr. Huntsbarger also reported to me that Respondent was entirely cavalier to the dangers of

COVID and was “hostile” toward implementing COVID protections; he refused to mask during Sunday services and offered the chalice during communion. During Vestry meetings, Mr. Huntsbarger informed me, when a Vestry member would voice a position or concern contrary to Respondent’s position on a given issue, Respondent would frequently admonish the speaker to “be very careful with what you are about to say in the next few minutes,” which Mr. Huntsbarger took as an attempt to intimidate the speaker.

As chair of the Vestry Nominating Committee during 2021-2022, Mr. Huntsbarger presided over the process by which a slate of candidates for Warden and Vestry members would be elected by the Parish at its annual meeting in early 2022. Mr. Huntsbarger reported to me that Respondent was extremely forceful in expressing to him his preferences about who should and should not serve, on both the Nominating Committee itself and later as nominees for Warden and Vestry. When selecting a Nominating Committee, Mr. Huntsbarger informed me, Respondent adamantly objected to two individuals whom he disfavored and strongly advocated for another he favored. Later, according to Mr. Huntsbarger, when Chris Brandt – a parishioner who was concerned about many of Respondent’s practices at St. Paul’s – placed his name before the Nominating Committee for an open Vestry position, Respondent improperly attempted to disqualify Mr. Brandt from running for Vestry and directed Mr. Huntsbarger to inform Mr. Brandt that he could not run for election because Mr. Brandt’s teenage daughter was a member of the Nominating Committee. That effort ultimately failed. However, Mr. Huntsbarger told me that, after Mr. Brandt subsequently withdrew his candidacy anyway due to an impending overseas military deployment, Respondent added Stan Alexander to the slate of Vestry candidates without first securing the approval of the Nominating Committee.

After rotating off the Vestry in February 2022, Mr. Huntsbarger served as Vestry Clerk during 2022-2023. When the Nominating Committee for 2022-2023 was announced, Mr. Huntsbarger reported to me, it consisted entirely of individuals whom Respondent favored and excluded persons who had voiced disagreement with his leadership of the parish. During a Vestry meeting in the fall of 2022, Mr. Huntsbarger told me, one Vestry member accused Respondent of “stacking the deck” on the Nominating Committee with only those whom Respondent favored. According to Mr. Huntsbarger, Respondent became extremely irate and urged the Vestry member to “be very careful with what you say in the next few minutes,” which Mr. Huntsbarger took as an attempt to intimidate the Vestry member in question.

Mr. Huntsbarger informed me that, in the fall of 2022, he submitted his name to the Nominating Committee for election as Junior Warden, a one-year term, to be served beginning in February 2023. That was a contested election, and according to Mr. Huntsbarger Respondent strongly favored another candidate for the Junior Warden post. Mr. Huntsbarger reported to me that, in the evening of December 28, 2022 – one day before the Nominating Committee was to vote on a final slate of candidates – Mr. Huntsbarger took an urgent phone call from Respondent while on vacation in New York City in which Respondent urged him to withdraw his candidacy because, as Respondent put it, serving as Junior Warden “would be difficult and time-consuming” for Mr. Huntsbarger. According to Mr. Huntsbarger, he regarded this request as disingenuous at best, especially since Mr. Huntsbarger had just served an extended stint on the Vestry, and informed Respondent that he would not withdraw his candidacy for Junior Warden. Nonetheless, it was falsely reported at the next day’s Nominating Committee meeting, and without notice to Mr. Huntsbarger, that Mr. Huntsbarger had in fact withdrawn his candidacy, and as a result the other candidate preferred by Respondent was elected to the Junior Warden position on the slate without

opposition. When Mr. Huntsbarger later learned what had occurred, he reported to me, he regarded Respondent as suffering from a “stunning lack of ethics” and immediately resigned as Vestry Clerk. Shortly thereafter, he left St. Paul’s altogether.

6. *Daniel Linquist.* Mr. Linquist was a parishioner of long standing at St. Paul’s and served on the Vestry from 2018 until May 2021, when he and his wife left the parish. From February through May 2021, Mr. Linquist served as Junior Warden.

Mr. Linquist reported to me that, almost immediately upon his arrival at St. Paul’s, Respondent unilaterally changed the starting time for morning prayer from 8:30 to 9:00 am and the Sunday service from 10:30 to 11:00 am for no reported reason. Mr. Linquist informed me that Respondent incorporated incense into the 11:00 service, a practice not normally followed at St. Paul’s. Mr. Linquist also told me that Respondent expressed disdain for COVID protections; according to Mr. Linquist, Respondent was “hostile” to vaccines and masking, refused to wear a mask during Sunday services, and offered the chalice at communion. Again without consulting the Vestry, according to Mr. Linquist, Respondent brought cats into the church, where they were allowed to roam freely into worship space and other public areas, and without any regard to whether parishioners or others in those spaces were allergic to cat dander – one of those persons being Mr. Linquist, who reported to me that he is extremely allergic to cats.

