

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

1 DONALD L. BARNETT,

2 Plaintiff,

3 v.

4 JACK A. HICKS, JACK H. DUBOIS,
5 and E. SCOTT HARTLEY, individually)
6 and as the Board of Directors of)
7 COMMUNITY CHAPEL AND BIBLE TRAINING)
8 CENTER and COMMUNITY CHAPEL AND)
9 BIBLE TRAINING COLLEGE,)

10 Defendants.

)
) ORIGINAL
)

) NO. 88-2-04148-2
)

) FILED
) KING COUNTY, WASHINGTON

) DEC 16 1988

) SUPERIOR COURT CLERK
) BY VIRGINIA BAYBROTHER
) DEPUTY

11 DEPOSITION UPON ORAL EXAMINATION

12 OF

13 E. SCOTT HARTLEY

14 Taken at 315 Second Avenue South

15 Seattle, Washington

16 DATE: JULY 28, 1988

17 REPORTED BY: ANN SIEPAK
18 Court Reporter

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EXAMINATION BY:

MR. PIERCE

2

E X H I B I T S

MARKED FOR IDENTIFICATION:

Exhibit 1:	Bylaws of Community Chapel	103
Exhibits 2 through 198:	Various documents brought to the deposition by the witness	124

* * *

SEATTLE, WASHINGTON; THURSDAY, JULY 28, 1988

10:10 a.m.

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5 E. SCOTT HARTLEY, witness herein, having
6 been first duly sworn on
7 oath, was examined and
8 testified as follows:
9

E X A M I N A T I O N

10
11 BY MR. PIERCE:

12 Q. State your full name.

13 A. E. Scott Hartley.

14 Q. And the "E" stands for —

15 A. Everett.

16 Q. And your residential address?

17 A. 1208 South 140th, Seattle, 98168.

18 Q. Are you employed at the present time?

19 A. Yes.

20 Q. Where are you employed?

21 A. Well, I think maybe that's a difficult
22 question to answer. Maybe I'm not. I don't know. I
23 guess I've not thought about it in that vein.

24 Q. Do you have an employer at the present time?

25 A. I really honestly don't know how to answer

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1 that question.

2 Q. Explain your difficulty in answering it.

3 A. I'm not directly hired by the church, in the
4 typical sense of what I have been in the past, but
5 still being a part of the church and a minister there.
6 I just started to receive salary for those functions I
7 carry out.

8 Q. And the salary that you receive is what?

9 A. I'm sorry?

10 Q. What is the salary that you receive?

11 A. For ministering to the people.

12 Q. No, excuse me. What is the amount?

13 A. I think it's fifteen dollars an hour.

14 Q. How many hours a day do you receive that
15 hourly rate?

16 A. This is on an hourly basis, so it depends on
17 whatever happens.

18 Q. For Monday through Wednesday of this week,
19 which would be July 25 through July 27, how many hours
20 did you work?

21 A. I don't know, about 16 or 18.

22 Q. Total?

23 A. Yes.

24 Q. And do you know how many hours you worked
25 yesterday?

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1 A. Didn't you include Monday, Tuesday, Wednesday
2 in that question?
3 Q. Yes.
4 A. Well, that included yesterday.
5 Q. Yes, and do you know how many hours you
6 worked yesterday?
7 A. About two and a half.
8 Q. And what did you do in this two and a half
9 hours?
10 A. I was counseling.
11 Q. Who were the individuals that you met with
12 yesterday, without telling me what you did or what
13 conversations were involved?
14 A. Okay. I was to meet with John and Gerri
15 Yokers.
16 Q. And did you meet with them?
17 A. John couldn't make it, so Gerri did.
18 Q. And would the other work that you would have
19 done this week, comprising up to 16 hours, have been
20 doing counseling, also?
21 A. At times, yes.
22 Q. Was there other work that you were doing
23 besides counseling?
24 A. Yes.
25 Q. What is that?

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1 A. Anything that would have to do with the
2 current litigation.

3 Q. Explain what other work you're doing that
4 entitles you to the fifteen dollars per hour.

5 A. Well, communication with Jim Leach; gathering
6 any information that needed to be gathered for today,
7 as far as this deposition.

8 Q. Anything else?

9 A. Lots of phone calls.

10 Q. Anything else?

11 A. Reviewing tapes. Let's see. That's about
12 all I can think of.

13 Q. In this last area, reviewing tapes, what
14 tapes are you reviewing?

15 A. I'm reviewing our service tapes, listening to
16 them.

17 Q. By "our service tapes," what do you mean?

18 A. The eldership's.

19 Q. Are these full-service tapes?

20 A. Mm-hmm.

21 Q. And did this review of those tapes occur
22 within the last week, for example?

23 A. No, I haven't reviewed anything this weekend.

24 Q. I didn't ask about the weekend, I asked
25 within the last week.

1 A. I don't recall. I don't think so.

2 Q. Now, who is paying this fifteen dollars per
3 hour to you?

4 A. The group of elders that are in charge of the
c eldership side of the church.

1 THE WITNESS: Yeah. Like I said, Jackie
2 Loveless has them.

3 You, apparently, told Don Barnett to
4 take the keys and change the locks and put Jackie
5 Loveless in charge of the tapes so that we can't have
6 access.

7 MR. PIERCE: Can't have access to what?

8 THE WITNESS: The tapes.

9 MR. PIERCE: What tapes?

10 THE WITNESS: The ones you want.
11 They're in her control. They're under your side of
12 the book.

13 MR. PIERCE: You're talking about full-
14 service tapes of the elders' group services?

15 THE WITNESS: There are no, currently,
16 any full-service tapes of the elders group.

17 MR. PIERCE: What tapes are you listen-
18 ing to, Mr. Hartley?

19 THE WITNESS: Whatever tapes that have
20 been made recently: music tapes, sermon tapes, what-
21 ever is there.

22 MR. PIERCE: And are there tapes made of
23 the worship services of the elders' group?

24 THE WITNESS: They had been until about
25 a week ago; at least as far as full-service, anyway.

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MR. PIERCE: And where are those tapes that have been made up to a week ago of full-service worships of the elders' group?

THE WITNESS: They're all gone.

MR. PIERCE: What do you mean "they're all gone"?

THE WITNESS: I erased them all.

MR. PIERCE: When did you "erase them all"?

THE WITNESS: I don't know, eight or nine days ago. And I'd been doing that before that, too. It wasn't just the one time.

MR. PIERCE: There are no copies or originals of full-service or worship tapes of the elders' group?

THE WITNESS: Not to my knowledge.

MR. PIERCE: Why have tapes been made in the first place?

THE WITNESS: Well, that's why I changed the policy a little over a week ago, because I didn't think we needed them. It was a waste of time and effort.

MR. PIERCE: Are you familiar with the subpoena duces tecum directed to Jack DuBois, with regard to worship tapes?

1 THE WITNESS: To Jack DuBois? No, I
2 guess I'm not. I don't know what subpoena you've
3 given him. Am I supposed to be familiar with what
4 other people receive?

5 (Brief pause in proceedings.)

6 MR. PIERCE: Excuse me for taking a
7 break. I needed to speak with this individual who had
8 come to make the copies of tapes. Since there are
9 none here, I had to thank her and let her go on her
10 way.

11 Q. (By Mr. Pierce) What day was it that you
12 erased all of the tapes from the elders' services?

13 A. That's been an ongoing process over the last,
14 I don't know, three or four weeks.

15 Q. When was the last time that you erased tapes
16 from the elders' services?

17 A. Probably eight, nine, ten days ago.

18 Q. Was it eight, nine, or ten days ago?

19 A. It was early last week.

20 Q. Would that be Monday, Tuesday, Wednesday; in
21 there?

22 A. Monday or Tuesday, I think it was.

23 Q. Was anybody else assisting you in erasing the
24 tapes?

25 A. No.

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Q. Where were the tapes erased at?

A. My house.

Q. Who did you get the tapes from?

A. Up to that point, I think I was getting them from Maurita Verburg and also Van Buyington.

1 Q. So you would have received the service tapes
2 on Sunday, July 17, which you erased on Monday,
3 July 18 or July 19 — Tuesday, July 19?

4 A. Yea. Approximately, yeah, I think so.

5 Q. Well, Sunday was July 17, and that would have
6 been the Sunday before last. Would that have been the
7 Sunday you received the tapes from her or him?

8 A. Maybe that particular Sunday night. Yeah, I
9 think I got a couple of tapes from Van, but I think I
10 got some more from Jack DuBois and Lenny Peterson the
11 next day, on Monday.

12 Yeah, I think that's what happened on
13 that particular occasion.

14 Q. So, let me see if I understand this right.
15 You received a couple of tapes from Van on Sunday,
16 July 17, and then got a couple more tapes from Lenny
17 Peterson on July 18 and a couple more tapes from Jack
18 DuBois on July 18.

19 A. Yeah. I think that's what happened, yeah.

20 Q. Did you have any discussion with either Lenny
21 Peterson or Jack DuBois that you were going to erase
22 tapes in order that the pastor or anybody from the
23 pastor's group or their counsel would not have an
24 opportunity to listen to those tapes?

