



JUDICIAL COUNCIL OF THE UNITED METHODIST CHURCH
 CONSEIL JUDICIAIRE DE L'ÉGLISE METHODISTE UNIE
 RECHTSHOF DER EVANGELISCH-METHODISTISCHEN KIRCHE
 CONSELHO JUDICIAL DA IGREJA METODISTA UNIDA
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Report by Bishop on Decision of Law

This form is to be used for (please check one):

Reporting of decisions of law made by bishops in response to questions of law submitted to them in writing during the regular business of a conference session (§ 56.3 Const. and ¶ 2609.6 *The Book of Discipline* 2016).

Reporting of episcopal decisions on questions of law when such decisions are appealed by one-fifth of the members of the conference (§ 56.2 Const. and ¶ 2609.7 *The Book of Discipline* 2016).

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Annual Conference: BULGARIA-ROMANIA Date of session: 4/1/2022 (month/day/year)

Question(s) of Law: _____

WHETHER AN ANNUAL CONFERENCE IN A CENTRAL CONFERENCE OF THE UMC HAS AUTHORITY TO VOTE TO SEPARATE FROM THE UMC AND TO TAKE THE FURTHER ACTIONS VOTED UPON BY THE PROV. AC BG-RO

Authorities Cited (indicate paragraph or decision number where applicable):

Constitution: 33 Book of Discipline: 572

Judicial Council Decision(s): 1366

Signature: P. Streiff
 Bishop of The United Methodist Church

Date: 4/8/2022
 (month/day/year)

The following must be attached:

- Decision of Law, including facts, rationale and ruling
 - Text of the written request for decision
 - Minutes of annual conference proceedings
 - List of names and addresses of interested parties
 - Other relevant materials (e.g. conference rules, resolutions, policies, reports)
- Thirteen (13) hard copies must be submitted via USPS or other delivery service to:
**UMC Judicial Council, c/o LaNella Smith, Assistant to the J.C. Secretary,
 1215 Shady Lane, Durham, NC 27712**
- Electronic copies in both Word and PDF (with security features disabled) must be submitted to: secretary@umcjudicialcouncil.org.



Evangelisch-methodistische Kirche Gebiet von Mittel- und Südeuropa
Eglise Méthodiste Unie Région de l'Europe du Centre et du Sud
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To the Judicial Council of
The United Methodist Church

Zurich, April 8, 2022

Question of Law / of legality of action Request for expedite processing!

1. Introduction

The Question of Law on which I am ruling is whether an annual conference in a central conference of the United Methodist Church has authority to vote to separate from the UMC and to take the further actions voted upon by the Provisional Annual Conference Bulgaria – Romania.

Summary:

The Provisional Annual Conference of The United Methodist Church (UMC) in Bulgaria and Romania was held from March 31st to April 2nd in Varna, Bulgaria, under my leadership as Bishop of the Central Conference of Central and Southern Europe.

The members of the Provisional Annual Conference of The United Methodist Church in Bulgaria and Romania – without legal basis in the *Book of Discipline*, and under the leadership of Superintendent Daniel Topalski – voted unanimously in favor of separating from the United Methodist Church and joining the Global Methodist Church at its creation on May 1st, 2022.

Extended Narrative:

The *Book of Discipline* allows an Annual Conference in a central conference to vote on leaving the UMC (Paragraph 572), but such vote then needs to go through a process of approval and validation as outlined in said paragraph.

Prior to the conference:

Upon the request of the Superintendent of Bulgaria, Rev. Dr. Daniel Topalski, I sent him an official letter of invitation to the Provisional Annual Conference on February 17. Such letter is needed because of the planned change of superintendent and chairperson of the church council which needs to be registered at the civil Court, following the appointments at the annual conference 2022. The change of superintendent who is ex officio the legal representative of the church, led to the need to elect an additional clergy person as member to the church council which was done on March 31, evening session, by the Bulgarian members. This action then has to be reported to the civil court.

But it also allowed – what I only realized later – that at the same time the statutes of the church may be changed and submitted to the court.