Once he became Junior Warden in February 2021, Mr. Linquist reported to me, he began receiving a steady stream of complaints on these points from parishioners. He indicated to me that he consistently took those complaints, including his own, to Respondent. According to Mr. Linquist, Respondent ignored those complaints in their entirety and told Mr. Linquist and other parishioners that they simply “needed to get on board” with what Respondent was doing at St. Paul’s. Mr. Linquist characterized Respondent’s attitude to me as a “my way or the highway”

approach which to him revealed Respondent's indifference to the needs and concerns of his congregation.

Mr. Linquist also reported to me that he was troubled by Respondent's treatment of Aimee Hill. After she decided to resign from her staff positions at St. Paul's and informed Respondent accordingly, Mr. Linquist told me, Respondent unilaterally and without consulting the Vestry informed the diocese that he could no longer support her postulancy. In Mr. Linquist's view, support for Ms. Hill's postulancy was a Vestry concern, not one for the Rector, and Mr. Linquist told me that he viewed Respondent's actions as retaliation against Ms. Hill for leaving the parish.

Given these events, according to Mr. Linquist, by April or early May of 2021 he was in deep personal and emotional crisis over whether to remain at St. Paul's and reported his distress to Respondent. In response, as Mr. Linquist indicated to me, Respondent offered him no pastoral support or care at all. As a result, Mr. Linquist resigned from his position as Junior Warden and he and his wife left St. Paul's in May 2021.

7. *The Rev. Daniel McClain.* During his videotaped interview, Respondent admitted several key facts to me. He admitted to me that he had a "personal, romantic and sexual relationship" with a woman not his wife beginning in February 2023, almost two years before his divorce decree was entered. He admitted to me that he livestreamed daily morning prayer services from her patio in Columbus, Ohio, where he had spent the night with her while married to Kate McClain, and that she accompanied him on a church-financed trip to the United Kingdom in the summer of 2023; the trip was categorized as continuing pastoral education. Respondent admitted to me that he had performed an exorcism on the church in February 2023. Although he first denied such a communication, he later admitted to me sending an email to his wife, Kate Mc Clain, on January 5, 2023, saying that "as long as you maintain the truthfulness of the allegations you made

against me, I cannot consider your attendance at my church.” He admitted to me telling Bruce Huntsbarger that he did not see how he could work with Joe Schenk for another year. He admitted to me calling parishioners to tell them whom he wanted to serve on the Vestry in 2023.

8. *The Rev. Greg Sammons.* Rev. Sammons served as the Interim Rector at St. Paul’s from 2014-2017 and thereafter would occasionally would lead worship services there at the request of Respondent’s predecessor, the Rev. John Merritt Atkins, when Rev. Atkins was unable to lead Sunday worship. This continued until Rev. Atkins left St. Paul’s in 2019. Numerous witnesses commented to me that Rev. Sammons remained a beloved and respected figure and leader within the parish.

When Respondent arrived at St. Paul’s in 2020, Rev. Sammons told me that he perceived that “it was a different ballgame” and that Rev. Sammons’ history and status at St. Paul’s was not welcomed by Respondent. Accordingly, Rev. Sammons explained to me, he stayed “scrupulously clear” of St. Paul’s during Respondent’s tenure. Though he was frequently asked by parishioners to officiate at weddings, baptisms, funerals and similar services, as Rev. Sammons indicated to me, he did not even attempt to seek Respondent’s permission to perform them, knowing he would not receive it.

In 2021, Rev. Sammons reported to me, he was approached by a member of St. Paul’s to conduct a burial service for a relative who was not a member of St. Paul’s and whose burial would not take place on St. Paul’s property. Even though St. Paul’s was not involved in the service, Rev. Sammons told me that he chose to seek Respondent’s permission before agreeing to do so. In response, according to Rev. Sammons, Respondent summoned Rev. Sammons to a meeting at St. Paul’s. Rev. Sammons reported to me that, for approximately 45 minutes, Respondent chastised Rev. Sammons and “laid down the law” with him that he was to have no involvement at St. Paul’s

whatsoever, leaving Rev. Sammons “floored,” “insulted” and “disrespected.” Rev. Sammons told me that Respondent accused him of “pumping up” parishioners to have him perform services there, which Rev. Sammons denied. It was apparent to Rev. Sammons, as he shared with me, that Respondent did not trust him to say “no” on his own to such requests. In the end, as Rev. Sammons told me, after initially denying Rev. Sammons permission to conduct the burial service, Respondent ultimately relented and allowed him to do so.

9. *Jen Brandt.* Prior to January 2022, Ms. Brandt served St. Paul’s in numerous capacities, including as chair of the Search Committee that ultimately brought Respondent to St. Paul’s. She described herself and her family as “deeply connected” to St. Paul’s and regarded the parish as “family.”

Ms. Brandt reported to me that she observed numerous “red flags” in Respondent shortly after his arrival. She informed me that she objected to him spending tens of thousands of parish dollars on new vestments when he had only been hired as priest-in-charge a few months earlier and he had no assurance of continued employment at St. Paul’s. Ms. Brandt also reported to me that, among other things, Respondent refused to follow diocesan or Department of Health guidelines regarding COVID protection; he unilaterally brought cats into the church and cut holes in the bottoms of internal church doors so that the cats could roam freely throughout the church; and, he unilaterally relocated an altar so that it blocked an entryway, creating a safety hazard. Ms. Brandt indicated to me that she came to see these as early indicators of Respondent’s “extreme defiance” to diocesan or other edicts; she reported that he simply would do as he pleased and refused to take others’ concerns into consideration if they conflicted with what he wanted to do.