25 A. No, what I said to them was that we had no

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1 need, as far as I could tell, for full-service tapes
2 and that, if they had no objections, that I was going
3 to erase these and tell whoever the tape people are to
4 not make any more, that all we needed was just sermon
5 tapes and music tapes.

6 Q. Was there any discussion with either one of
7 these individuals, with regard to keeping the infor-
8 mation that was on these full-service tapes from the
9 pastor or somebody in the pastor's group or from the
10 pastor's counsel?

11 A. No.

12 Q. Was that part of your intention?

13 A. To some degree, sure.

14 Q. Did you discuss that with any individuals?

15 A. No.

16 Q. Does something occur at the worship services
17 of the elders' group which should not be heard by the
18 pastor or the pastor's congregation?

19 A. Well, since they're not a part of our church,
20 they really have no need to hear anything.

21 Q. What is your church?

22 A. Community Chapel and Bible Training Center.

23 Q. Are you saying that the pastor has a separate
24 church from the elders' group?

25 A. It sure seems that way.

1 Q. And do they have any names different than
2 Community Chapel and Bible Training Center for either
3 one of them?

4 A. I don't know what he thinks he has a right
5 to.

6 Q. Would I be correct to say that you do not
7 consider Pastor Barnett to be the spiritual leader of
8 the group that may be known as the elders' group?

9 A. Oh, he clearly is not.

10 Q. Is there a spiritual leader of the elders'
11 group?

12 A. You mean, like, one individual?

13 Q. Yes.

14 A. Well, right now it's being led by the entire
15 eldership group.

16 Q. Is the eldership group in agreement with you
17 that the pastor and the pastor's congregation would
18 not be part of what is known as the elders' group?

19 A. They would agree that the pastor isn't, as
20 you so call him.

21 Q. But the members of the pastor's congregation,
22 are they —

23 A. They're still a part of Community Chapel.

24 Q. Is there a reason that the members of the
25 pastor's congregation would not be entitled to listen

1 to these full-service tapes?

2 A. They would be entitled to, sure, if we were
3 going to have them. But, if they wanted to hear, they
4 could also come over and attend services here.

5 Q. Part of the reasons that tapes have been made
6 in the past is because people are not always able to
7 get to the worship services; isn't that correct?

8 A. Yes, sure.

9 Q. And, if people are out of town or sick or
10 disabled in some manner, they've requested that those
11 full-service tapes be available to them; is that
12 right?

13 A. Well, that's a privilege that we've allowed.
14 That's just us giving a service to them.

15 Q. And you decided to cut off that service to
16 them.

17 A. Yeah, to everybody.

18 Q. Was a full-service tape made of the worship
19 services on Sunday, July 24?

20 A. I don't think there was Sunday morning, but
21 there might have been one on Sunday night. I am not
22 sure yet. I haven't looked at the tapes yet.

23 Q. Where are those tapes?

24 A. At my house.

25 Q. Is there a reason you did not bring them

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1 today?

2 A. I guess I didn't think, at this point, they
3 applied. I could have.

4 Q. How many tapes are at your residence, besides
5 Sunday, July 24?

6 A. Maybe six or seven.

7 Q. What periods would those cover?

8 A. I think they cover someplace around the first
9 part of July. I haven't had a chance to get to them.

10 Q. Excuse me, I didn't —

11 A. I haven't had a chance to listen to them.

12 Q. Is there a reason that you did not bring
13 those tapes to this deposition?

14 A. They had to do with sermons and music. They
15 didn't have any relevance here.

16 Q. These are tapes that would have come from the
17 worship services of the elders group?

18 A. From the worship service, yeah.

19 Q. Did you read the subpoena that came to you in
20 these proceedings, Mr. Hartley?

21 A. Actually, no, I haven't read the subpoena
22 that came to me. It never got to me.

23 Q. Did you ever receive a subpoena duces tecum?

24 A. Not that I know of.

25 Q. Were you ever told that there was a subpoena

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1 duces tecum in an envelope that was delivered to you?

2 A. Yes, they said there was.

3 Q. And what did you do with the envelope?

4 A. Nothing. I just gave it back to the indivi-
5 dual. I never looked at it, never saw what was in it
6 or anything.

7 Q. So you never took a look at the subpoena
8 duces tecum, itself; is that what you're saying?

9 A. I never saw one, no.

10 Q. Did anyone tell you what was on that subpoena
11 duces tecum and what documents you were to bring to
12 this deposition?

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16
17 Training Center meetings and services of the congrega-
18
19
20 Training Center meetings from January 1, 1988 to the
21 present, including but not limited to worship services
22 of senior elders and elders of Community Chapel. Did
23 you
24 bring

25 A. No. If that's what you want, I can get those

1 for you.

2 Q. Do you have any other documents, besides tape
3 recordings, that relate in any manner to the meetings
4 and services of the congregation of Community Chapel
5 from January 1 to the present?

6 A. Of the services; is that what you said?

7 Q. No, not just limited to the services; in
8 fact, let me allow you to take a look and read the
9 subpoena duces tecum that says Scott Hartley on it.
10 Look at Item Number 1 on that subpoena duces tecum,
11 Mr. Hartley. (Counsel hands document to witness.)

12 (Brief pause in proceedings.)

13 A. I've read Item 1.

14 THE WITNESS: How about if I get a copy
15 of this so I can see what it says.

16 MR. PIERCE: You may get one from your
17 counsel; in fact, you may inquire at the present time
18 if you could look at his —

19 MR. LEACH: I didn't bring a copy of it
20 with me.

21 Q. (By Mr. Pierce) Let's go through Item
22 Number 1. Do you have any of those documents that are
23 identified on Item Number 1 of that subpoena duces
24 tecum, which is —

25 A. You're talking about paper versus tape, or

1 paper and tape?

2 Q. Mr. Hartley, did you read the definition for
3 the word "document" that's attached?

4 A. Yeah, I've read that before.

5 Q. And do you understand that to mean any writ-
6 ten documents and any tapes?

7 A. Yes.

8 Q. So that is not going to be limited just to
9 tapes; do you understand that?

10 A. Right.

11 Q. Now, this subpoena duces tecum, which is
12 dated July 21, has identified on there Item Number 1.
13 Do you have any of those documents that are referred
14 to in Paragraph Number 1 of that subpoena duces tecum?

15 A. Yes, I do have them.

16 Q. And what documents do you have?

17 A. Those (indicating).

18 Q. Let me see them, please.

19 (Witness hands documents
20 to counsel.)

21 (Pause in proceedings.)

22 Q. (By Mr. Pierce) Mr. Hartley, I've had an
23 opportunity to review these documents. Do these
24 comprise all of the documents that you have in your
25 possession or under your control, relating to

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1 Community Chapel?

2 A. To the best of my knowledge, yes.

3 Q. Are these documents ones that have been main-
4 tained by you in the ordinary course of business as a
5 representative of Community Chapel?

6 A. Up until about June 15, yes. After that,
7 it's been much more difficult to maintain them.

8 Q. Explain why it's been more difficult.

9 A. Mainly just that I haven't had time, and so
10 things are there but they may not be filed in exactly
11 the right order. I just haven't had time to make
12 sure that everything is exactly where it should be.

13 Q. But, for purposes of this deposition, you
14 brought down all the documents that you have in your
15 possession or under your control?

16 A. Yes, I did.

17 MR. LEACH: Just for the record, it
18 should show that you took 40 minutes, approximately,
19 to —

20 MR. PIERCE: There is no record of the
21 time that we started, nor any notation with regard to
22 the time we completed it.

23 MR. LEACH: For the record, I'm going to
24 note that it was 40 minutes.

25 MR. PIERCE: You may make your notation.

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1 I may not agree with it, for the record.

2 MR. LEACH: All right.

3 Q. (By Mr. Pierce) Mr. Hartley, there are two
4 documents in this group that I'm concerned about: One
5 is a letter, apparently sent certified mail to you,
6 Scott Hartley, dated March 16, 1988, from Paula
7 McClary. Do you know who that person is?

8 A. Yes.

9 Q. Is that somebody that you performed coun-
10 seling services for?

11 A. Yes.

12 Q. And would that be, Item D-20, that letter
13 from her be a confidential document?

14 A. Yeah, it would.

15 Q. That is something that is confident and
16 should be maintained as confident?

17 A. Yes.

18 Q. I'm going to copy all of these documents
19 here, so I'm going to except out that document so that
20 it doesn't get copied as one of your business records,
21 because it's more of a counseling record; is that
22 right?

23 A. Right.

24 Q. Also, I have another document here, which is
25 dated March 10, 1988, which appears to be a memo from

1 Jack Hicks to Jack DuBois and Scott Hartley, and it's
2 marked D-11 on it. Is this a communication between
3 members of the Board of Directors of Community Chapel,
4 with regard to settlement of lawsuits and litigation,
5 which was intended to be confidential?

