

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

RECEIVED

DONALD L. BARNETT,

Plaintiff,

vs.

JACK A. HICKS, JACK H. DuBOIS  
and E. SCOTT HARTLEY, individually  
and as the Board of Directors of  
COMMUNITY CHAPEL AND BIBLE TRAINING  
CENTER AND COMMUNITY CHAPEL AND  
BIBLE TRAINING CENTER,

Defendants.

NOV 07 1988  
2:23 PM  
EDWARDS, FLEM.  
WIGGINS & HATHAWAY  
ATTORNEYS AT LAW  
No. 88-2-04148-2

DEPOSITION UPON ORAL EXAMINATION OF

JACK HICKS

PP. 22, 28, 31, 42-59, 55-56

216 - 1st South, Room 280

Seattle, Washington

DATE: March 9, 1988

REPORTED BY: Debra Roberts

*Rough & Associates*  
SUPERIOR  
COURT REPORTERS  
800 SEATTLE TOWER  
SEATTLE, WASHINGTON 98101

1 Q So when you went to the parsonage, you knew that you  
2 were going to be taking down there articles of  
3 amendment; is that correct?  
4 A Yes.  
5 Q You knew you were going to want to have the  
6 signature of Don Barnett on those; is that correct?  
7 A If he would.  
8 Q Did you tell Bonnie that, to set up any type of  
9 meeting, whether on March 3 or 4 or March 2,  
10 to have a meeting with Don Barnett with regard to  
11 the articles of amendment?  
12 A No.  
13 Q Was there a reason?  
14 A I was trying to keep the matters confidential to the  
15 Board of Senior Elders at that time.  
16 Q What was being kept confidential at that time?  
17 A That we were going to attempt to amend the articles  
18 of incorporation.  
19 Q So you weren't going to provide him with any advance  
20 notice of what you intended to do at the time when  
21 you got together on March 4?  
22 A That's true.  
23 Q So he didn't have any notice, at least to your  
24 knowledge, of the events of what you and the other  
25 two senior elders intended to do at that meeting on

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them up on the calendar. He was out of town and the elders had the service.

Q This is February 26, Friday, February 26?

A That was about it, yes. The Sunday two days following that, Pastor was back in town, was back in the pulpit again.

And he further escalated the issue by his defense, in which he brought something in the order of over 50 or 60 factual errors in his attempted refutation of our letter. And also, revealed a lot of specifics about his conduct that we were very general and were trying to hide. We had hoped and stated we hoped those things would never, ever come out publicly, but he just admitted wholesale things about his conduct. And --

Q When did you communicate to him that you were going to divulge this information?

A We at no time gave him advance notice that we were going to bring anything to the congregation. To do so would be to totally block it.

Q Now, you met in Jim Leach's office on March 2, with regard to amending the articles of incorporation; correct?

A Yes. And I correct my former statement. Jog my memory and I do recall being there. It was not a

1 very long meeting, but I do recall being there.

2 Q Was there something that occurred or that somebody  
3 told you that made you remember that the event  
4 actually did take place and you were present?

5 A I have been under such a high level of stress for a  
6 long time, that things are -- that things are  
7 happening at such a fast pace that it takes me some-  
8 times something jogging my mind, "Oh, yeah, that's  
9 right. I was there."

10 Q So somebody jogged your mind?

11 A Just as Scott described a little bit more about it,  
12 I realized, yeah, I was there. I remember I even  
13 drove.

14 Q Oh, okay.

15 Now, as of March 2, 1988, the three of you  
16 had decided to execute the articles of amendment as  
17 of that date. Is that --

18 A No. No, that is not true.

19 Q When did the three of you try to amend the articles  
20 of incorporation and to sign the ones which are  
21 Exhibit 15?

22 A Let me explain.

23 Q I realize that this is a simple question. Hopefully,  
24 I'm just asking you for a date, if you can tell me.

25 A The decision to do that, I think, was the evening of

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July 3rd.

MR. LEACH: March.

THE WITNESS: Excuse me. March 3rd.

It's a long day.

What we had done was we realized that taking this action and those steps was one of the very probable options, and we began to prepare the -- the amendments to the bylaws, determine what they were, and the articles of the amendment, amendment to the articles of incorporation, on the probability

1 to the senior elders recommending disfellowship.

2 And that was -- I think our decision was  
3 basically as of that time that we would go ahead  
4 with the action to amend the bylaws. We had kept a  
5 lot of all the pieces in the planning of it up to  
6 that time.

7 Q Excuse me. Your action was --

8 A At that time we decided to take the steps --

9 Q I'm just wondering what that time was. The question  
10 was when did this occur.

11 A We decided we would -- it was obvious that each one  
12 of us were willing to support -- there was no vote  
13 taken or anything, but we knew that we were all  
14 willing to support the action to amend the bylaws or  
15 the articles of incorporation, the bylaws, and  
16 to disfellowship pastor.

17 Q Uh-huh.

18 A And we realized that the formalization of that would  
19 require exclusion of certain words in order to  
20 provide the authority for that, and the resolutions  
21 were prepared by Jim Leach's office. And we had the  
22 papers ready to be signed, and we essentially  
23 determined what order they would have to be executed  
24 in.