In the fall of 2021, Ms. Brandt reported to me, her husband Chris decided to run for Vestry during the next election cycle. According to Ms. Brandt, at Respondent’s direction Bruce

Huntsbarger, the chair of the Nominating Committee, informed Mr. Brandt that he was disqualified from running because the Brandts' daughter, K., served as the Vestry Nominating Committee's youth representative. According to Ms. Brandt, Mr. Brandt disagreed and asked Mr. Huntsbarger to reconsider, and Mr. Huntsbarger ultimately overruled Respondent and determined that Mr. Brandt would be allowed to run so long as his daughter did not vote on his candidacy. Ms. Brandt reported to me that Respondent was unhappy with this result. As it happened, however, Mr. Brandt was soon summoned to active military service and had to withdraw his candidacy.

Ms. Brandt informed me that, very shortly after these events, the Brandts' daughter, K., reported to her parents that Respondent had begun "shunning" her during Sunday worship services, where K. often served as an acolyte and was at the altar with Respondent. Ms. Brandt indicated to me that K. told her that Respondent would no longer shake her hand, share the peace with her, or even make eye contact with her during service, and that K. was hurt and upset by Respondent's shunning of her. During the January 9, 2022 Sunday service, Ms. Brandt reported to me, she personally observed Respondent repeatedly shun K. According to Ms. Brandt, that was the last straw for the Brandt family, and they pulled their pledge and stopped attending St. Paul's effective the next day.

10. *Jill Davis.* From 1979 to the present, interrupted only by periods when she did not reside in Dayton, Ms. Davis has been a parishioner at St. Paul's. She served on the Vestry on several occasions, most recently from February 2021 until July 2023, when she resigned from the Vestry.

Ms. Davis reported to me that Respondent engaged in financial mismanagement and excessive personal spending which he charged to the church. She cited to me his purchase of expensive vestments, which she labeled as "extravagant" and completely inappropriate for a parish

whose income was falling; his routine charging of his personal and his family's food and beverage expenses to the church; and, his purchase of an expensive gourmet coffee machine for his office, even though Respondent routinely bought coffee for himself at local coffee shops and charged those expenses to the church as well.

Ms. Davis also reported to me that Respondent routinely publicly dismissed or demeaned other parishioners or Vestry members during Vestry meetings. One such example, she recounted to me, occurred when a Vestry member accused Respondent during a Vestry meeting of "pack[ing] the Nominating Committee with persons who favor you." Ms. Davis reported to me that Respondent came "roaring back" on the Vestry member and belittled him to the Vestry. According to Ms. Davis, Respondent routinely belittled other parishioners, including Carol Holm and Morg Bruck, with whom Respondent had frequent disagreements.

Ms. Davis reported to me that she was one of many who watched Respondent's livestreamed morning prayer services from the porch of his girlfriend's apartment in Columbus during 2023, drinking coffee and "looking like he just rolled out of bed." She also informed me that, after the Vestry voted in the spring of 2023 to call Respondent as their new Rector, Respondent wanted to be immediately installed by Bishop Smith so that, as Ms. Davis put it, Respondent could "rub the Bishop's nose in it." That was the last straw for Ms. Davis and she resigned from the Vestry shortly thereafter.

11. *Joe Schenk.* Mr. Schenk, a parishioner at St. Paul's since 2001, has held several positions on the parish Vestry since 2002, including Junior Warden during 2020-2021 and Senior Warden during 2021-2022. He left St. Paul's in June 2023.

Mr. Schenk reported to me that, as the Junior Warden during 2020, he was involved with the discussion with Respondent regarding the \$30,000 payment made to Respondent to finance his

down payment for his house. Mr. Schenk related to me his and other Vestry members' understanding that, though nominally a gift for tax purposes, all concerned understood and agreed that that payment would be a loan which Respondent would pay back through increased tithing. Mr. Schenk also indicated to me that Respondent has made only token payments on that loan.

Like many other Vestry members during that period, Mr. Schenk reported to me on numerous unilateral changes made by Respondent to Sunday services, including (a) changing the Sunday worship hours, (b) introducing incense to Sunday worship, (c) allowing cats free roam of the church building, (d) completely revamping the services to resemble "high church" events, and (e) taking control of monies donated by Episcopal Church Women and designated for use by the altar guild.. As the Senior Warden, Mr. Schenk reported to me, he was on the receiving end of large numbers of complaints from parishioners and other church occupants, including a nursery school, over these changes. Mr. Schenk reported to me that he counselled Respondent to "slow down" these changes and to label them as experimental, not set in stone. According to Mr. Schenk, Respondent adamantly and arrogantly refused, telling Mr. Schenk that "I have responsibility for worship" and "this is how we're doing things." Mr. Schenk also informed me that he brought to Respondent numerous complaints from parishioners and staff over Respondent's disdain for COVID protection, all with the same result – Respondent rejected any and all changes to his COVID protocols and continued to lead worship services unmasked and using the chalice.