6 A. Yes, that should be in my lawsuit file. It
7 got misplaced.

8 Q. And so, we'll take that document out, too,
9 and understand that those two documents are the ones
10 that have been taken out.

11 I'm going to ask you, would you have any
12 problem with regard to my file clerk taking these
13 documents back to the copy machine and copying the
14 documents, or do you want to be present when the docu-
15 ments are copied?

16 MR. LEACH: I watched her make copies
17 once before. She does a very good job.

18 THE WITNESS: Will she make two, so he
19 can see what was copied?

20 MR. LEACH: I'd like to get a copy.

21 (Pause in proceedings.)

22 Q. (By Mr. Pierce) Mr. Hartley, you indicated
23 that there was a separate file called "Litigation
24 File." Could you explain what that is?

25 A. Correspondence between Jim and myself, or

1 other attorneys and myself.

2 Q. And the other attorneys would be whom, other
3 than Jim Leach?

4 A. Oh, either David Andersen or Mike Bond or
5 Steve McFarland.

6 Q. Now, who is Mike Bond?

7 A. He's the attorney for the church in the
8 Gabrielson case. Also, the Jorgenson case, the
9 Lein/Butler/Brown case.

10 Q. Who is Steve McFarland?

11 A. He's the attorney that represented me in the
12 lawsuit.

13 Q. What lawsuit?

14 A. The one regarding me being charged with not
15 informing the authorities regarding possible child
16 abuse.

17 Q. Was that failure to report the case?

18 A. Mm-hmm.

19 Q. Does Steve McFarland have any documents in
20 1988, with regard to Community Chapel?

21 A. Oh, there are a couple of — yeah, there are
22 some there.

23 Q. Is he doing something with regard to
24 Community Chapel at the present time, or during the
25 year 1988?

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1 A. Yes, they're still handling interactions with
2 the prosecutor's office, in relationship to the sen-
3 tencing that I received.

4 Q. So it still involves that case that occurred
5 previously?

6 A. Yeah.

7 Q. Are there any documents, other than com-
8 munications between yourself and Mr. McFarland, which
9 would be covered in an attorney/client relationship,
10 which Mr. McFarland would have?

11 A. Which he would have?

12 Q. Yes.

13 A. It's been too far back. I don't know what
14 all he has.

15 Q. I'm talking about 1988 documents.

16 A. Oh, in '88? From me?

17 Q. Yes, other than attorney/client communica-
18 tion.

19 A. Not that I know of.

20 Q. Now, Michael Bond represents Community
21 Chapel, and is there a reason that your documents,
22 with regard to Community Chapel, have not been brought
23 down?

24 A. That's considered client/attorney privilege,
25 as far as I know.

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1 Q. Who is the attorney and who is the client
2 here?

3 A. Michael Bond is the attorney and Community
4 Chapel is the client.

5 Q. At some point in time, did you designate
6 somebody to be responsible, with regard to Community
7 Chapel, a speaking agent for Community Chapel?

8 A. Well, yes and no.

9 Q. Could you explain that, please?

10 A. I was put in charge of handling the
11 Gabrielson lawsuit, working with Mike Bond. And later
12 Don Barnett was designated the contact person for the
13 lawsuit regarding the Butler, et al., case.

14 Q. So, in other words, you still consider your-
15 self the speaking agent for Community Chapel, with
16 regard to the Gabrielson case?

17 A. Yeah.

18 Q. And Donald Barnett would be the speaking
19 agent for Community Chapel, with regard to the —

20 A. The Butler case.

21 Q. — the Butler case.

22 A. Yes.

23 Q. Now, why did you designate Donald Barnett to
24 be the speaking agent for Community Chapel?

25 A. For that particular case?

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1 Q. Yes.

2 A. Because he was the one being charged in the
3 lawsuit and, therefore, he would have the most to gain
4 by — with the records and information that he has,
5 and the knowledge he has, of better representing the
6 church.

7 Q. Excuse me, he would have the most to gain by
8 better representing the church?

9 A. Well, he would have the most knowledge and
10 information, since he was the litigant in that case,
11 than the rest of us. And so it was decided he should
12 handle it.

13 Q. Do you know when you designated him as the
14 speaking agent for Community Chapel?

15 A. Sometime this last Spring.

16 Q. Excuse me; last Spring?

17 A. This last Spring, '88.

18 Q. Prior to March of 1988?

19 A. I don't recall, at this point. I think it
20 was after.

21 Q. Was it after you disfellowshipped Donald
22 Barnett?

23 A. Yes.

24 Q. Did you consider him an employee at the time
25 of designation of him as a speaking agent?

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1 A. According to what the court said I had to do,
2 yes.

3 Q. I'm asking, did you consider him as an
4 employee of Community Chapel at the time that you
5 designated him as a speaking agent?

6 A. No.

7 Q. Then why did you designate him as a speaking
8 agent, if you didn't consider him to be an employee?

9 A. Because I was under court order.

10 Q. There was a court order that required you to
11 designate him as a speaking agent?

12 A. No, the court order, the restraining order
13 said that I had to consider him to be a member of the
14 board of directors; and so, if I have to consider him
15 that way, from the court's standpoint, then he was
16 therefore appointed to handle this case, since he was
17 involved.

18 Q. You're referring to the restraining order
19 that indicated that you were not to interfere with his
20 functions and duties as president and chairman of the
21 board of directors?

22 A. Yeah, that's one of them.

23 Q. You could have appointed somebody else to be
24 the speaking agent, couldn't you?

25 A. Oh, yeah.

1 Q. If he had quit and left and gone to Montana,
2 you would have had to appoint somebody else, wouldn't
3 you?

4 A. Yes.

5 Q. Is there some other employee that you could
6 have designated to be the speaking agent?

7 A. It would have to have been one of the other
8 two directors. I wouldn't have appointed somebody
9 else.

10 Q. So you weren't under a requirement to appoint
11 him as the speaking agent, then, were you?

12 A. No, there probably was no requirement that I
13 had to do that.

14 Q. Did you discuss with anybody the appointment
15 of the speaking agent as a representative of
16 Community Chapel?

17 A. Just with Jack DuBois.

18 Q. Now, is Jim Leach involved with representing
19 Community Chapel in any of these litigations,
20 Gabrielson or the Butler case?

21 A. I'm not sure which one, but Dave Andersen has
22 been handling the problem that we've had with the
23 CNA Insurance Company that's involved with at least
24 the Andersen case.

25 Q. Now, Dave Andersen is a partner in the firm

1 of Leach, Andersen & Brown; is that right?

2 A. Yes.

3 Q. Have you discussed this litigation with Dave
4 Andersen, with regard to the context of the CNA and
5 Gabrielson and Butler?

6 A. Have I discussed things with him regarding
7 that case?

8 Q. Yes.

9 A. Sure.

10 Q. Has that included claims of problems that the
11 senior elders have had with Donald Barnett?

12 A. Possibly. I don't remember right this
13 minute.

14 Q. Now, the documents you provided to me have
15 designations on the top of the documents of letters
16 and numbers, such as D-11, which we spoke about with
17 regard to one of the earlier documents which we
18 withdrew from this group.

19 A. Yes.

20 Q. Described what this numbering and lettering
21 system is.

22 A. It's just part of the filing system that the
23 secretary set up.

24 Q. And who was the secretary that set up this
25 filing system?

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A. Melinda Erickson.

Q. As part of this filing system, were there records kept of the various groups of documents which you've provided to us?

A. I'm sorry, I don't understand that question.

Q. There are documents that have a designation of "B" on them, documents that have the designation of "D" on them, indicating different groups of documents. Do you recall that?

A. Yes.

Q. What does the group "B" represent?

A. I'd have to look at the folder. I don't recall right now.

Q. Are there any summary sheets or identification sheets which identify what documents are, a summary sheet or index?

A. Yes, there is an index.

Q. Where is that at?

A. Probably at home. I don't have it with me.

Q. Is that index helpful in understanding the documents that you've provided to us?

A. It helps me see what's in the file without me having to flip through the file, itself.

Q. Would that help somebody else in reviewing the documents, to be able to see what's in there?

1 A. Well, probably not, unless you were familiar
2 with the various dates and just the general titles of
3 them. If you were, then it would be of help.

4 Q. Where are the summary sheets kept?

5 A. Someplace there at my house. I'd have to
6 look.

7 Q. Do you keep them in a certain room of your
8 house, the documents regarding Community Chapel?

9 A. Yes, in my living room.

10 Q. Are the file cabinets kept there?

11 A. I don't have a file cabinet. They're kept in
12 boxes right now.

13 Q. How many boxes are kept there?

14 A. Two.

15 Q. Did you bring the contents of all of those
16 boxes down to this deposition?

17 A. No.

18 Q. Is there a reason why you didn't bring the
19 contents of those boxes?

20 A. They didn't apply.

21 Q. What other documents would be in those boxes,
22 other than the documents you've brought down at the
23 present time?

