

MINUTES OF THE
JOINT MEETING OF THE HOLY SYNOD OF BISHOPS,
AND THE METROPOLITAN COUNCIL,
OF THE ORTHODOX CHURCH IN AMERICA
THE CHANCERY, THE WESTWOOD ESTATE,
OYSTER BAY COVE, N Y
16-18 October, 2007

Present were :

His Beatitude, Metropolitan HERMAN, Archbishop of Washington, and of New York,
Metropolitan of all America, and Canada (*First Hierarch*)

His Eminence, Archbishop DIMITRI, of Dallas, and of the South

His Eminence, Archbishop NATHANIEL of Detroit, and of the Romanian Episcopate

His Eminence, Archbishop JOB, Archbishop of Chicago, and of the Midwest

His Eminence, Archbishop SERAPHIM (*Secretary*), Archbishop of Ottawa, and of Canada

His Grace, Bishop NIKOLAI, Bishop of Sitka, of Anchorage, and of Alaska

His Grace, Bishop NIKON, Bishop of Boston, of New England, and of the Albanian Archdiocese

His Grace, Bishop TIKHON, Bishop of Philadelphia, and of Eastern Pennsylvania

His Grace, BENJAMIN, Bishop of San Francisco, and of the Diocese of the West

His Grace, ALEJO, Bishop of Mexico City, Auxiliary Bishop to the Metropolitan for Mexico

Absent was:

His Grace, IRINEU, Bishop of Dearborn, Auxiliary Bishop of the Romanian Episcopate

*(At this time, Bishop IRINEU was representing Metropolitan HERMAN, and the OCA, in
Tbilisi, Georgia.)*

*On Monday, 15 October, 2007, at 1500 hrs, there was a meeting of the Board of Theological
Education, at the Chancery.*

Other participants are listed at the time of their being summoned to the Meeting.

TUESDAY, OCTOBER 16

On Tuesday, 16 October, the Meeting of the Holy Synod of Bishops, with the Metropolitan Council, was opened with the serving of the Divine Liturgy (with prayers for the beginning of the Meetings), in the Chapel of St Sergius, at the Chancery, at 0745 hrs.

At the conclusion of the Divine Liturgy, His Beatitude, Metropolitan HERMAN read his address to the Holy Synod, and the Metropolitan Council.

Afterwards, the Meeting of the Holy Synod of Bishops itself was convened by His Beatitude, HERMAN, Archbishop of Washington, and of New York, Metropolitan of all America, and Canada in the Chapel of St Sergius; and the Metropolitan Council was convened in the Meeting Rooms of the East Norwich Inn.

SESSION I

At 1000 hrs, the Bishops of the Holy Synod of The Orthodox Church in America began their closed-session meeting, with the invocation of the Holy Spirit.

HEARD:

There was a review of the Agenda for this meeting, and there was added the Report of the Board of Theological Education.

DECIDED:

His Beatitude, Metropolitan HERMAN announced that, following the recent repose of His Eminence, Archbishop KYRILL, the position of Chairman of the Board of Theological Education became vacant. As of this meeting, His Eminence, Archbishop SERAPHIM is appointed Chairman of the Board of Theological Education, in his stead.

Diocesan, Episcopal, Clergy Matters

Diocese of Washington, and New York Church Court

Suspended Protopresbyter Robert S Kondratick

HEARD:

There was a discussion about the Appeal, which was about to be presented.

His Grace, Bishop BENJAMIN asked whether a written statement had been received.

His Beatitude, Metropolitan HERMAN replied that no statement had been received.

His Eminence, Archbishop NATHANIEL reminded the bishops that the judgement had been correctly promulgated, and confirmed by the Holy Synod of Bishops.

His Grace, Bishop BENJAMIN read aloud the relevant sections of the Statute regarding these matters.

His Grace, Bishop NIKOLAI said that in other Churches, any lawyer representing any party, and participating in a proceeding, must be Orthodox.

His Eminence, Archbishop NATHANIEL reminded the bishops that the manner of the Court's proceedings had been told to Robert S Kondratick, and he had been encouraged, and implored to remain in the Court for its entirety. He had, rather, voluntarily left, apparently on the basis of the alleged deficiencies of the Court, and its procedures, despite the requests that he remain. Procedural attacks have been the only content of any submission so far.