Mr. Schenk reported to me that Respondent spent freely from church funds for new vestments (totaling \$16,000) and to move the baptismal font (totaling \$8,000). According to Mr. Schenk, Respondent never sought advance approval from the Vestry for these expenditures; instead, he spent parish funds without Vestry approval and later presented the expenditures to the Vestry for approval as a *fait accompli*.

At a September 28, 2021 Vestry meeting, Mr. Schenk reported to me, based on parishioners' growing concerns over Respondent's indifference to COVID protection Vestry member Spencer Izor introduced a resolution requiring all clergy, lay leaders and staff members in indoor close contact with parishioners and guests to wear appropriate face masks to protect against COVID exposure. Respondent, as Mr. Schenk informed me, became extremely upset, and "all hell broke loose" during the Vestry meeting. Notwithstanding Respondent's vehement opposition, the resolution passed. During a break in the meeting, according to Mr. Schenk, Respondent accused Mr. Schenk of committing "an unforgivable sin" and was unable to contain his anger toward Mr. Schenk. The next Sunday at church, Mr. Schenk reported to me, when Respondent observed Mr. Schenk speaking with Ms. McClain about the resolution, Respondent angrily told Mr. Schenk "I would appreciate it if you don't ever talk to my wife again." Mr. Schenk described Respondent's affect to me as one of "cold anger," unlike at the Vestry meeting where Respondent's anger was "hot."

In the fall of 2021, as Mr. Schenk told me, he decided he wanted to serve a second term as Senior Warden. According to Mr. Schenk, Respondent did not want Mr. Schenk back on the Vestry and told Nominating Committee member Morg Bruck that "it's either him or me," referring to Mr. Schenk. As a result, Mr. Schenk told me, he felt compelled to withdraw his candidacy for the sake of the parish. Nonetheless, according to Mr. Schenk, the rift within St. Paul's over Respondent's ministry continued to grow, and long-standing parishioners kept leaving St. Paul's to "fill the pews of St. George's and Christ Church." Ultimately, Mr. Schenk told me, Respondent's hand-picked candidate for Senior Warden, Jay Woodhull, was someone whom, as Mr. Schenk told me, "I never saw at church in the 20 years I was worshipping there."

12. *Kevin Pfeiler.* After an earlier stint at St. Paul's, where he and his wife were married, Mr. Pfeiler moved away from Dayton but returned in 2018. He was elected to the Vestry in 2020 and remained thereon until September 2022, when he resigned from the Vestry and left St. Paul's altogether.

Mr. Pfeiler confirmed to me other witness accounts that the \$30,000 payment to Respondent at the beginning of his tenure as priest-in-charge was understood by all concerned to be a loan to be repaid by Respondent through increased tithing and that, during Mr. Pfeiler's time at St. Paul's, Respondent paid back none of it.

Mr. Pfeiler offered numerous comments critical of Respondent's tenure at St. Paul's. He reported to me that, once Respondent came on board as priest-in-charge, Respondent made no attempt to "get a feel for the room" but came in "like a wrecking ball," determined to do things his own way and without notice or prior consultation. Mr. Pfeiler told me that Respondent was indifferent to the complaints of parishioners regarding cats in the church, incense, hours of service, placing Respondent's wife on paid staff, and numerous others. When he personally attempted to raise these concerns with Respondent, Mr. Pfeiler reported to me, Respondent informed him that "I'm doing these things because I'm in charge and they are under my authority." Although Mr. Pfeiler repeatedly counselled Respondent of the need to be respectful of parishioners' points of view on these issues, as he told me, Respondent ignored his counsel.

On the subject of COVID precautions, Mr. Pfeiler confirmed to me that Respondent was completely disdainful of ordinary COVID protections and had to be "manhandled" into adopting even a basic set of COVID protections – the September 28, 2021 Vestry resolution referenced above – because he had been so indifferent to the concerns of parishioners. At that Vestry meeting, Mr. Pfeiler informed me, Respondent was adamantly opposed to those precautions, claiming that

the state and county did not require them. Thereafter, as Mr. Pfeiler recalled to me, Respondent's compliance with the masking resolution was at best half-hearted. He reported to me that Respondent took off his mask the moment he deemed the resolution did not require it and offered a "condescending stare and eye roll" when asked to wear it. According to Mr. Pfeiler, Respondent frequently had to be reminded that masking was required and, as Mr. Pfeiler put it, gave off an "I'm being forced to do this" aura.

Mr. Pfeiler informed me that Respondent would frequently badmouth other parishioners in front of other Vestry members during Vestry meetings, particularly Spencer Izor (who had authored the motion to enforce COVID protections) and Carol Holm (who was a frequent and vocal critic of incense, cats and other changes within the parish). As Mr. Pfeiler explained to me, Respondent liked to "triangulate" with other people and would demean others to diminish their standing in the eyes of those with whom he was speaking. He also reported to me that Respondent kept specialty microbrews in the church refrigerators and drank beer at Vestry meetings, which concerned Mr. Pfeiler and other Vestry members because at least one Vestry member was a recovering alcoholic. Mr. Pfeiler also observed and commented to me on Respondent's attempts to pack the 2021 Nominating Committee and the Vestry slate for the 2022 election with parishioners who were favorites of Respondent while rejecting those who were not.