24 A. Things that have to do with between me and
25 the attorney.

1 Q. And "the attorney," would that be the three
2 attorneys that you represented and told us about
3 earlier?

4 A. Yes.

5 Q. Now, with regard to documents involving
6 Community Chapel in any of the litigations involving
7 Gabrielson, Lein/Butler/Brown, CNA, would you have any
8 problems with regard to the review of those documents
9 by Donald Barnett?

10 A. Which ones, again, now, did you say that were
11 for consideration for review?

12 Q. Other than — well, first, let's make sure we
13 understand. The documents that you have which you've
14 not brought down, and which are in your possession and
15 under your control, represent legal file documents.

16 A. Yes.

17 Q. Other than your personal file, with regard to
18 your own personal litigation involving the claim of
19 your failure to report child abuse, would you have any
20 problem with regard to allowing Donald Barnett to see
21 those documents, if they involve claims against
22 Community Chapel or by Community Chapel?

23 A. I guess I don't know yet. I'd have to think
24 about it some more.

25 Q. Okay. Take as much time as you need here.

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1 MR. PIERCE: Let the record show that
2 it's 11:45 a.m.

3 MR. LEACH: I assume that you're not
4 talking about litigation, this declaratory judgment
5 litigation that is presently pending, that this depo-
6 sition is being taken —

7 MR. PIERCE: I'm asking about any claim
8 by or against Community Chapel.

9 A. I guess, if we were to sit down and have a
10 senior elders board meeting, all three of us, to
11 review this material, I guess I'd have no problem.

12 Q. (By Mr. Pierce) Why would it be required at
13 a senior elders board meeting?

14 A. Because that's just the way I'd like it. I
15 think it would be most appropriate that way.

16 Q. So you could make all of the documents
17 available if a board meeting was called by Donald
18 Barnett for Scott Hartley, Jack DuBois and Donald
19 Barnett.

20 A. Well, any of us could call the board meeting,
21 but —

22 Q. Well, if Donald Barnett should call the board
23 meeting, would you bring all of those documents and
24 make them available for Donald Barnett's inspection,
25 review and copying?

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1 A. I guess I'd have no problem with him inspect-
2 ing and reviewing them, but I don't think he would
3 need to make copies.

4 Q. As a director of Community Chapel, do you think
5 it's important that you have access to all documents of
6 Community Chapel and have an opportunity to review
7 those, at such time as you deem it necessary, to make
8 determinations for the benefit of Community Chapel?

9 A. Yeah, and that goes both ways.

10 Q. And you'd like to be able to review the docu-
11 ments at your leisure and when you have time
12 available; is that right?

13 A. Sure.

14 Q. And you would provide that same right to
15 Donald Barnett, as a member of the Board of Directors
16 of Community Chapel, to review those documents at his
17 leisure and when he has the time available?

18 A. Well, we're still dealing with whether or not
19 he legally really is that person. We still have a
20 case pending about that, so there's no guaranty or
21 proof that he is one. Yet, I am one. And yet, right
22 now, he is keeping me from the records that I need to
23 get to that are part of the corporation and could be
24 putting me in difficulty. Apparently, that's at your
25 direction.

1 Q. Let me understand this. Are you taking the
2 position, and have you taken the position, that Donald
3 Barnett, since Judge Bates' order, has the right to
4 act as the president and a speaking agent for
5 Community Chapel?

6 A. On his own, no; with board action, maybe,
7 yeah, from that standpoint.

8 Q. Was there some board action, appointing him
9 as the speaking agent for Community Chapel?

10 A. In that one situation, there was.

11 Q. And when was the board meeting that occurred,
12 where he was appointed?

13 A. I don't recall.

14 Q. Do you keep minutes of the meeting of the
15 board of directors?

16 A. Yes. I don't know if there was one of that
17 particular meeting.

18 Q. Do you keep a notebook with regard to those
19 meetings?

20 A. Usually, yes.

21 Q. Did you bring your notebook with you?

22 A. I don't have one of that right now.

23 Q. Excuse me? You have no notebook with regard
24 to —

25 A. They're in the files in my office that's

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1 locked up where I can't get to.

2 Q. How long has it been locked up?

3 A. Two months, almost.

4 Q. During that two-month period of time, did you
5 have board meetings?

6 A. Not that I know of. Not that I remember.

7 Q. So the board meeting appointing Donald
8 Barnett would have occurred more than two months prior
9 to this deposition?

10 A. Probably before June 15, yes.

11 Q. Well, that's only one month ago. Would it
12 have occurred prior to two months before this deposi-
13 tion?

14 A. I don't recall when that happened, but I
15 don't have access to my records after June 15.

16 Q. Do you have access to your records prior to
17 June 15?

18 A. Sure.

19 Q. So that your access to those records has only
20 been limited from June 15; is that right?

21 A. Yes.

22 Q. And, after June 15, have you kept records of
23 meetings and conferences?

24 A. No.

25 Q. You have no notebooks or summary sheets, with

1 regard to any meetings involving, in any manner,
2 Community Chapel?

3 A. No.

4 Q. Is there a reason that you have decided not
5 to keep a notebook?

6 A. There haven't been that many things that I
7 needed to remember.

8 Q. From June 15, 1988, have there been any board
9 meetings, to your knowledge?

10 A. No.

11 Q. Now, you're willing to allow Donald Barnett
12 to be the speaking agent on behalf of Community
13 Chapel, and I believe you indicated before that the
14 reason for this is that he was appointed as an officer
15 by Judge Bates; is that correct?

16 A. The reason we chose him, as I said, was
17 because he was a part of the litigation. He had the
18 most knowledge and the most involvement in it, and,
19 therefore, he could handle that case himself.

20 Q. And, if he said something on behalf of
21 Community Chapel, you would stand behind that; is
22 that correct?

23 A. If he checked it with us first.

24 Q. Well, if he's sitting in a deposition and
25 has to answer a question, he's not going to go to a

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1 telephone, is he, Mr. Hartley?

2 A. No.

3 Q. And you knew, when he was appointed as a
4 speaking agent, that he would be responsible for
5 speaking at depositions, didn't you?

6 A. Yeah, but maybe he ought to let us know when
7 those depositions are so that one of us could go, too,
8 and see what is being said.

9 Q. And the reason you want to go to these depo-
10 sitions is what, Mr. Hartley?

11 A. Well, as you indicated, maybe we need to find
12 out what is being said at those depositions.

13 Q. And what would you be using this information
14 for?

15 A. Well, to find out whether or not he broke his
16 fiduciary responsibility to the corporation and
17 whether or not he's telling all the truth.

18 Q. Now, access to the records involving litiga-
19 tion by or against Community Chapel would be provided,
20 if it's done at a board of directors meeting; is that
21 correct?

22 A. Well, I think it needs to be discussed, and,
23 since it hasn't, I think that would be an appropriate
24 place to do it.

25 Q. Well, I'm asking you your position with

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1 regard to allowing him access to those records of
2 litigation by or against Community Chapel.

3 A. I would say yes, just about the time that he
4 was willing to let me back into my office and allow me
5 access to my records.

6 Q. So the answer is yes, you would provide him
7 access to those litigation records that you have of
8 actions pending by or against Community Chapel?

9 A. As long as I get access to my records in the
10 office.

11 Q. And is there a time period that it would take
12 to make sure that these records could be made
13 available, such as at Community Chapel?

14 A. I'm sure they could be brought down next week
15 sometime. I have to have assurances that that office
16 will stay open and those files are available to me.

17 Q. Excuse me. You have conditions to allow the
18 president and chairman of the board of directors to
19 have access to litigation records?

20 A. That's what I just said.

21 Q. Let me have all of the conditions that you
22 want to impose upon Donald Barnett in order to allow
23 him to review the litigation files which you have in
24 your possession involving litigation against or by
25 Community Chapel.

1 A. The conditions are, I want free access to my
2 office and to my files, as far as the corporation
3 files, so that I can fulfill and carry out my fidu-
4 ciary responsibilities. And I want that action
5 stopped that's been taken so far to keep me from them,
6 as well as Jack DuBois.

7 Q. Anything else?

8 A. No.

9 Q. Now, am I to understand it that you have been
10 performing services, as a member of the board of
11 directors, from June 15 to the present time, but
12 you've not been able to do it at Community Chapel
13 property?

14 A. I have been restrained from being able to
15 enter the offices at Community Chapel since June 15.

16 Q. And have you been performing services as a
17 member of the board of directors since June 15, 1988?

18 A. Sure.

19 Q. Can you give us an example of what services
20 you've been performing and why it's necessary to have
21 access to this office? Let's split that up: What
22 services have you been performing since June 15, 1988,
23 as a member of the board of directors?

24 A. One involves this very litigation that I'm
25 being deposed for today. The other is the litigation

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1 in the Gabrielson case, of which I'm going to be
2 deposed next week, and have been previously deposed a
3 couple of times. I haven't been able to get all that.
4 Nobody has been giving me the mail that's come in
5 since June 15, so I don't even know what's been going
6 on. I haven't been allowed to have access to that
7 information, so there may be more that I should have
8 handled but I haven't been able to.

