

**THE PROTESTANT EPISCOPAL CHURCH
IN THE UNITED STATES OF AMERICA**

Before the Disciplinary Board for Bishops

Hearing Panel

**In the Matter of the Rt. Rev. Samuel Johnson Howard
(Financial Matter)**

**Decision and Order On the Church's Motion to Compel Responses
and for Other Discovery Relief**

Procedural Background

1. Initial Pleadings Filed and Answered

On June 27, 2024, a Statement of Alleged Offenses ("Statement") was filed by The Episcopal Church, ("Church"), Craig T. Merritt, Esq ("Church Attorney" or "Mr. Merritt"). appearing on behalf of the Church. The Statement alleged violations of 1) Canon IV.4.1(e), Safeguarding the Property and Funds of the Church and Community; 2) Canon IV.4.1(h)(6) Conduct involving Dishonesty, Fraud, Deceit or Misrepresentation and; 3) Canon IV.4.1(h)(9) Conduct Unbecoming a Clergy. The allegations of the Statement included three separate incidents: the improper use of a discretionary funds; the use of a Diocesan foundation to recharacterize a gift as assessable compensation to artificially inflate the Bishop's pension benefits; and loan forgiveness on a private residence.

On or about July 20, 2024, the Respondent, The Rt. Rev. Samuel Johnson Howard ("Respondent" or "Bishop Howard"), Stephen Busey, Esq, ("Mr. Busey") appearing on behalf of Respondent requested an extension until August, 19, 2024 to respond to the Statement which was granted by the Panel. On August 19, 2024 a Response was filed by Respondent denying all the

allegations. August 10, 2024 was the last date that the Hearing Panel convened in this matter got a substantive response from Respondent.

2. Matter Extended in Effort to Reach an Accord, but when Effort Failed, a Scheduling Conference was Scheduled.

On October 30, 2024, and again on February 18, 2025, the parties jointly requested extensions of time to move to a Scheduling Conference as they reported discussions of a possible resolution. When the Panel received word that that negotiations were unsuccessful, the Panel sent notice of a Scheduling Conference for April 7, 2025.

3. Attorney Busey Withdraws from Case and Respondent Goes Silent

However, on the date of the scheduled Conference, Respondent did not appear. Counsel for Respondent appeared as a courtesy and tendered his withdrawal from the case. The Panel entered a Scheduling Order dated April 8, 2025. (“First Scheduling Order”). That Order was sent to Respondent via his email address and via Certified Mail, Return Receipt Requested. On May 3, 2025, the Panel received a green post card acknowledging Respondent’s receipt of the First Scheduling Order. On June 4, 2025, the Panel sent a letter to Respondent requesting confirmation of his receipt of the First Scheduling Order via email and Certified Mail, Return Receipt Requested. The Panel received confirmation that notice of the June 4, 2025 letter was delivered, but that the letter itself was not retrieved by the recipient, Bishop Howard.

4. Motion to Compel Discovery and for Other Relief.

On June 13, 2025, the Church filed a Motion to Compel Responses and for Other Discovery Relief (“Motion to Compel”)

5. A Second Scheduling Conference was Noticed to Both Parties

On or about June 24, 2025, both parties were notified of a second Scheduling Conference to be held on July 9, 2025. The notice was sent to Respondent via Certified Mail, Return Receipt Requested. The Panel was informed by the Postal Service that delivery was refused by Respondent. On July 9, 2025, the second Scheduling Conference was held, and Respondent did not appear. On August 11, 2025 a Revised Scheduling Order was entered and again forwarded to both parties, The notice to Respondent was sent via Certified Mail Return, Return Receipt Requested.

6. Convening of Argument on Church's Motion to Compel

On or about August 12, 2025, the Panel sent notice setting a date for argument on the Church's Motion to Compel. Said notice was forwarded to both parties and specifically sent to Bishop Howard both by email and Certified Mail, Return Receipt Requested.

On August 20, 2025, at 10:30 a.m., the Panel convened by audio-visual means to hear argument on the Motion to Compel. All members of the Panel were present. Mr. Merritt appeared on behalf of the Church. The Respondent did not appear at the hearing, in person or through an attorney or other representative. The hearing was open to the public and was attended virtually by members of the public through access to the Zoom audio-visual platform. The proceedings were recorded.