13. *Morgan (Morg) Bruck.* Mr. Bruck first came to St. Paul's in 1972 and, although he and his family frequently moved to and from Dayton over the years, remained at St. Paul's until 2023, when he and his wife left the parish. During his years at St Paul's, he held numerous positions within the parish, including Vestry service, but not during Respondent's tenure.

Mr. Bruck reiterated many comments made by other persons I interviewed regarding the many changes Respondent unilaterally instituted at St. Paul's, parishioners' complaints regarding

them, and Respondent's indifference to those complaints. Mr. Bruck noted to me, for instance, that he repeatedly requested Respondent to discontinue his use of incense, stating that some parishioners were "nauseated" by it, but that Respondent ignored his complaints. Mr. Bruck also reported to me Respondent rejected parishioners' complaints concerning cat allergies. Mr. Bruck informed me that he repeatedly raised with Respondent the fact that clergy was not wearing masks during service, in violation of diocesan COVID guidelines. According to Mr. Bruck, Respondent responded that the diocese was "overreacting" on COVID protection and that "there's no need to insist upon face coverings."

Mr. Bruck confirmed to me the discussion he had with Respondent in the fall of 2021 regarding Joe Schenk's desire to seek another term as St. Paul's Senior Warden, indicating that Respondent told him directly that "Morg, if you nominate Joe Schenk, I'll leave." Mr. Bruck informed me that he shared that conversation with Mr. Huntsbarger, and ultimately the Nominating Committee nominated Judy Pritchard for the position of Senior Warden.

Mr. Bruck described to me several interactions he had with Respondent. One day while Mr. Bruck was volunteering at St. Paul's, he was in Lois Smith's office when Respondent directed Mr. Bruck to adjust the HVAC system, which was highly automated, with a certain control setting preferred by Respondent. Mr. Bruck, who knew the system well, informed Respondent that what he wanted was not possible. Respondent replied sternly "you will set this up the way I tell you." Mr. Bruck repeated that Respondent did not understand how the HVAC system worked, to which Respondent emphatically replied, "don't you ever talk to me like that again." Separately, according to Mr. Bruck, Respondent unilaterally moved the low altar out of the sanctuary and stored it in an emergency exit hallway, both blocking a fire exit and restricting access to an electrical panel that would cut off power to the building in case of emergency. When Mr. Bruck

brought this to Respondent's attention, as he told me, Respondent replied, "I put it where I put it." Mr. Bruck informed me that he repeated his belief that the location of the altar created a safety risk, and Respondent again declined to move it.

By the end of 2022, as Mr. Bruck related to me, he informed Lois Smith in a casual conversation that "I need a sabbatical from St. Paul's." He reported to me that he and his wife had not made a decision about whether to remain at St. Paul's – they simply wanted a break from Respondent. According to Mr. Bruck, Ms. Smith informed Respondent of Mr. Bruck's comment, and Respondent falsely informed Mr. Bruck in a January 4, 2023 e-mail that "I heard from Lois this afternoon that you have decided to leave St. Paul's . . . please let me or Sher know so that we can transfer your membership" Mr. Bruck reported to me that he was saddened by Respondent's misrepresentation of his comments to Lois Smith. Shortly thereafter, as Mr. Bruck told me, Mr. Bruck discovered that he and his wife had been deleted as parishioners from the 2023 parish directory without authorization by them.

Based upon these events and his leadership of the parish in general, Mr. Bruck told me, he came to regard Respondent as "dictatorial," "heartless," and "vindictive." The Brucks left St. Paul's shortly after the last of these.

14. *Paul Sampson.* Mr. Sampson, another parishioner of long standing at St. Paul's, served as Junior Warden from 2017-2020 and as Senior Warden from 2020-2021. He was the Senior Warden when Respondent was hired as priest-in-charge.

Mr. Sampson, like several others, reported to me that Respondent was the only candidate presented by the diocese to fill the position of priest-in-charge at St. Paul's. He also reported, again like many others, that when he was hired Respondent accepted \$30,000 from St. Paul's to cover the down payment on his new home with the express understanding – as confirmed by

Respondent – that Respondent would increase his tithing to St. Paul’s to repay it. Mr. Sampson indicated to me that he does not believe Respondent ever did so.

As Mr. Sampson told me, his concerns with Respondent began in December 2020, when St. Paul’s re-opened for Christmas services following the pandemic. According to Mr. Sampson, Respondent immediately and unilaterally instituted significant changes in the worship service, including new Sunday start times, a more formal “high church” service, liberal use of incense, daily offices, and many others. Mr. Sampson indicated to me that, while some parishioners welcomed these changes, many did not, and they were a source of conflict within the parish. Mr. Sampson also quickly came to see Respondent as a profligate spender of church funds, including \$18,000 on new vestments, upgrading his office furniture, inviting persons he favored to expensive lunches at church expense, and even spending \$400 on a pizza party at the University of Dayton which Respondent charged to St. Paul’s as a purported formation expense. Mr. Sampson told me that staff members quickly became concerned with Respondent’s spending habits.