9 Q. Anything else that you've done since June 15,
1000 when the hearing was held in this connection

1 Q. Did you, with regard to this contact with
2 Safeco Insurance?

3 A. I don't think so, but I don't recall.

4 Q. In the letter that you have, is it dated
5 after June 15, 1988?

6 A. I don't recall. It's in that period of time.

7 Q. Within the last month?

8 A. Someplace in the month of June, I think.

9 Q. Was it something that you received prior to
10 June 15, 1988?

11 A. I don't remember.

12 Q. I'm trying to figure out if you received this
13 letter after your resignation on June 15, 1988.

14 A. I don't recall.

15 Q. Now, when was the last time that you reviewed
16 your mailbox at Community Chapel?

17 A. I've asked Jack DuBois to pick it up for me
18 once or twice a week, and there's a lot of data and
19 information that normally has come to me in the past
20 that has not come to me at all.

21 Q. Does this data involve just general informa-
22 tion or what? What type of data are we talking about?

23 A. It could be a lot of different things, a lot
24 of things involving other corporations and companies
25 involving the church. And I don't know where that

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1 data is going, and it could be personally addressed to
2 me.

3 Q. Are there still documents that are going to
4 Jack Hicks?

5 A. Yes.

6 Q. And involving church matters?

7 A. Mm-hmm.

8 Q. Involving church matters?

9 A. Yes.

10 Q. Is that material sent on to Jack Hicks or is
11 that reviewed at the Community Chapel offices?

12 A. That was sent over to me for my action.

13 Q. So you open the mail that's addressed to Jack
14 Hicks, of Community Chapel?

15 A. Yes.

16 Q. And, if you're not involved in the operations
17 of the business any more, is there somebody who you
18 designated to review that mail?

19 A. I still am. As a director, I still am.
20 I never appointed anybody else.

21 Q. What are you doing, with regard to the opera-
22 tions of Community Chapel at the present time?

23 A. From the eldership side, I'm overseeing
24 everything that's being done.

25 Q. I'm talking about your responsibilities as a

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1 member of the board of directors. What responsi-
2 bilities do you have with regard to operations of
3 Community Chapel at the present time?

4 A. Whatever pops up.

5 Q. Well, tell me what's popped up. You said you
6 were doing things with regard to operations. I want
7 to find out what they are.

8 A. Are you referring to within internal func-
9 tions, or from external sources?

10 Q. I'm talking about anything that you've done
11 with regard to the operations of Community Chapel.

12 A. Well, since we've been locked out, I've tried
13 to make sure that we've been able to have access to
14 the various places that we've needed. I've tried to
15 oversee the tape ministry, and I guess I make sure
16 that we have access to our services, which we haven't
17 been able to in every case. Anything that would come
18 in regarding the Gabrielson case or CNA. And I think
19 I spoke once or twice with Dave Andersen regarding
20 Safeco. I think it was once.

21 THE WITNESS: It's twelve o'clock. I'd
22 like to go to lunch.

23 MR. PIERCE: Counsel, shall we break for
24 a lunch break?

25 MR. LEACH: How much longer do you think

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1 this will take?

2 MR. PIERCE: All day.

3 MR. LEACH: All day? We have another
4 deposition scheduled at —

5 MR. PIERCE: At four o'clock. Come back
6 at 1:00 and we'll start up then.

7 (A lunch recess was taken
8 from 12:01 p.m. to 1:04 p.m.)

9 Q. (By Mr. Pierce) Mr. Hartley, you're perform-
10 ing services for the benefit of Community Chapel at
11 the present time?

12 A. Yes.

13 Q. And those include matters involving the tape
14 ministry; access to property for worship services;
15 counseling, I assume; is that correct?

16 A. Yeah.

17 Q. What about the running of the business of Commu-
18 nity Chapel? Are you doing anything with regard to that?

19 A. We're tied in with Drake Pesce.

20 Q. Excuse me, what do you mean, "tied in with
21 Drake Pesce"?

22 A. Well, on whatever purchase requests are being
23 made.

24 Q. You're approving purchase requests?

25 A. No, it's more like disapproving certain ones.

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1 Q. So, in other words, you're making decisions
2 with regard to purchases that should or should not be
3 made?

4 A. If we had the cooperation of Drake Pesce, we
5 could, but right now he's not cooperating hardly with
6 anybody.

7 Q. So you're not doing anything with regard to
8 approval or disapproval of purchases at the present
9 time; is that right?

10 A. Yes, I am. Every purchase request has to
11 have Jack DuBois's and/or my approval, as well.

12 Q. Why is that, that it requires either you or
13 Jack DuBois's approval?

14 A. Because we don't have a vice president and
15 general manager to be able to run that area in and of
16 itself.

17 Q. So there is no general manager or vice presi-
18 dent at the present time; is that correct?

19 A. Yes.

20 Q. Have you been acting as a general manager or
21 vice president?

22 A. Oh, maybe in some technical way, you might
23 say that, but not, obviously, officially because no
24 one has ever been appointed.

25 Q. Have you approved documents or taken steps as

1 a general manager or vice president of Community
2 Chapel?

3 A. No.

4 Q. You approved PRV for your trip to Alaska, as
5 the general manager, didn't you?

6 A. Jack DuBois and I, as senior elders, approved
7 that PRV.

8 Q. Are you saying you did that in your capacity
9 as a member of the board of directors?

10 A. Yes.

11 Q. You're not taking any steps, as the general
12 manager or vice president of Community Chapel; is that
13 correct?

14 A. Not officially, no.

15 Q. Are you doing something unofficially, as the
16 general manager or vice president of Community Chapel?

17 A. Well, Jack DuBois and I are, to some degree,
18 acting from that position, since it hasn't been
19 fulfilled yet.

20 Q. What authority do you have to act in that
21 position, as a general manager or vice president?

22 A. I feel that the bylaws give the right to the
23 board of directors.

24 Q. As a board of directors member, you have the
25 right to act on behalf of Community Chapel; is that

1 what you're saying?

2 A. Yes.

3 Q. As a general manager or vice president, you
4 do not have any authority to act, do you?

5 A. Well, I'm not in that position.

6 Q. You have not acted in that position; is that
7 what you're saying?

8 A. I don't have that position.

9 Q. Have you acted and represented yourself as
10 being the vice president or general manager of
11 Community Chapel?

12 A. Not that I know of.

13 Q. Have you told anybody that you have authority
14 to act as a vice president or general manager?

15 A. I've indicated to people that Jack DuBois and
16 I, acting together, have that authority.

17 Q. As members of the board of directors.

18 A. Yes.

19 Q. Have you told anybody that you are acting as
20 a general manager or vice president?

21 A. Me, personally?

22 Q. Yes.

23 A. I don't recall doing that.

24 Q. Who is paying fifteen dollars per hour to you
25 for your services at the present time?

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1 A. Monies from an account that we've set up to
2 take care of the various ministers.

3 Q. Now, this account, is there a name of this
4 account?

5 A. Yeah, the BLM fund.

6 Q. What does the "BLM" in BLM fund stand for?

7 A. Benevolence, Ministerial and Legal.

8 Q. Now, are funds being taken out of the check
9 that you get for withholding tax and FICA tax?

10 A. I don't know yet. I just received the first
11 check yesterday.

12 Q. And that was in the amount of what?

13 A. Twenty-one hundred ninety dollars.

14 Q. Was that the gross amount?

15 A. I think so, yes.

16 Q. And nothing was taken out of that check?

17 A. I don't think so.

18 Q. Have you signed a withholding statement, with
19 regard to your services?

20 A. With who?

21 Q. With anybody, for this twenty-one hundred
22 ninety dollars.

23 A. No.

24 Q. Is this twenty-one hundred dollars being paid
25 to you as a result of services that you performed for

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1 Community Chapel?

2 A. For services as a minister, yes.

3 Q. Are you familiar with requirements for with-
4 holding to be taken out of pay that's paid to
5 employees?

6 A. Yes.

7 Q. And is there a reason that twenty-one hundred
8 dollars did not have withholding and FICA taxes taken
9 out of it?

10 A. First of all, FICA isn't required; but, as
11 far as FIT, I'll pay that myself.

12 Q. Excuse me, what's "FIT"?

13 A. Federal income tax.

14 Q. Now, am I to understand that you're working
15 as a contract person for these funds, or as an
16 employee for these funds?

17 MR. LEACH: If you know.

18 A. I guess I don't know, at this point. I just
19 assumed that I had to make the necessary deductions
20 for FIT myself.