At a cabinet meeting for organizing the annual conference on March 11, I heard for the first time that the annual conference Bulgaria-Romania intends to separate from the UMC. I shared with the cabinet that such action can only be based on par. 572 of the BOD. In a subsequent meeting on March 16, I explained to the cabinet the process according to par. 572 and that the Judicial Council Decision 1366 does not give a legal basis for voting on a separation. On March 21, Superintendent Daniel Topalski sent me a document (cf. Attachment #1) outlining why they do not want to propose a motion based on par. 572, but based on JC Decision 1366, and that he will send the text of the motion "later this week".

Not yet having received a motion, I asked back on March 28 and explained again that such motion could only be based on par. 572, and – if it does not follow par. 572 – would need to be ruled out of order for lack of legal basis in the BOD. Superintendent Daniel Topalski wrote me back: *"Tomorrow I will send you the motion. You certainly may rule it out of order but this is not the end of the story. The bishop cannot silence the Annual Conference so easily and you know that. Otherwise, there is no need of division of powers or judicial control. / I don't want you to take it personally. We don't want to offend you - it is a matter of principal for us."*

On March 29, Daniel Topalski sent me the text of the resolution in English and Bulgarian (cf. Attachment #2 with Bulgarian original; #3 with English translation by Rev. Margarita Todorova). However, I discovered only later, during the meeting of April 1st, chaired by him, that the Bulgarian delegates had received a second motion for changing the legal statute of the UMC in Bulgaria.

All delegates of the Annual Conference had received the resolution for separating from the UMC and joining the Global Methodist Church before the opening of the conference. The resolution explicitly states that the separation shall not be based on paragraph 572.

At the session of the Provisional Annual Conference:

In the session of the Provisional Annual Conference on April 1st, 2022, presided by me, the said resolution was introduced. The minutes of the annual conference are attached (cf. Attachment #4 with Bulgarian original; #5 with provisional translation into English by DeepL).

As presiding bishop, I explained to the Provisional Annual Conference that there is no other legal basis in the *Book of Discipline* for a separation than par. 572. Therefore, the annual conference would not be able to vote on the resolution as presented and I would need to rule it out of order because of lack of legal basis. I also explained the interpretation of Judicial Council Decision 1366. I further explained that whatever becomes a question of law needs to be reported to the Judicial Council, with pending effect on any further action.

As I was informed before the session, and as the minutes of conference show, the members deliberately did not want to ask a question of law and argued that my ruling of the resolution as "out of order" is only a parliamentary ruling and can be overturned by them.

As the annual conference persisted to vote on the ruling – and unanimously overturned it – I told to the annual conference that I have to report it to the Judicial Council as a question of law and that this has pending effect on the resolution and ends all deliberations on this topic as an official session of the annual conference. Thereafter, I left the chair of presider and sat down in the assembly.

Thereafter the assembly elected Superintendent Daniel Topalski as chairperson for deliberating this item. The assembly discussed the resolution and, in the end, voted unanimously in favor of it, without any changes. Then, still under the leadership of Superintendent Daniel Topalski, the Bulgarian members of the assembly voted on the change of statutes of the church in Bulgaria (cf. Attachment #6 with Bulgarian original; #7 with translation into English by Rev. Margarita Todorova). It also was a unanimous vote. Then everyone went to the coffee break.

I received the text of the statutes only after the end of the assembly and discovered only afterwards, that article 7.2 of the statutes – as civil law – request that the Bishop, if prevented, has to authorize another person for presiding.

The regular session of the annual conference continued after the coffee break, with previously planned meetings in small groups, then in the afternoon with me as bishop presiding on the other agenda items.

After the close of the annual conference session:

Before reading the appointments at the end of the conference session, I shared with the superintendents that they will have to report to me till April 6, 2022, whether they want to continue under my leadership and not enact the vote of the assembly of April 1st under the leadership of Rev. Daniel Topalski or whether they want to follow and enact those decisions and thus cut all ties with the United Methodist Church.

The newly appointed superintendent of Bulgaria, Rev. Krazimir Madzharov, confirmed to me that he wants to follow and enact the decisions taken by said assembly.