The recent correspondence with Robert S Kondratick was read aloud by His Eminence, Archbishop SERAPHIM.

DECIDED:

The Holy Synod of Bishops decided that it would be asked why there was no written submission in advance.

HEARD:

The written appeal of Robert S Kondratick was heard.

It was presented in writing, and read orally by Robert S Kondratick, beginning at 1110 hrs, at the invitation of His Beatitude, Metropolitan HERMAN.

He appeared alone, before the Holy Synod.

He distributed to each bishop a copy of his appeal.

His presentation concluded at 1150 hrs, and he was allowed to leave the Session at that time, without further comment by anyone.

HEARD:

His Eminence, Archbishop NATHANIEL reviewed the process of the spiritual court procedure.

There was a discussion about the process of considering the appeal.

His Grace, Bishop NIKOLAI proposed that the bishops retain their copies of the appeal, for reference, and for the record.

His Beatitude, Metropolitan HERMAN stated that some sort of public statement will be required of us.

DECIDED:

It was decided that the bishops will retain their copies of the appeal, for the sake of reference, and for their records. But these copies will be kept confidentially.

It was decided that a public statement will be formulated.

The formulated statement, which will be part of a public announcement on the OCA Web-page, is as follows :

“The Holy Synod of Bishops of The Orthodox Church in America, meeting at its regular Session on October 16, 2007, at the Chancery, in Oyster Bay Cove, New York, heard the written appeal, orally presented, by Robert S Kondratick, concerning the conclusions of the Diocesan Court of the Diocese of Washington and New York. These conclusions were received by the Holy Synod of Bishops at its Special Session on July 31-August 1, 2007, The Holy Synod of Bishops is considering this appeal, in accordance with the Statute of The Orthodox Church in America. The decision will be communicated to Robert S Kondratick in due time.”

HEARD:

The Summary Report of the Special Investigative Committee, as prepared by Alex Makoski, was distributed.

It was suggested that the Report not be released until the end of the appeal process.

DECIDED:

It was decided that the Summary Report be signed by His Eminence, Archbishop JOB, but that the Report not be published publicly at this time. Further checking of all the details must be completed before it is released.

Other Diocesan, Episcopal, and Clergy Matters

Diocesan Assessments

HEARD:

There was a discussion regarding the withholding of assessments by dioceses, and by parishes, and the appearance of its being like “blackmail”, or “extortion”.

DECIDED:

It was decided that, in following the process of addressing the appeal of Robert S Kondratick, the Holy Synod of Bishops will return at a later date to the Chancery, to meet in Special Session.

SESSION II

Special Investigative Committee

The Letter of Resignation of His Eminence, Archbishop JOB

HEARD:

There was a discussions of the six points mentioned in this letter, and other subjects related both to the history, and the present situation, of the administrative, and financial difficulties.

DECIDED:

It was clarified that the removal of Gregory Nescott from the Special Committee was as the result of a decision by the Holy Synod, not by Metropolitan HERMAN alone.

HEARD:

His Grace, Bishop NIKOLAI distributed his letter on “Best Practices”.

At the request of the bishops, His Grace, Bishop NIKOLAI reviewed his letter in detail, and pointed out many of his concerns about the anti-canonical nature of the policy, even if the document was well-intentioned. He averred that the document requires considerable revision.

DECIDED:

The Holy Synod blessed the sharing of this letter with the original formulators, and with the Metropolitan Council, for possible revision, before the next opportunity for requesting signatures.

HEARD:

His Grace, Bishop NIKOLAI distributed his letter on “Excess Benefits”.

There followed a discussion of the concerns raised, regarding the engagement of the firm Proskauer Rose, and whether it has satisfactorily supplied the materials from their investigation, and whether the billing is accurate.

DECIDED:

The Holy Synod of Bishops requested, as soon as possible, to see the letter of engagement of Proskauer Rose, and to determine whether we have the information required.

SESSION III

Diocesan, Episcopal, Clergy Matters

Episcopal vacancy in the Archdiocese of Pittsburgh, and Western Pennsylvania

HEARD:

His Beatitude, Metropolitan HERMAN reported on the recent Diocesan Assembly in the Archdiocese of Pittsburgh. The diocese is waiting for a new bishop.

DECIDED:

The Archdiocese of Pittsburgh and Western Pennsylvania is declared officially vacant.