25 Q When did we decide that we were going to take these

1 Q In fact, he said that was not an issue that was going  
2 to be discussed at that time; is that right?

3 A Yeah. He did not want to discuss it. That's true.

4 Q Did you take some action with regard to your subject  
5 matter there?

6 A It was discussed in part. And I asked -- I polled  
7 the members of the Senior Elders Board as to their  
8 approval of those resolutions, or of the resolution.

9 Q This was not a subject that was being discussed at  
10 the time you inserted that you wanted to talk about?  
11 And then you indicated or asked the other members of  
12 the Board, senior elders, whether they approved of

1 of the Board of Senior Elders or other staff members,  
2 that would be working for them who advised Pastor  
3 Barnett that at this time when you came over there  
4 that there was going to be this issue brought up of  
5 amending the articles?

6 A. I have no knowledge of anything like that.

7 Q. You didn't request your secretary to specify that  
8 as the purpose of doing that?

9 A. No.

10 Q. Is that because you didn't think that he'd want to  
11 discuss it at the time?

12 A. I just felt it would be unwise to give advance  
13 billing on the subject.

14 Q. Did Pastor Barnett indicate anything affirmative or  
15 negative to amending articles?

16 A. He did not vote. He refused to vote.

17 Q. How'd you do that?

18 A. You mean the words that I used?

19 Q. Yes.

20 A. As I recall, I asked each of the other members  
21 were they in agreement of this resolution.

22 And they said yes. And I said something -- I  
23 don't remember the words that I asked them.

24 Q. How long of a period of time did you have to do this  
25 in? I assume the pastor wasn't really happy about



1 discussing it.

2 A No, he didn't want to discuss it at all.

3 Q How long of a period of time did you have to discuss  
4 it?

5 A The meeting convened with him, something in the  
6 order of about 10:20; and we left at a bit after  
7 11:00. As I recall, something in that order.

8 Q I'm not asking how long you were over at the  
9 residence. What I want to know is how long you  
10 discussed this matter of the articles of amendment  
11 prior to your vote.

12 A I did not time it. And it would be difficult to time  
13 because every time we brought it up, he would change  
14 the subject and go back to something else, and we  
15 would maybe express a few comments ourselves about  
16 it, and then he would try to pull the conversation  
17 away and we would pull it back. I don't know how  
18 one times something like that.

19 Q Did you read the provisions for the articles of  
20 amendment before there was a vote taken?

21 A Did we read them?

22 Q Yes, this Exhibit No. 15.

1 A It was not verbally read at the time; that's  
2 true. But he had the copy in front of him the whole  
3 time.

4 Q What had been handed to him was a document which he  
5 put on the table beside him; isn't that correct?

6 A Yes, it was in front of him.

7 Q But he wasn't looking at that document, was he?

8 A We told him what it was.

9 Q Maybe he was looking at it? I don't know. Was he  
10 looking at the document?

11 A I don't know whether he was. You'd have to ask him.  
12 It was within his view.

13 Q If he said that he was not looking at this document  
14 during the time period of the meeting, would you  
15 disagree?

16 A I would accept his statement, whether he said he did  
17 or not.

18 Q Now, did you bring up at the time of the meeting  
19 what you were going to do was strike from Article VI,  
20 Section 1, the following language from the  
21 amendment, the provision, "The original Pastor's  
22 concurrence, if he is still presiding, is going to  
23 be stricken from these articles of incorporation"?

24 A I think that words to that effect were said.

25 Q Well, tell me what was said.

1 A. I positively don't remember the exact words that were  
2 used.

3 Q. Did he specify that the provisions of Article VI,  
4 Section 3, "And the original Pastor's concurrence,  
5 if he is still presiding," was going to be stricken  
6 from the articles of incorporation?

7 A. Words to that effect were used.

8 Q. Can you tell me what they were?

9 A. No.

10 Q. Do you remember what Article VI, Section 3 deals  
11 with?

12 A. There are two articles that were being amended.  
13 One of them was to remove the provision from the  
14 articles of incorporation that required a concurrence  
15 of the pastor in order to amend them.

16 And the other article that was being changed  
17 was one that specified with the bylaws, required  
18 the pastor's concurrence to change them. And I  
19 did state to him that both of those were the  
20 changes that we were deciding.

21 Q. At least you attempted to get it out?

22 A. Yes. Whether he's in an emotional state and how  
23 much of all that he, you know, really registered with  
24 him. He was obviously distraught because we were  
25 not agreeing with him.

1           There were obviously strong differences in that  
2 meeting, disagreements. He felt challenged, and  
3 when he -- my experience is that when Don gets  
4 emotional, his mind only sees, only hears and picks  
5 up certain things.

6       Q     Uh-huh.

7       A     And so whether he remembered all of that or not,  
8 I have no judging that.

9       Q     Was he talking at the same time you were talking?

10      A     We tried to avoid that.

11      Q     But it did occur?

12      A     Some overlap, yes.

13      Q     On the very -- on the second page of this resolution

14      A     It was an ordinary meeting. It wasn't like a  
15 shouting match and everybody just wrangling who's  
16 right. And we deferred to the conversation; there  
17 was no interruptions.