Mr. Sampson indicated to me that the Aimee Hill situation also caused him great concern. When Ms. Hill resigned from St. Paul’s staff in January 2021, as Mr. Sampson informed me, Respondent refused to extend any severance to her, and Mr. Sampson and others contributed to Ms. Hill from their own pockets to help cover her living and moving expenses. Thereafter, according to Mr. Sampson, Respondent intentionally undermined Ms. Hill’s postulancy by informing the diocese that she no longer enjoyed Respondent’s support. Mr. Sampson informed me that he viewed both acts as retaliation by Respondent for Ms. Hill’s decision to leave St. Paul’s.

Meanwhile, as Mr. Sampson related to me, Respondent continued to make changes and adopt practices which were, to many in the parish, highly objectionable. With regard to the cats introduced into the church by Respondent in early February 2021, Mr. Sampson reported to me

that many parishioners complained to him that they were allergic to the cats, as did the administrator of the preschool in the church basement that staff and children were allergic. One staff member reported to Mr. Sampson that one of the cats bit and scratched her. As Mr. Sampson told me, Respondent rejected out of hand these concerns. Mr. Sampson strongly urged Respondent to find a new home for them, but Respondent rejected this advice as well. In addition, according to Mr. Sampson, Respondent directed the parish to pay for all cat-related expenses, including food, litter and veterinary bills, totaling \$1000 to \$2000 annually. Mr. Sampson told me that Respondent directed the parish treasurer to include all cat expenses within the category of “administrative expenses,” without further explanation or breakdown.

In late 2022 and early 2023, according to Mr. Sampson, Respondent vigorously supported the candidacy of Jay Woodhull as the next Senior Warden. Mr. Sampson reported to me that he had no idea who Mr. Woodhull was and had not seen him in church for decades. Nonetheless, as Mr. Sampson told me, he and many other parishioners received calls from Respondent urging them to vote for Mr. Woodhull in the upcoming election. Mr. Sampson found such campaigning by Respondent to be highly manipulative and inappropriate.

Following the Vestry elections of February 2023, Mr. Sampson informed me, Respondent demanded that the Vestry vote to approve him as Rector as soon as possible, even before Respondent’s three-year tenure as priest-in-charge ended. That vote took place in April 2023, and by a 6-3 vote Respondent was approved as the new Rector. Shea Sampson, a Vestry member and Mr. Sampson’s daughter, was one of the three dissenting votes. Once Respondent learned that Ms. Sampson was one of the dissenters, as Mr. Sampson reported to me, Respondent dismissed her from her position as the parish’s acolyte master without prior notice or warning, purportedly because she was not current in her Safe Church training. According to Mr. Sampson, although

there were others in leadership at St. Paul's who also were not current in their Safe Church training, Ms. Sampson was the only person disciplined therefor by Respondent. Mr. Sampson believes that Respondent singled her out for retaliation because she voted against him in April 2023. (In my separate interview of her, Shea Sampson confirmed these events and the conclusion of retaliation.)

Within months of Respondent's arrival at St. Paul's, as Mr. Sampson shared with me, an exodus of parishioners began to leave St. Paul's. Many of those persons were parishioners of long standing, and Mr. Sampson told me that Respondent made no effort to retain them at St. Paul's; Respondent wanted to shift the parish toward younger parishioners and was happy to see the older ones depart. Mr. Sampson estimated that, within three years following Respondent's arrival, over thirty families, comprising some 75-80 persons, had left St. Paul's on account of Respondent, leaving the parish in a budget crisis.

15. *Deacon Otto Anderson.* Deacon Anderson has served as the Deacon at St. Paul's since 2018.

During the first few months of Respondent's tenure at St. Paul's, as he related to me, Deacon Anderson began to notice a "my way or the highway" attitude on Respondent's part. He also observed and reported to me that Respondent deliberately favored and rewarded with Vestry positions those who supported him while ignoring the wishes and concerns of those who did not and relegated them to outcast status.

Deacon Anderson advised me that during two Vestry meetings he personally observed Respondent berate certain Vestry members before the full Vestry. During the August 2021 Vestry meeting, where the Vestry approved a resolution requiring Respondent to adhere more strongly to COVID protection protocols, Deacon Anderson recalled Respondent loudly berating Joe Schenk, the Senior Warden, for allowing the COVID-related resolution to come up for discussion and a

vote on short notice. Deacon Anderson also advised me that, during an October 2022 Vestry meeting pertaining to Nominating Committee selections, Respondent berated Grey Jones for suggesting that Respondent was trying to “stack the deck” with nominees who did not reflect the breadth of the parish but only supported Respondent’s views.

In August 2023, Deacon Anderson told me, Respondent informed him and office staff that he intended to use the Lectionary from the Book of Common Prayer, and not the Revised Common Lectionary, beginning with Advent 1 on December 3, 2023. Deacon Anderson reminded Respondent that, under the Canons, he needed the bishop’s permission to do so. Deacon Anderson then went on sabbatical. When he returned in December, as he told me, Deacon Anderson was surprised to learn that Respondent intended to proceed with the BCP Lectionary without the bishop’s approval. When Respondent was placed on administrative leave beginning February 5, 2024, as Deacon Anderson related to me, Deacon Anderson immediately changed all readings for the next Sunday, February 11, to the RCL to bring St. Paul’s back into compliance with Canon.

16. *Charles Simms.* Mr. Simms was associated with St. Paul’s for over 80 years, apart from two years (2019-2021) he spent in Florida, until he left the parish in 2023. He has historically been one of the largest financial supporters of St. Paul’s.