Official Background Checks

HEARD:

It was reported that this requirement, for clergy being received into the OCA, for candidates applying for seminaries, for present OCA seminarians, and for OCA graduates seeking ordination, which has been already approved, is in the process of being implemented. Further, the requirement for psychological checks, at the expense of the subject, are also being prepared.

His Grace, Bishop NIKOLAI offered to supply information regarding the psychological background checks required at St Herman's Seminary, in Kodiak, Alaska.

Funeral of Patriarch Teoctist of Romania

HEARD:

His Beatitude, Metropolitan HERMAN reported that His Grace, Bishop IRINEU had attended the funeral of Patriarch TEOCTIST in August of this year.

Enthronement of Patriarch Daniel of Romania

HEARD:

His Eminence, Archbishop NATHANIEL reported on his own attendance, at the Enthronement in Bucharest of Patriarch DANIEL, who had issued an invitation.

The new patriarch, former Metropolitan of Iasi, was elected by a national assembly, from three candidates provided by the Holy Synod of Bishops. A PhD in Theology, Patriarch DANIEL is, and has been, very active, and an orderly leader. Many elements of the service and other events were in English, for the sake of the visitors. All the Autocephalous Churches represented were able to present greetings. Archbishop NATHANIEL, together with Fathers Grama and Lazar, were invited to speak with, and dine with Patriarch DANIEL. Now, Patriarch DANIEL and the Church have been asked by the government to oversee government charitable organisations and operations. Patriarch DANIEL is also preparing to establish an ecclesiastical television station.

The Session concluded with the singing of “It is truly meet...”, at 1800 hrs.

WEDNESDAY, OCTOBER 17

Joint Meeting with the Metropolitan Council

The Joint Meeting of the Holy Synod of Bishops with the Metropolitan Council took place in the Meeting Rooms of the East Norwich Inn.

The Meeting was called to order, and opened at 1000hrs. with the singing of “O Heavenly King.”

First, there was a series of procedural matters, presented by the Chancellor, Archpriest Alexander Garklavs.

Then, His Eminence, Archbishop SERAPHIM presented to the Metropolitan Council the main points of the previous day’s work of the Holy Synod of Bishops.

There followed a discussion of the various points.

The premature release of the Summary Report the previous evening, and the possible consequences, were discussed at length. There was a clarification about the viability of the current Best Practices document, in the process of its impending revision. Later, the Letter of His Grace, Bishop NIKOLAI, concerning the needed revisions, was distributed to the members of the Metropolitan Council.

There was a presentation by Mr F Sluter, on the budgetary, and accounting situation.

The Resolution from the previous evening, from the Metropolitan Council, regarding the Special Investigative Committee was presented.

His Grace, Bishop BENJAMIN reported on the progress towards establishing the membership, and direction of the second Special Investigative Committee, as blessed by Metropolitan HERMAN.

Alice Woog presented to the Holy Synod for consideration a resolution, intended to enable the Resolution to become a joint work. The Holy Synod took the resolution under advisement. Instead of presenting more resolutions, the Holy Synod crafted the following statement, which makes the Resolution become a joint effort :

DECIDED:

“Having, on 16 October 2007, established a second Special Investigative Committee ; and having recognised the request of the Metropolitan Council that a Holy Synod/Metropolitan Council Special Investigative Committee be established ; the Holy Synod accepts the seven points of the Resolution of the Metropolitan Council, and blesses the work of the Special Investigative Committee.”

It was considered that, in the context of the premature release of the Summary Report, it would be appropriate that Archpriest Paul Kucynda be released as Acting Treasurer.

There was a report by Archpriest Alexei Karlgut, regarding an alleged charge of a human rights violation by a priest of The Orthodox Church in America.

There was a discussion about the pending 15th All American Council.

DECIDED:

The 15th All American Council will be held in Pittsburgh, Pennsylvania, at the Hilton Hotel, on 10-13 November, 2008. The Assessment for all parishes will be \$8.00 per census member.

The Holy Synod will select the names of two men, and two women for the Pre-conciliar Commission.

The Holy Synod will decide the matter regarding observers.

HEARD:

There was proposed as candidate for Treasurer of The Orthodox Church in America, the Priest Michael Tassos, currently a presbyter of the Antiochian Archdiocese, in California.

DECIDED:

It was decided that the Priest Michael Tassos would be appointed as Treasurer , and the Holy Synod blessed this appointment, pending his release by Metropolitan PHILIP.