The superintendent of Romania, Rev. Rares Calugar, confirmed to me that their church council has decided that they firmly intend to separate from the United Methodist Church, but want to continue under my authority to find a respectful way of separation from the central conference.

2. The Question of Law Presented

The resolutions submitted for voting at the Provisional Annual Conference are all premised on whether there is authority in the *Book of Discipline* for such actions. These are not parliamentary questions. Notwithstanding that the maker of the motion to adopt the resolutions sought to avoid asking any question of law, the resolutions presented questions of law under the *Discipline* within the meaning of Paragraph 51 of the 2016 *Book of Discipline*, and I am obligated to issue a ruling on such questions pursuant to Paragraph 51 regardless of whether a formal request for a decision of law is made, particularly in the context of a proposed separation of the annual conference from the UMC. Therefore, I state the questions of law as follows:

- (1) May an annual conference – or a provisional annual conference – in a central conference of the United Methodist Church separate from the UMC if it has not complied with Paragraph 572?
- (2) Do Paragraph 33 and Decision 1366 authorize an annual conference – or a provisional annual conference – in a central conference to separate from the UMC other than by complying with Paragraph 572 if the General Conference has not enacted any legislation to prescribe the process and requirements for the separation?
- (3) May an annual conference – or a provisional annual conference – continue any consideration of these matters and elect a new chairperson for voting on these matters before a decision of law is reviewed by the Judicial Council?

3. Rulings on the Questions of Law

(1) I rule that an annual conference – or a provisional annual conference – in a central conference does not have authority to separate from the United Methodist Church unless it complies with Paragraph 572 of the 2016 *Book of Discipline*. Here, the Provisional Annual Conference Bulgaria – Romania has not complied with Paragraph 572 and the resolution to separate, and all other actions taken pursuant to that resolution were out of order as unauthorized and are void and of no force or effect.

(2) I further rule that Paragraph 33 of the 2016 Book of Discipline and Decision 1366 do not authorize an annual conference to separate from the UMC other than by complying with Paragraph 572. Even if Paragraph 33 as interpreted by Decision 1366 were to provide some general authority for an annual conference of the UMC to separate from the denomination, that authority may only be exercised to effectuate a separation pursuant to legislation enacted by the General Conference that sets forth the process and requirements for separation. Since the General Conference has not enacted that legislation – except paragraph 572 – , there is not authority for the actions taken regarding separation and related matters by the Provisional Annual Conference Bulgaria – Romania and those actions were out of order as unauthorized and are void and of no force or effect.

(3) Because the annual conference had no authority to enact the resolution to separate and any other actions related to separation thereafter, I further rule that it was out of order to continue any consideration of these matters after my ruling a decision of law and until such decision of law is reviewed by the Judicial Council. Pursuant to Paragraph 51, my episcopal ruling was authoritative for that annual conference subject to review by the Judicial Council. Paragraph 101 provides that no part of the Constitution may be changed or adapted by a central conference, which includes the annual conferences within that central conference. The action of the annual conference was contrary to the order of Paragraph 51 and any further consideration of the matters was therefore also contrary to the order of the Discipline. The delegates had no authority to elect another presiding officer nor to continue consideration of the unauthorized matters.

Bishop Dr. Patrick Streiff

Attachments:

- #1: March 21, Document from D. Topalski
- #2: Resolution to AC, Bulgarian original
- #3: Resolution to AC, English translation
- #4: AC minutes April 1, Bulgarian original
- #5: AC minutes April 1, English translation
- #6: Motion with change of statutes of the church, Bulgarian original
- #7: Motion with change of statutes of the church, English translation

Addresses:

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Secretary of the Provisional Annual Conference 2022:

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Note: Bulgarian names are written in Cyrillic and transcriptions into the Latin alphabet may sometimes be done differently.