Mr. Simms had no contact with Respondent until after he returned from Florida. Shortly after coming back to Dayton, Mr. Simms reported to me, he was asked by Respondent out of the blue to help finance Respondent’s plans to hire several University of Dayton students to “work” at St. Paul’s. According to Mr. Simms, Respondent never explained to him what the students would be doing on behalf of the parish. At the time, the church owned a double unit apartment building which backed up to the church building, and as Mr. Simms told me, Respondent was intent on offering the students rent-free housing in those units. As Mr. Simms put it, Respondent

knew Mr. Simms to be a large donor to the parish and wanted him to subsidize the students' rent. Mr. Simms told me that he regarded this as a "dumb idea" and did not want college kids living rent-free behind the church and advised Respondent accordingly. Ultimately the idea went nowhere, and according to Mr. Simms, Respondent thereafter would have nothing to do with him.

Mr. Simms told me that that event, plus Respondent's "financial behavior" generally, spurred Mr. Simms to renew his interest in St. Paul's finances, and he began attending Finance Committee meetings in 2022 and helped put together the 2023 budget, which projected a \$215,000 deficit. He reported to me that Respondent showed little to no interest or involvement in the budget process and rarely attended Finance Committee meetings.

Mr. Simms also reported that Respondent showed no interest in retaining older, long-standing parishioners at St. Paul's. His, he told me, was a case in point. After Mr. Simms stopped attending services in late 2023, neither Respondent nor any Vestry member made any effort to contact him to ask him why he was no longer coming to St. Paul's.

17. *Lyons Hamblin.* Mr. Hamblin served on St. Paul's Vestry from February 2021 through February 2024. In 2022, he also served as the chair of the parish's Finance Committee.

In August 2022, the Vestry voted 7-5 not to call Respondent as St. Paul's new Rector, but rather to keep Respondent on as priest-in-charge until the expiration of his three-year contract in 2023. (This, as noted above, was later reconsidered and reversed by the new Vestry elected in February 2023.) Thereafter, as Mr. Hamblin described it to me, Mr. Hamblin observed Respondent playing an "extremely active hand" in trying to fill the Nominating Committee, and ultimately the Vestry slate of candidates for 2023, exclusively with persons Respondent supported. Mr. Hamblin told me that he fully agreed with Gray Jones' accusation during the October 2022 Vestry meeting

of Respondent attempting to “stack the deck” with persons Respondent supported and not a fair cross-section of the parish.

As Finance Committee chair, Mr. Hamblin reported to me, he was gravely concerned about the state of St. Paul’s finances, particularly the estimated budget deficit for 2023 of \$215,000. Although, that budget was approved by the Vestry in February 2023, after the new Vestry was installed one of its members, Stan Alexander, personally attacked Mr. Hamblin for enacting a “dishonest” budget a month earlier. According to Mr. Hamblin, Respondent made no attempt to defend him from Mr. Alexander’s false charges. When Mr. Hamblin informed Respondent that he was disappointed in his leadership, as Mr. Hamblin told me, Respondent told him that “I don’t really care if this is disappointing to you.” Mr. Hamblin reported that Respondent subsequently gave him the “cold shoulder” and snubbed him until Mr. Hamblin left the Vestry in 2024.

18. *Lois Smith, Sue Starner, and Cara Whitby (formerly Cara Geerlings).* All three women at all times relevant were staff members at St. Paul’s and worked with Respondent on a daily basis. Ms. Smith is St. Paul’s long-standing Parish Administrator; Ms. Starner, its equally long-standing Finance and Properties Administrator; and Ms. Whitby, its Director of Music, which she assumed in 2021.

It took me many months to secure their interviews. Ms. Smith and Ms. Starner in particular shared with me that they feared they would be fired by Respondent if they cooperated with my investigation. Ms. Smith reported to me that in January 2024, while my investigation was ongoing, Respondent informed her that he had decided not to fund Ms. Smith’s or Ms. Starner’s positions at St. Paul’s beyond June 1, 2024, ostensibly due to the parish’s financial crisis. Respondent also informed Ms. Smith that “I’m the boss here” and that he had the authority to fire anyone on parish staff any time he wanted. As Ms. Smith later learned and shared with me, however, the Vestry

had taken no such action and had instead fully funded Ms. Smith's and Ms. Starner's positions for all of 2024. Ms. Smith and Ms. Starner saw Respondent's comments as threats that he would retaliate against them if they cooperated with my interview requests. Ms. Starner also reported to me that Respondent made numerous threats while in the parish office to sue those in the church and diocese whom he felt had wronged him, and she took these comments as attempts to intimidate her as well. Many other persons whom I interviewed confirmed to me that Ms. Smith and Ms. Starner felt intimidated and threatened by Respondent and declined my interview requests for several months based on those fears.