21 Q. (By Mr. Pierce) You are familiar with the
22 requirements for withholding from employes' wages.

23 A. Yes.

24 Q. Is there a reason that funds have not been
25 withheld from your wages?

- 1 A. I don't know.
- 2 Q. Who wrote the check that you received?
- 3 A. Ralph Alskog.
- 4 Q. Did Mr. Alskog also sign the check?
- 5 A. Yes — or, you said authorized it or signed
6 it?
- 7 Q. Who wrote the check, is first what I asked.
- 8 A. I assume he did. I know he signed it; I
9 assume he wrote it.
- 10 Q. And Ralph Alskog is an authorized signer on
11 that account?
- 12 A. Yes.
- 13 Q. Is anybody else an authorized signer on that
14 account?
- 15 A. Russell MacKenzie and Jeff — what's his last
16 name?
- 17 Q. McGregor?
- 18 A. Right. Thank you.
- 19 Q. Is this on the account at Key Bank?
- 20 A. I don't know what bank it's at.
- 21 Q. Did you have any involvement with the setting
22 up of this account?
- 23 A. No.
- 24 Q. Did you have any discussions with any indivi-
25 duals, with regard to this account at — well,

1 wherever the account is located?

2 A. There has been, in times past, yeah, discus-
3 sions of setting up an account.

4 Q. When was the first discussion that you
5 recall, with regard to an account which became known
6 as the BLM fund?

7 A. First part of July, someplace in there.

8 Q. And was this at a meeting of individuals?

9 A. It was at one of our eldership meetings, I
10 think.

11 Q. Do you recall any other discussions, other
12 than the first part of July, taking place?

13 A. I think it came up a couple of other times
14 since then, yes.

15 Q. When is the next time that you recall it
16 occurring?

17 A. I think a week ago, Monday night. The 18th,
18 I think it was, or, you said the 17th was Sunday, so
19 whatever that Monday was.

20 MR. LEACH: The 18th was Monday.

21 Q. (By Mr. Pierce) Was that at an elders
22 meeting?

23 A. Yes.

24 Q. Any other discussions, other meetings that
25 you recall the BLM fund being discussed?

1 A. Yeah, last Monday.

2 Q. That would be July 25?

3 A. Yes.

4 Q. Any other meetings where the BLM fund was
5 discussed?

6 A. Not that I recall right now.

7 Q. What was discussed at this first meeting, in
8 the first part of July, at the elders meeting?

9 A. That, if we were going to still function as
10 ministers and not go out and get other full-time jobs
11 which would take away from our opportunity to
12 minister, that we needed to set up some kind of a fund
13 so that we could still perform our regular duties as
14 ministers.

15 Q. This would be to perform regular duties as
16 ministers for Community Chapel?

17 A. As ministers, yes.

18 Q. For Community Chapel?

19 A. For the people that are attending, our side.

20 Q. But that would be as ministers of Community
21 Chapel?

22 A. We're just ministers, period.

23 Q. Is there an organized church that you're a
24 minister of?

25 A. No, there's an organized church that I am a

1 minister in.

2 Q. Is there an organized church that you're a
3 minister in?

4 A. Yes.

5 Q. And what is that, Community Chapel?

6 A. It's called the elders' side of Community
7 Chapel.

8 Q. Is that a different organization than
9 Community Chapel and Bible Training Center?

10 A. No, it's just another part of it.

11 Q. So, it is a part of Community Chapel and
12 Bible Training Center; is that correct?

13 A. Sure.

14 Q. And it functions under the same bylaws and
15 organization as Community Chapel; is that correct?

16 MR. LEACH: When you say "it," what do
17 you mean by "it"?

18 MR. PIERCE: The elders' group, which is
19 a part of Community Chapel.

20 A. No, I don't think we do function under the
21 old set of bylaws.

22 Q. (By Mr. Pierce) Is there a separate set of
23 bylaws or organizational procedures that you follow
24 for this organization that you refer to as the elders'
25 side of Community Chapel?

1 A. No.

2 Q. You do not follow the bylaws of Community
3 Chapel, but there are no other set of bylaws; would
4 that be a correct statement?

5 A. Well, I'm not sure what parts of the bylaws
6 we may not follow, but there might be some. I just
7 don't know offhand what they would be.

8 Q. Maybe you can explain. Is it because you're
9 not going to follow the bylaws that Donald Barnett —

10 A. Basically, we're not going to follow a court-
11 appointed man to a position of pastor, and a member of
12 the church, when we've disfellowshipped the person.

13 Q. In other words, you do not desire to follow
14 the directions of Donald Barnett.

15 A. Right. And we don't intend to.

16 Q. So you've set up another organization, which
17 will not follow the directions of Donald Barnett; is
18 that correct?

19 A. No, we're just functioning separately.

20 Q. But the separate organization would not
21 follow the directions of Donald Barnett.

22 A. It's not an organization.

23 Q. What is it?

24 A. It's a group of elders.

25 Q. And this group of elders is providing a

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1 paycheck to you.

2 A. Mm-hmm, they are now.

3 Q. For services that you're performing as a
4 minister of Community Chapel.

5 A. As a minister.

6 Q. As a minister in the elders' group of
7 Community Chapel.

8 A. Yes.

9 Q. What other discussions occurred in the elders
10 meeting in the first part of July?

11 A. Is that a general statement or —

12 Q. No, I'm asking what other items occurred,
13 other than whether or not you would still function as
14 ministers.

15 A. I believe there was discussion regarding what
16 to do with the current legal battles and with the
17 Christian Conciliation Service. I think that's the
18 time that happened.

19 Q. Mr. Hartley, there were two meetings out at
20 Christian Conciliation Service that you attended; is
21 that correct?

22 A. Yes.

23 Q. They were on June 30, 1988, Thursday, and
24 July 5, 1988, a Tuesday; is that correct?

25 A. I think so.

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1 Q. And was this meeting that occurred in the
2 first part of July actually on Thursday, June 30,
3 following that meeting at Christian Conciliation
4 Service?

5 A. No. Now that you put it that way, I
6 remember it was before that. It was three days before
7 that.

8 Q. So it would have occurred on Monday, June 27,
9 1988?

10 A. Yes.

11 Q. When you went to the meeting at Christian
12 Conciliation Service, was there a decision already
13 made to set up the BLM fund?

14 A. Yes.

15 Q. Did you have a meeting of the elders on
16 Thursday, July 1, following the Christian Conciliation
17 Service meeting, with regard to a discussion as to the
18 BLM fund?

19 A. No.

20 Q. What was discussed, with regard to the
21 current legal battles, at your meeting with the elders
22 on June 27, 1988?

23 A. I believe just bringing them up to date as to
24 what had transpired, what Judge Burdell had said, and
25 the fact that we were going into some form of media-

1 tion with CCS.

2 Q. Were there any discussions with regard to
3 actions that should be taken by you or Mr. DuBois on
4 behalf of the elders?

5 A. We felt that, if we were going to truly
6 handle this case outside of court, that it needed to
7 be arbitrated and not just mediated.

8 Q. So there was a discussion with regard to
9 requiring that this matter be arbitrated rather than
10 mediation; is that right?

11 A. That's what we would have liked to have had.

12 Q. And you went into the meeting on June 27
13 knowing that the elders group wanted to have arbitra-
14 tion as a requirement for going forward with any ser-
15 vices through Christian Conciliation Service?

16 A. No, that became more of a point the following
17 week, when we discussed it. Before, it had just been
18 discussed in a general way. After that point in time,
19 after that first CCS meeting, then that's when we
20 decided that it needed to be.

21 Q. What else was discussed, with regard to
22 action to be taken by either you or Mr. DuBois on
23 behalf of the elders?

24 A. I don't remember anything else.

25 Q. When was the BLM fund set up after this

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1 meeting of June 27?

2 A. Sometime within the next week or two after
3 that point, and I don't know when.

4 Q. When was the first request for offering to be
5 made, which ended up being deposited into an account
6 for the elders, what we have discussed as the BLM
7 fund?

8 A. Thursday night of the first part of the month
9 of July, or someplace in that area.

10 Q. June 30, 1988, which would be a Thursday
11 night?

12 A. That's probably about it, yeah.

13 Q. And would the funds then have been deposited
14 into this BLM fund shortly thereafter?

15 A. I would assume so.

16 Q. Did you have any discussion with anybody as
17 to who should be in charge of this BLM fund?

18 A. At that point, we had asked Wyman Smalley to
19 handle the BLM fund, I think, yeah.

20 Q. Was anybody else to be involved with the BLM
21 fund?

22 A. Ralph and Russell.

23 Q. What was Mr. Smalley to do, with regard to
24 the BLM fund?

25 A. Just to get it set up.

- 1 Q. How do you mean, "set up"?
- 2 A. Put it in some bank somewhere.
- 3 Q. Was there a discussion, with regard to the
4 person whose social security number would be used on
5 that account?
- 6 A. No.
- 7 Q. Whose social security number of employer
8 identification number is being used?
- 9 A. I don't know.
- 10 Q. Did you discuss that at all with any indivi-
11 duals?
- 12 A. No.
- 13 Q. Was there any discussion as to which bank to
14 use?
- 15 A. Not that I know of.
- 16 Q. Was it all left to Wyman Smalley's decision,
17 as to which bank and which account to use?
- 18 A. I believe it was left up to Wyman and Ralph
19 and Russell and Jeff.
- 20 Q. Was there a group that was appointed to over-
21 see the BLM fund?
- 22 A. Those four people.
- 23 Q. That would be Wyman Smalley, Russell
24 MacKenzie, Jeff McGreggor —
- 25 A. And Ralph Alskog.