The President of the Panel, the Rt. Rev. Jennifer Brooke-Davidson, requested, and the Church Attorney provided, a summary of the relevant proceedings in the matter and the context of the motion. The President noted additional details concerning the filings submitted by the parties and the procedural timeline to date.

Decision

The Panel grants the relief sought by the Church as specified below. The Canons plainly require a Respondent in a Title IV proceeding to cooperate with any investigation or proceeding conducted under the authority of the Title. Canon IV.3.1(b); see also, Canon IV.19.18 (“it shall be the duty of all members of the Church to appear and testify or respond when duly served with a notice to do so...”). Here, the record evinces what can only be inferred as numerous intentional acts by Respondent to avoid cooperation with this process. This Panel has sent multiple notices as described above to Respondent via his email address and via Certified Mail.¹ Not only has Respondent failed to appear at two scheduled conferences and at the oral argument for the Church’s Motion to Compel, he has failed to comply with multiple discovery deadlines contained in the Orders, including failing to comply with discovery demands including answers to interrogatories and requests for records and documents. When such failures occur, the Hearing Panel has the authority to “impose, after reasonable notice and an opportunity to be heard reasonable sanctions on any party for failure to comply with any discovery order.” Canon IV. 13.11(a), Canon IV. 13.11(b) sets forth a wide range of options that may be exercised by the Hearing Panel “for conduct the Panel deems to be disruptive, dilatory, or otherwise contrary to the integrity of the proceeding.”

Upon consideration of the written submissions of the Church and the oral argument presented at the hearing, the Panel, pursuant to Canon IV.13.5(f) of the Canons, the Panel hereby **ORDERS** that

¹ Canon IV.19.20 provides in pertinent part that “[n]otices or other papers to be served according to procedures of this Title shall be deemed to have been duly served if a copy is delivered to the person to be served, is left with an adult resident of the abode of the person to be served, is mailed by certified mail to the person’s usual place of abode, or is sent by electronic means with receipt confirmed in writing.

(1) Having failed to make any motion, objection, or other response to the requests for production of documents and written interrogatories served by the Church on April 21, 2025, the Respondent has waived all objections of any kind whatsoever to those discovery requests and shall answer such requests on or before the date provided in the Amended Scheduling Order; and it is **FURTHER ORDERED**

(2) Having served no written discovery within the time permitted by the scheduling orders entered in this matter, the Respondent has waived his opportunity to serve written discovery on the Church and is hereby barred from doing so. Nothing in this Order shall be construed to relieve the Church of its obligation to serve relevant records in its possession on the Respondent in accordance with the Canons, the Amended Scheduling Order, or the provisions of this Order.

In addition to the imposition of the above sanctions, other matters raised by the Church's Motion or at the hearing that do not involve sanctions and relate to management of the proceedings are hereby resolved by the Panel, and the Panel **FURTHER ORDERS** that:

(3) The Church Attorney shall, as required by the Amended Scheduling Order, transmit documents material to this matter to the Respondent by delivering copies in paper format to the residential address of the Respondent by USPS Certified Mail, using the restricted delivery option directed personally to the Respondent. Further, the Church Attorney shall deliver to the Respondent information permitting the Respondent to obtain access to the same material in

electronic form through a Dropbox platform where Respondent is provided a code to access the secure platform, and it is **FURTHER ORDERED**

(4) Notice to witnesses to be called at the November 10, 2025, hearing, as contemplated by Canon IV.19.18, shall be served on the Church's witnesses by the Church Attorney, who shall serve copies of the notices on the Respondent and the Panel, and it is **FURTHER ORDERED**

As provisions (1) and (2) of this Order are imposed as sanctions under Canon IV.13.5(f), Respondent is advised that he may within ten (10) days appeal the imposition of those sanctions to the Disciplinary Board as fully described in Canon IV.13.11(c).

It is **SO ORDERED**.

August 25, 2025

A handwritten signature in black ink that reads "Jennifer Brooke-Davidson". The signature is written in a cursive, flowing style. To the left of the first few letters, there is a small, handwritten cross-like symbol.

The Rt. Rev. Jennifer Brooke-Davidson
President of the Hearing Panel on behalf of
The Rt. Rev. Wendell N. Gibbs
The Rev. Mally Loyd
Mr. William Fleener
The Rt. Rev. Kevin D. Nichols