HEARD:

Then there followed a series of detailed examinations of other matters of business: Open Bills (regarding Proskauer Rose, and Lambrides, Lamos, Moulthrop); the Budget for 2007, and 2008 ; the process of appointing Legal Counsel ; the work of the Investment Committee; the repayment of charity debts, the guidelines for future organisation of charitable disbursements, and the need to distinguish between international needs, continental needs, and diocesan needs; the Ethics Committee; the need for a new Audit Committee Chair.

The Joint Meeting of the Holy Synod of Bishops, and the Metropolitan Council was closed with prayer, at 1645 hrs.

THURSDAY, 17 OCTOBER

SESSION IV

The Session of the Holy Synod, at the Chapel of St Sergius, was resumed with the singing of “The Grace of the Holy Spirit”, at 0900 hrs.

Board of Theological Education

HEARD:

His Eminence, Archbishop SERAPHIM, read aloud the Minutes of the Board of Theological Education meeting of Monday, 15 October, 2007, dealing with the Diaconal Vocations Programme, and the recommendations to the Holy Synod from that meeting.

DECIDED:

The Holy Synod reiterated their direction that all candidates be presented, both to the Board, and to the Holy Synod, with their Saint’s Name, in the usual manner.

The Holy Synod reiterated their requirement that, before being confirmed as a participant in the Diaconal Vocations Programme, a candidate must have, in his file, the written blessing of his bishop to enrol.

The recommendation of the candidacy of Glen Daniel Friesen for ordination to the Holy Diaconate was approved.

The recommendation that Kelvin Gardner be permitted, exceptionally, to enter the Diaconal Vocations Programme, was approved.

The recommendation for the candidacy of Kerry Gonser for ordination to the Holy Diaconate, according to the promise of the late Archbishop KYRILL, was approved, pending the writing of the Standard Final Exam.

The recommendation for the candidacy of Edwin Krieg for ordination to the Holy Diaconate was approved, pending his completion of the Standard Final Exam.

The recommendation of the candidacy of David Neff for ordination to the Holy Diaconate is approved.

HEARD:

The Director of the Diaconal Vocations Programme, Priest Jonathan Ivanoff, submitted a number of suggestions as to how the Diaconal Vocations Programme might be improved.

DECIDED:

The Holy Synod gave various specific blessings, and directions, to the Director of the Diaconal Vocations Programme, regarding the proposed changes, and improvements.

DECIDED:

The Holy Synod of Bishops directed that, in all reports, and communications, the proper titles of clergy be used; that is, Priest, Archpriest, Deacon, Protodeacon, &c. Such forms as “Fr”, or “Dn” are to be avoided.

Clergy Cases

Viorel Dumitrescu

His Eminence, Archbishop NATHANIEL reported on the petition of Viorel Dumitrescu, and that of his parish, of the Descent of the Holy Spirit.

DECIDED:

The Holy Synod of Bishops will consider the petition at the Spring Session, and the Holy Synod will give its final decision at that time.

Secretary of The Orthodox Church in America

HEARD:

The immigration problems, regarding obtaining a change in visa status by Paul Bodnar, were reported to the Holy Synod by the Chancellor, Archpriest Alexander Garklavs.

DECIDED:

It was decided that, until the matter is clarified satisfactorily, the Archpriest Alexander Garklavs, in addition to his other duties, is temporarily appointed Acting Secretary of The Orthodox Church in America.

Summary Report, Web-page

HEARD:

In the wake of the premature posting of the document “Summary Report” on the OCA Web-page, it was proposed that a statement be prepared to post on the official Web-page.

DECIDED:

His Eminence, Archbishop SERAPHIM having prepared a preliminary text, His Grace, Bishop BENJAMIN added further clarification, and the Holy Synod, after discussion, and corrections, blessed the following statement for immediate posting on the OCA Web-page :

“The Holy Synod of Bishops of The Orthodox Church in America, meeting at the Chancery, in Oyster Bay Cove, NY, on Thursday, October 18, issued the following statement :

The appeal of the former Chancellor of The Orthodox Church in America was received by the Holy Synod, and it is under consideration. In a joint session of the Holy Synod, and the Metropolitan Council, held on October 17, 2007, a Joint Special Investigative Committee was re-established, and blessed. His Grace, Bishop BENJAMIN is chairman. The Committee is charged with completing the investigation, and with reporting its findings, both to the Holy Synod, and the Metropolitan Council, with all expedience.