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1 Q. And, at some point in time, did Mr. Smalley
2 indicate to you that he did not want to have any
3 further involvement, with regard to the BLM fund?

4 A. Boy, something along that line. I don't
5 recall what it was right now.

6 Q. When did that occur?

7 A. I don't know, a week or two ago. I don't
8 know.

9 Q. Was it after you received your subpoena in
10 this litigation?

11 A. I don't know.

12 Q. I'm going to tell you that the date that the
13 declaration of service will show for delivery of the
14 subpoena to you is July 21. Did you have any conver-
15 sation with Wyman Smalley, with regard to the BLM
16 fund, after July 21, or on the date of July 21?

17 A. No, not that I recall.

18 Q. You did have a discussion with Wyman at some
19 point in time, with regard to the BLM fund and his
20 further participation in that program, or with regard
21 to that account, didn't you?

22 A. As far as I can recall, I only talked to him,
23 like, once or twice way back around the first part of
24 July.

25 Q. Did Wyman ever call you or talk to you in

1 person, provide you a memo or anything which would
2 indicate that he did not want to have further, or take
3 steps on behalf of the BLM fund?

4 A. Wyman never gave me a memo or anything else
5 like that.

6 Q. Did he communicate with you in any manner,
7 directly or indirectly through another person?

8 A. I think he said something to Greg Thiel
9 somewhere a few weeks back.

10 Q. And then Greg Thiel mentioned it to you?

11 A. Yeah, he did. I don't recall what he said,

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Q. Now, your check that you received was signed by — I believe you said Ralph Alskog, and who was the other individual who signed on that check?

A. I think it was Russell.

Q. At the present time, has somebody replaced Wyman Smalley on the group that runs the BLM fund?

A. I don't think Wyman has been replaced.

Q. To your knowledge, how many people are now operating or controlling the BLM fund?

A. Just Ralph, Russell, and Jeff.

Q. And do you get reports back from them, with regard to the BLM fund?

A. No.

Q. Do they tell you what's going on with the BLM fund?

A. No.

Q. Do they tell you where the fund is located?

A. No.

Q. Are you concerned about where it's located?

A. No.

Q. Did you have any discussion with these individuals, with regard to the operation of the BLM fund?

A. Well, at one of the meetings we just said that we would, the group would make decisions regarding disbursements, and that was about it.

1 Q. What standards are set up for disbursements
2 of these funds that are in the BLM fund?

3 A. That's to be decided whenever requests come
4 up.

5 Q. By these three or four individuals?

6 A. No, by the whole group.

7 Q. So, there would not be a disbursement except
8 after a meeting of all of the elders in an elders
9 meeting?

10 A. Yes.

11 Q. And I assume that payment of your paycheck of
12 twenty-one hundred ninety dollars came up at an elders
13 meeting.

14 A. Yes.

15 Q. And when was that?

16 A. Last Monday.

17 Q. Who else received money, or was approved to
18 receive money, at the last elders meeting, which would
19 appear to be July 25, 1988?

20 A. Lenny Peterson, John Bergin, David Motherwell,
21 Jack DuBois, myself, Russell MacKenzie, Greg Thiel,
22 Faye McCalmont.

23 Q. Is Faye a member of the elders group?

24 A. No.

25 Q. What does Faye do?

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- 1 A. She's a counselor.
- 2 Q. And was she a member of the counseling center
3 of Community Chapel prior to June 15, 1988?
- 4 A. Yes.
- 5 Q. What occurred at the elders meeting on
6 July 18, 1988, with regard to the BLM fund?
- 7 A. I don't recall. We may not have discussed
8 it, but we may have. I don't remember.
- 9 Q. What occurred at the elders meeting last
10 Monday, July 25, with regard to the BLM fund, other
11 than the individuals who were to receive money?
- 12 A. The decision was made to pay those people for
13 the hours that they actually worked.
- 14 Q. Anything else?
- 15 A. That Wyman Smalley was to be asked to step
16 down from his position of handling the fund.
- 17 Q. Anything else?
- 18 A. That's all I can remember.
- 19 Q. Why was Wyman Smalley to be asked to step
20 down from handling the funds?
- 21 A. He had made some type of an ultimatum about
22 him, alone, being in control of it, or something like
23 that.
- 24 Q. Up until the meeting of July 25, 1988, was
25 Wyman Smalley still involved as a check signer and

1 being an authorized person on that account?

2 A. I think so.

3 Q. Was Wyman Smalley present on July 25, at the
4 elders meeting?

5 A. No.

6 Q. Is he an elder?

7 A. No.

8 Q. What was the ultimatum that he presented?

9 A. I don't recall right now.

10 Q. Was it in written or oral form?

11 A. I think the ultimatum came orally, from Greg.

12 Q. Excuse me?

13 A. I think the ultimatum came from Greg, orally.
14 I don't recall right now.

15 Q. Did you see any document that would have been
16 prepared by Wyman Smalley?

17 A. I saw a two-page sheet that had an outline of
18 things for the elders to consider.

19 Q. Who prepared this two-page document?

20 A. I'm not sure.

21 Q. Who gave that document to you?

22 A. Ralph Alskog gave me a copy.

23 Q. Is there a person who is in charge of pre-
24 paring an outline for things to be discussed by the
25 elders?

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1 A. No — well, there used to be, but there
2 hasn't been in the last couple of months.

3 Q. Who is in charge of the elders meetings?

4 A. Nobody.

5 Q. Are they held every Monday?

6 A. Right now they have been.

7 Q. If you wanted to discuss something and put it
8 on so that everybody would know what was going to be
9 discussed, who would you contact?

10 A. Nobody.

11 Q. How would you get it onto this two-page sheet
12 so it could be brought to the attention of everybody
13 at the meeting?

14 A. I'm not following that.

15 Q. Am I correct in saying this two-page sheet of
16 items to be discussed by the elders was prepared prior
17 to the meeting for use in the meeting?

18 A. It was a single item. It just had an outline
19 of things regarding — certain things regarding how to
20 handle the BLM fund. I just glanced over it. I
21 didn't even read the thing. I just kind of glanced
22 over it. It basically involved just that one par-
23 ticular item.

24 Q. And was this distributed to all the various
25 individuals at the meeting?

- 1 A. I think everybody probably saw it.
- 2 Q. Did you bring that document today?
- 3 A. No.
- 4 Q. Is the BLM fund and the documents relating to
5 it something that would be covered by the documents
6 relating to Community Chapel?
- 7 A. I would presume so.
- 8 Q. Do you have any documents that relate in any
9 manner to the BLM fund?
- 10 A. No.
- 11 Q. Do you have any documents that relate to any
12 of the elders meetings?
- 13 A. No.
- 14 Q. Who would have documents, with regard to the
15 elders meetings?
- 16 A. Probably nobody.
- 17 Q. Is that because they're normally destroyed?
- 18 A. I don't know what they're doing with them.
- 19 Q. This two-page document, with regard to the
20 BLM fund, who would have a copy of that?
- 21 A. Probably Wyman.
- 22 Q. Anybody else?
- 23 A. I don't know. I threw mine away.
- 24 Q. You don't know who prepared it, though.
- 25 A. I suspect Wyman did. I can't recall right

1 now. Like I said, I just glanced over it. I didn't
2 read it. The time it was handed to me was an
3 inappropriate point in time during the meeting, so I
4 didn't spend much time with it.

5 Q. What other disbursements is the BLM fund
6 going to be used for, other than to pay ministers?

7 A. Well, if there's anybody that needs support
8 and help within the church. It's set up to be benevo-
9 lent to them. And, if there are any legal fees
10 incurred along the way because of us and current liti-
11 gation, we will support that.

12 Q. And have there been disbursements from the
13 BLM fund for legal expenses?

14 A. No.

15 Q. Have there been disbursements for benevolence
16 for the benefit of individuals?

17 A. I don't know.

18 Q. Has it been discussed?

19 A. I think some people have been reimbursed for
20 some expenses they've done, typing or whatever.

21 Q. Do you know who would have been reimbursed?

22 A. I don't recall right now.

23 Q. Would it be your position that the BLM fund
24 does not belong to Community Chapel?

25 A. I don't know.

1 MR. LEACH: Are you talking about the
2 corporation?

3 MR. PIERCE: The corporation, yes.

4 A. No, I don't think it would belong to the
5 corporation.

6 Q. (By Mr. Pierce) Why is that?

7 A. We didn't take it in the name of the
8 corporation.

9 Q. You took it in the name of the elders group
10 of Community Chapel?

11 A. No, we took it in the name of BLM. We just
12 set up a private fund.

13 Q. And the private fund is run by the elders
14 group.

15 A. Mm-hmm.

16 Q. And this elders group would not be respon-
17 sible, in your opinion, to turn over these funds to
18 the corporation.

19 A. No, not at all.

20 Q. Excuse me?

21 A. Not at all.

22 Q. Do you have a reason why you don't think the
23 elders group would be responsible to turn over these
24 funds to the corporation known as Community Chapel
25 and Bible Training Center?