18      Q     Did he ask you to leave?

19      A     Finally, he did, yes.

20      Q     What you're saying is you had this voice vote where  
21 each member of the Board of Directors indicated  
22 an affirmance prior to being asked to leave?

23      A     That was not the occasion that he asked us to leave.  
24 It was some, perhaps, five or ten minutes after that.

25      Q     Now, on Page 2 of this resolution and the very last

1 paragraph, it says: "Resolved. Further, that said  
2 amendment is hereby adopted and approved this 4th day  
3 of March, 1988, at 11:00 a.m., at duly held  
4 Board of Directors meeting." Do you see that?

5 A. Yes. I'm aware of what it says.

6 Q. What's the "duly held Board of Directors meeting"  
7 that you're referring to?

8 A. That was the meeting with Don at 10:20 on May 24.

9 Q. Was --

10 MR. HARTLEY: March.

11 THE WITNESS: March. Excuse me.

12 Q. (By Mr. Pierce) That duly held Board of Directors  
13 meeting, is it your opinion that you should have a  
14 notice of what you're going to be deciding, prior to  
15 that meeting?

16 A. No. We've never used that procedure at all in the  
17 time that we've been at the Chapel. Sometimes  
18 there's advance notice of the subject for the  
19 meeting and often there is not. And that's very  
20 common in the whole history of the Senior Elders  
21 Board.

22 Q. And has it ever occurred on any meeting of the Board,  
23 Senior Elders, that one member is kept in the dark  
24 with regards to the purpose of the meeting intentionally  
25 by other members?

1 A. Not intentionally.

2 Q. It did occur in this case, though?

3 A. That's right. It was common that Don would come  
4 into Board, senior elder meeting, and not even,  
5 although he had been advised, would not remember the  
6 subject. And I might have the bylaws to sign and  
7 he'll say, "Why are we here?" And I say, "We have  
8 the bylaws to sign." And that was a common  
9 occurrence. Don frequently forgot what the agenda  
10 items were and usually --

11 Q. I mean he knew about them beforehand, but he forgot;  
12 is that right?

13 A. Many items, because of position in the corporation,  
14 items of business for the Senior Elder Board  
15 proceeded out of my dealings in the corporation,  
16 whether it be public or finance or these things,  
17 and I would actually ask the Senior Elder Board to  
18 meet for such-and-such, you know, such-and-such  
19 purpose.

20 You know, sometimes I would not even give  
21 advance notice. That was not through intent,  
22 but I would just ask Bonnie, and she may or may not  
23 have passed the information along to other members,  
24 exact subject matter.

25 Q. Now, do you agree that the provision of your article

1 Secretary of State. They were filed with the  
2 Secretary of State. There is no approval.

3 MR. LEACH: Ron, I'm going to have to  
4 tell you that we're going to have to leave. It's  
5 quarter of 6:00.

6 MR. PIERCE: I understand. That's not  
7 in the original request. It's 5:30 now.

8 MR. LEACH: Okay, it's 5:30. Let's go  
9 off the record for a minute.

10 (Discussion held off the record.)

11 Q (By Mr. Pierce) Do you know of any other members of  
12 the Board of Elders who has committed any of the acts  
13 similar to those which justified your removal of  
14 Pastor Barnett from his position as the pastor of the  
15 Community Chapel?

16 A No.

17 Q No information with regards to any of his actions  
18 that have been, at least to your knowledge, made by  
19 any other member of the Board of Elders?

20 A The specific acts that he was disfellowshipped for  
21 would have been incapable of being done by anyone  
22 other than the pastor. It was not because of sexual  
23 sins that he was disfellowshipped.

24 It was because of his misuse of pastoral  
25 authority and his preaching that misuse of pastoral

1 authority, of coercion of women, threatening them with  
2 disfellowship, lying publicly about the matters.

3 It was the dereliction in his fiduciary responsibility  
4 to the corporation, bringing the corporation into  
5 great legal liability -- as to wit, the lawsuits  
6 which have been filed against us.

7 His sins could have been forgiven. And they  
8 were forgiven. And are. And we did not disfellow-  
9 ship him for that. It was his refusal in part also  
10 to abide by any corrective measures, his unwillingness  
11 to cooperate in the resolution of these things,  
12 adamantly; and those are attitude problems. He  
13 can be forgiven for actions. He would have never  
14 been disfellowshipped if it was for the acts.

15 It was his attitude of unwillingness to work  
16 things out, defiance of all authority, all  
17 accountability, to get something for nothing. And  
18 no one else in our entire church would have been able  
19 of pulling off such a thing. He was disfellowshipped  
20 for those things, and I know of no person who has  
21 done such a thing or even the potential exists for  
22 doing those things, things in the church.

23 Q You indicate that he was unwilling to follow certain  
24 restrictions.

25 A The letter of special status, he totally rejected