The Holy Synod of Bishops expresses regret that a “Summary Report” was erroneously posted on the

official Orthodox Church in America Web-site on October 16. It was a working document, not authorised for publication. Appropriate disciplinary action has been initiated.”

List of Proposed Members for Pre-Conciliar Commission

HEARD:

His Beatitude, Metropolitan HERMAN reported that he has inquired, and found no objection to any of the names presented.

DECIDED:

His Beatitude, Metropolitan HERMAN will meet with the permanent committee members, and with them, he will determine the needs of the Commission for abilities ; and, in consultation with the Holy Synod, His Beatitude will determine, and announce the four names required.

Office of External Affairs, and Inter-church Relations

Archpriest Alexander Garklavs, Chancellor of The Orthodox Church in America, was present, along with Archpriest Leonid Kishkovsky, Director of the Office of External Affairs, and Inter-church Relations, were present at this time.

HEARD:

His Eminence, Archbishop SERAPHIM, Chairman of the Office of External Affairs, and Interchurch Relations, read aloud the report.

His Grace, Bishop BENJAMIN asked Archpriest Leonid Kishkovsky what is meant by the treatment in the SCOBA, and other entities of Constantinopolitan dioceses, such as the Carpatho-Rusyn, and Ukrainian, as if they were independent Churches.

Archpriest Leonid Kishkovsky replied that it is an ambiguous, illogical anomaly, which has been addressed in correction before, on several occasions, but never with success.

His Beatitude, Metropolitan HERMAN, asked His Eminence, Archbishop SERAPHIM to explain the SCOBA-USCCB Bishops' Dialogue.

His Eminence, Archbishop SERAPHIM gave a description of the history of this dialogue, and the recent request for more Orthodox bishops to participate, and in particular from among the bishops of The Orthodox Church in America.

His Beatitude, Metropolitan HERMAN asked for volunteers for this annual work.

His Beatitude, Metropolitan HERMAN asked Archpriest Leonid Kishkovsky about the relationship with the ROCOR.

Archpriest Leonid Kishkovsky explained that the very inconsistent relationships at all levels, in the wake of the reconciliation, is historically very consistent with other historic reconciliations after schism.

SESSION V

Use of Electronic Media

HEARD:

His Grace, Bishop TIKHON raised the concern about the way various Web-sites, and electronic communications are being used, or rather mis-used. He opined that some ecclesiological education is required.

His Eminence, Archbishop NATHANIEL agreed that we need to provide good, and clear leadership, and instruction on the proper use of the media, as Orthodox Christians.

Parishes in Australia

HEARD:

Archpriest Alexander Garklavs raised the matter of the two remaining parishes in Australia, under the protection of The Orthodox Church in America, regarding their requests to be staffed by clergy.

Chancery Administration Reorganisation

HEARD:

Archpriest Alexander Garklavs gave a report on the progress of the adjustment at the Chancery to the new structure, and manner of operating. He asked for further guidance, as to how he ought to proceed, in relationship to the dioceses, and parishes.

The bishops provided several concrete examples of how to proceed.

His Eminence, Archbishop NATHANIEL questioned all about the accusation in Mr Kondratick's appeal that His Eminence, Archbishop DMITRI had been forced to sign the letter of transfer.

His Eminence, Archbishop DMITRI replied that he recalls no such force, only some pressure. He said : "I am never forced to sign anything". Likewise, the other bishops recalled no such alleged force.

Date, Time, and Place of Coming Meeting

HEARD:

His Beatitude, Metropolitan HERMAN proposed a Special Meeting of the Holy Synod of Bishops on 12-13 December, 2007, for the purpose of examining the Appeal of Robert S Kondratick, and for any other pertinent business.

DECIDED:

The next meeting of the Holy Synod of Bishops will begin on the evening of 12 December, and conclude in the afternoon of 13 December, in accordance with the agenda to be published nearer this date.

Adjournment

The Joint Meeting of the Holy Synod of Bishops, and the Metropolitan Council was adjourned at

1205 hrs, with the singing of “It is truly meet...”.

Respectfully submitted by
the unworthy

+SERAPHIM
Archbishop of Ottawa, and of Canada, Secretary