RESOLUTION OF THE ANNUAL CONFERENCE FOR BULGARIA AND ROMANIA FOR WITHDRAWAL FROM THE UNITED METHODIST CHURCH

In light of the current crisis in The United Methodist Church, the Annual Conference for Bulgaria and Romania enacts the following resolution:

1. The Annual Conference for Bulgaria and Romania (registered as the Evangelical Methodist Episcopal Church in Bulgaria and the various legal entities in Romania) withdraws from and severs all ties, legal or otherwise, with The United Methodist Church as of 01 May 2022 and immediately becomes an annual conference of the Global Methodist Church, a Wesleyan Christian church that upholds the authority of Scripture and seeks to live in obedience to the Lord's commands, as we understand them. From henceforth, this annual conference commits itself to live under the doctrinal standards and polity of the Global Methodist Church, as stipulated in its *Transitional Book of Doctrines and Discipline* and the *Book of Doctrines and Discipline* as hereafter adopted by its General Conference. This resolution is not made based on Article 572 of the Discipline of the United Methodist Church.
2. The Annual Conference for Bulgaria and Romania (registered as the Evangelical Methodist Episcopal Church in Bulgaria and the various legal entities in Romania) shall operate under the bishop or president pro tempore assigned by the Transitional Leadership Council of The Global Methodist Church, on the date at which this resolution becomes effective. The annual conference will assume responsibility for all salary, social and health benefits and operating expenses of such office. The Annual Conference for Bulgaria and Romania releases any claim on the Episcopal Fund of The United Methodist Church effective upon the date of its withdrawal from The United Methodist Church.
3. The Church Council of the Evangelical Methodist Episcopal Church in Bulgaria and the superintendent of the Romanian part of the Annual Conference are directed and empowered to take all actions necessary to effectuate this resolution for withdrawal from The United Methodist Church and joining with the Global Methodist Church. The first step in relation to this will be for the Annual Conference to amend the Articles of Incorporation of the Evangelical Methodist

Episcopal Church in Bulgaria according to the Laws for Religious Institutions and the present resolution.

4. The Evangelical Methodist Episcopal Church in Bulgaria and the various legal entities in Romania retain the entirety of their tangible and intangible property.

5. Following the effective date of this decision, a closed session of all pastors will be held, with each clergy member having the opportunity to sign a declaration of intent to surrender their credentials in The United Methodist Church, affirming their commitment to the *Transitional Book of Doctrines and Discipline* of the Global Methodist Church, and requesting the issuance of credentials from the Global Methodist Church. Clergy members of the Annual Conference who have signed such a declaration shall thereafter be entitled to a vote as clergy in the Annual Conference. Upon receiving the declaration, the Board of Ordained Ministry of the Annual Conference shall issue ordination credentials to persons signing the declaration recognizing their status in the Global Methodist Church. Persons who do not sign the declaration shall have no vote in the Annual Conference, and their failure to sign the declaration shall constitute a resignation from any board, agency, or leadership position in the Annual Conference. The same rule applies to all local pastors who sign the declaration continue their ministry in the Global Methodist church.

6. Any clergy member of the Annual Conference who desires to remain part of The United Methodist Church shall apply for transfer to an annual conference of The United Methodist Church in accordance with its *Book of Discipline*.

7. Any lay members of the Annual Conference who intend to remain members of The United Methodist Church after the adoption of this resolution shall recuse themselves from any Annual Conference boards, agencies, and leadership positions and shall abstain from all votes on the business of the Annual Conference after the adoption of this resolution.

8. Any congregation of the Evangelical Methodist Episcopal Church in Bulgaria and in the Romanian part of the Annual Conference that desires to remain part of The United Methodist Church may do so by a simple majority vote of all professing members present and voting at a regular or called church conference. Such action must occur within one calendar year of this resolution becoming effective.

9. The Annual Conference for Romania and Bulgaria commits itself to allowing the free flow of information to clergy and congregations to make an informed decision for their future without intimidation or the withholding of information.

Submitted to the Secretary of the Annual Conference by the Church Council of the Evangelical Methodist Episcopal Church in Bulgaria and the Superintendent of the Romanian District:

Rev. Dr Daniel G. Topalski – Chairman

Rev. Ivaylo Ivanov – Secretary

Rev. Krasimir Madzharov

Luben Popov

Mariela Mihaylova – Siderova

Rev. Rares Calugar

(Translation from the Bulgarian original: Rev. Jessica Morris – Ivanova)