Ms. Smith corroborated many events shared with me by other witnesses, including the interaction between Morg Bruck and Respondent over the parish's HVAC system and Respondent's refusal to move an altar that posed a safety hazard where Respondent demanded it be placed. Ms. Smith characterized Respondent's treatment of Rev. Greg Sammons, which she personally observed, when he requested permission to conduct the burial service as "appalling." She also told me that Respondent intentionally deleted the name of Rev. Sammons' late spouse, Rev. Peg Sammons, from the list of persons to be remembered at the parish's All Saints/All Souls service in November 2022 because, as Respondent put it, "she [Rev. Sammons] was not a member of the parish and not to be listed" – even though she had attended the parish for many years beforehand and was not attending St. Paul's at the time of her death out of deference to her husband's desire to avoid any possible interference with Respondent's ministry there. Ms. Smith related to me that, during the 2022-2023 Nominating Committee campaign, she overheard Respondent place phone calls from his office to many parishioners urging them to support his preferred candidates for the Vestry. Ms. Smith also informed me that in early 2024, after Lyons Hamblin complained that Respondent refused to defend him in the face of Stan Alexander's

accusation of a “dishonest” budget, Respondent directed that Mr. Hamblin be deleted from all Vestry communications, even though Mr. Hamblin was then still on the Vestry. Finally, Ms. Smith also reported to me that she was aware that Respondent was “double-dipping” while employed at St. Paul’s; Respondent simultaneously held a paid but undisclosed teaching job at the University of Dayton and taught U of D classes on-line from his parish office at St. Paul’s.

Ms. Smith described to me in detail an event occurring in January 2024 when, upon her arrival at work, she found in her e-mail inbox a message from Respondent to her with an attachment prepared by him – a draft of an e-mail to Spencer Izor (one of Respondent’s critics in the parish) falsely claiming that Ms. Izor needed to transfer her membership away from St. Paul’s in order to preserve her status with diocesan council. The draft was signed “Lois.” After reading this, Ms. Smith informed me, she called Respondent, who was not then in the office, and informed him that the draft e-mail mistakenly bore her signature and that it should come from Respondent, not her. As Ms. Smith informed me, Respondent replied “I know – I worked on that exact wording – I want you to sign it.” When Ms. Smith protested, asking why she should sign it when she did not write it, Respondent replied, “Because I’m your boss and I’m telling you to sign it.” She advised Respondent that “Spencer will know it’s not from me,” whereupon Respondent again told her, “I know. Sign it and send it.” Ms. Smith indicated to me that, fearful for her job, she ultimately gave in and did what Respondent demanded. The text was entirely Respondent’s and Ms. Smith did not change a word of it.

Ms. Starner shared with me her understanding that Respondent had in fact committed to repay to the church through increased tithing the \$30,000 sum he received from the parish to cover the down payment on his new home. According to Ms. Starner, based upon her review of the parish’s financial records Respondent made no payments thereon from his personal funds and, by

2022 or 2023 had stopped all tithing or pledging to St. Paul's. She also confirmed to me that Respondent commonly billed to the church personal expenses which were unrelated to church business. For instance, according to Ms. Starner, Respondent routinely submitted as "pastoral expense" and "professional development" expenses charges at coffee shops, restaurants and pizza parlors without any description of the pastoral care or professional development offered or for whom they were provided. She observed "constant receipts" for coffee even though Respondent had specifically ordered a specialty coffee machine for his use in the parish office at parish expense. For 2023 alone, according to Ms. Starner, Respondent billed to St. Paul's over \$2000 in food, beverage and coffee expenses without any accompanying explanation. Ms. Starner reported to me that she routinely had to request copies of receipts and other justification for his expenses, and more commonly than not Respondent failed to provide them. Ms. Starner also told me that Respondent directed her to open a church account for purchases from Ashley's Bakery which was used almost exclusively by Respondent's children and charged to the parish.

Ms. Smith, Ms. Starner and Ms. Whitby all vividly recalled and confirmed to me the "exorcism" performed by Respondent of the church building on February 8, 2022.


Ms. Whitby also commented on Respondent. Regarding Respondent's use of incense during church services, Ms. Whitby reported to me that she is a severe asthmatic and uses an inhaler as needed and requested that Respondent discontinue the use of incense during the choral service. As Ms. Whitby put it, "Dan didn't care" and the incense stayed. Ms. Whitby related to me that, at a staff meeting, Respondent once commented that he intended to use more incense during church service, not less, if only to anger Carol Holm (another critic of Respondent's use of incense) even further. Ms. Whitby also related to me that Respondent refused to allow the choir to wear masks while processing and recessing during church services, which Ms. Whitby felt was

unsafe and unreasonably increased choir members' risks of contracting COVID. On these and other concerns, Ms. Whitby explained, she opted to "lay low," noting that "we all saw what happens to other parishioners and staff" when they would cross Respondent.


19. All of the witness comments set forth above were made to me by the listed witness or witnesses in the normal course of my investigation. I accurately recorded them in my notes of each interview. This affidavit truthfully and accurately captures the substance of what each witness told me in the course of my interviews of each.

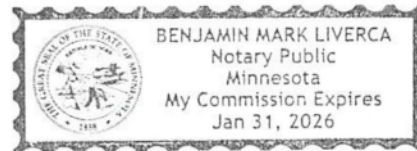
FURTHER AFFIANT SAYETH NOT.

Dated: September 13th, 2025.


Scott A. Smith, Investigator

Subscribed to and sworn before me
this 13th day of September, 2025.


Notary Public



My commission expires: 1/31/26.