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1 A. They weren't taken under the name of
2 Community Chapel.

3 Q. Is the elders group taking funds for other
4 purposes than for the benefit of Community Chapel?

5 A. Well, there's an offering taken each week for
6 Community Chapel, separately from the BLM fund.

7 Q. I'm not asking you that. I'm asking you, is
8 the elders group taking offerings for the BLM fund
9 for purposes other than Community Chapel and Bible
10 Training Center, the corporation?

11 A. I guess I'm not sure how to answer that
12 question.

13 Q. What is your problem, with regard to
14 answering that question?

15 A. Well, first of all, why don't you re-ask the
16 question.

17 MR. PIERCE: Could you repeat that
18 question, please?

19 (The court reporter read the
20 testimony.)

21 MR. PIERCE: I'll ask it again.

22 Q. (By Mr. Pierce) Is the elders group taking
23 a collection, under the name BLM fund, for purposes
24 other than the Community Chapel and Bible Training
25 Center Corporation and Church?

1 MR. LEACH: If you're having trouble
2 answering, explain why you're having trouble
3 answering. I think that might help.

4 A. Well, it depends on how you're trying to
5 divide the line of Community Chapel. Are you talking
6 about Don's side of it, or our side of it, or the cor-
7 poration's aspect? I'm not sure how you want to
8 define it.

9 Q. (By Mr. Pierce) Is there one Community
10 Chapel Church at the present time or two Community
11 Chapel Churches at the present time?

12 A. There are two.

13 Q. And you do not — you have your own church
14 separate from Community Chapel and Bible Training
15 Center Church; is that correct?

16 A. No.

17 Q. The Community Chapel and Bible Training
18 Center Church is operated and to be directed by Pastor
19 Donald Barnett, pursuant to Judge Bates' order; is
20 that correct?

21 A. No, it's to be operated by the board of
22 directors, which would include Donald Barnett.

23 Q. And you're not to interfere with his func-
24 tions and his duties as a pastor of the Community
25 Chapel and Bible Training Center Church, are you?

1 A. I'm not to interfere with his duties as
2 president.

3 Q. Are you familiar with the provisions of that
4 restraining order that indicated you were not to
5 interfere with his functions and duties as pastor?

6 A. It might say that, I'm not sure. I don't
7 remember right now.

8 Q. Do you need to see the document to refresh
9 your memory?

10 A. Not particularly.

11 Q. Do you recall it saying that, as one of the
12 provisions of the restraining order, that you're not
13 to interfere with his functions and duties as pastor?

14 A. It probably did say that.

15 Q. I mean, I will refresh your memory. I will
16 get the document, if you need to have it.

17 A. No, I'm fine.

18 Q. So you understand that he is the pastor of
19 Community Chapel and Bible Training Center Church,
20 pursuant to that court order?

21 A. Pursuant to a judge's court order. Tech-
22 nically, from that standpoint, yeah.

23 Q. And are you taking any action which would
24 interfere with his functions and duties as the pastor
25 of Community Chapel and Bible Training Center Church?

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1 A. Not that I know of.

2 Q. Do you understand that he is operating as a
3 pastor of the Community Chapel and Bible Training
4 Center Church at the present time?

5 A. I don't know. I assume so. I don't know
6 what he's doing.

7 Q. And you have funds that are being collected,
8 under the BLM fund, for the benefit of Community
9 Chapel and Bible Training Center Church at the present
10 time?

11 MR. LEACH: He's already stated that
12 it's for the benefit of the corporation. He said that
13 he's got to keep these ministers operating. So, he
14 said yes.

15 MR. PIERCE: Different question. Please
16 repeat the question back for the witness.

17 (The court reporter read
18 the testimony.)

19 A. For the benefit of the elders group of
20 Community Chapel, yes.

21 Q. (By Mr. Pierce) Is that a separate church
22 from the Community Chapel and Bible Training Center
23 Church?

24 A. No. In the legal sense, no. In a technical
25 sense, yeah.

1 MR. LEACH: Mr. Pierce, let's make it
2 clear that the court authorized two separate services
3 to be run. Neither one is supposed to be interfering
4 with the other service. You're trying to establish
5 words that will look good in some sort of paper that
6 you're going to file later. But the point of this is
7 that they have two separate services. Pastor Barnett
8 has been taking a legal defense fund for months, and I
9 don't see how this can be construed as anything dif-
10 ferent than what he has done without any objection
11 from anyone.

12 So, we can spend all afternoon here and
13 you can ask the same question 65 times in 65 dif-
14 ferent ways, but you're going to get the same answer.

15 MR. PIERCE: Let's go off the record.

16 (Discussion held off record.)

17 MR. LEACH: I object to any further
18 questions, in regard to the repetitive nature of the
19 questions.

20 Q. (By Mr. Pierce) As I understand the answer
21 to your last question, the funds are being collected
22 for the Community Chapel and Bible Training Center
23 Church at the present time. Is there a reason that
24 they're not being deposited in the Community Chapel
25 and Bible Training Center bank accounts at the present

1 time?

2 A. If that was being done, the answer would be
3 yes, because Don Barnett won't allow any of the
4 ministers to receive a salary. And we need to con-
5 tinue to function as ministers and to take care of the
6 flock, even if he has abrogated his own responsibility
7 to do so.

8 MR. PIERCE: Excuse me. I am going to
9 object as unresponsive.

10 Q. (By Mr. Pierce) I'm trying to find out, if
11 these funds are being collected for the benefit of
12 Community Chapel, why aren't they being deposited into
13 the Community Chapel bank accounts?

14 A. I just answered that.

15 Q. Maybe I didn't understand it. Could you
16 repeat it, please.

17 A. Don won't agree to a distribution of funds to
18 support the ministry.

19 Q. When did you discuss that matter with Donald
20 Barnett?

21 A. I didn't have to. He virtually fired every-
22 body by a reduction in salary down to minimum wage.
23 It was very clear: He wanted everybody out of his
24 hair, off the payroll.

25 Q. Did the provisions of the bylaws, as you

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1 recall, provide for him to set the salary structure
2 for the Community Chapel Church, or for the employees?

3 A. Obviously.

4 Q. And he was not found in contempt for doing
5 that, was he?

6 A. True.

7 Q. Is this another means of finding funds to pay
8 for employees of the church, rather than going through
9 the disbursement from the church bank account?

10 A. We are trying to support the ministers. And
11 we have taken up offerings for their benefit, so that
12 those ministers can be supported.

13 Q. Now, are these gifts that are being made to
14 ministers, or is this in payment of salaries?

15 A. I don't know. That point hasn't been
16 discussed yet.

17 Q. You tell me how you consider your funds.

18 A. I consider it money.

19 MR. LEACH: The question is, to put it
20 another way, are you going to pay income tax on this?

21 THE WITNESS: I think I have to.

22 MR. LEACH: So, it's not a gift.

23 THE WITNESS: No. Not in that sense,
24 no.

25 Q. (By Mr. Pierce) Do you think you meet your

1 responsibilities, as a member of the board of direc-
2 tors of Community Chapel, when funds are being dis-
3 bursed outside of the corporation bank accounts for
4 services being rendered for the corporation?

5 A. That would be predicated on the fact of
6 whether or not those funds were designated for
7 Community Chapel or not.

8 Q. I'm just asking if you feel you meet your
9 responsibilities.

10 A. Yes, I think so.

11 Q. Can you tell us what you believe your respon-
12 sibilities to be, with regard to collecting funds for
13 the operation of Community Chapel and Bible Training
14 Center, in taking offerings for that purpose?

15 A. Well, that's to support the operation of the
16 church, basically.

17 Q. And what have you done to meet your respon-
18 sibilities in that area?

19 A. Well, we've asked the people to give an
20 offering.

21 Q. Anything else?

22 A. We had proposed, back there sometime, in May
23 or June, whenever it was, to Don, of a reduction in
24 force, to try to compensate for that, and nothing ever
25 happened with that.

1 Q. When was the last time you made a request
2 from the parishioners or congregation that's attending
3 the elders services for offering?

4 A. Me, personally?

5 Q. Yes.

6 A. Boy, I don't remember.

7 Q. Would it have occurred in June or July 1988?

8 A. I don't remember.

9 Q. Do you recall anything happening in May 1988,
10 with regard to your requesting members of the congrega-
11 tion that are in the elders group to make an offer-
12 ing for the benefit of King County?

13 A. I don't recall.

14 Q. Do you recall anything occurring in April of
15 1988, where you requested individual members of the
16 elders group congregation to make offerings for the
17 benefit of Community Chapel?

18 A. Well, when you get back that far, someplace
19 in late March or the first part of April, I did, yes.
20 I requested that the people in the congregation con-
21 tinue to give their tithes and offerings.

22 Q. Do you know how much the offerings have been
23 from the members of the congregation who are following
24 the elders, with regard to — that have gone for the
25 benefit of Community Chapel?

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1 A. I have no idea.

2 Q. You must have some idea, don't you?

3 A. Oh, probably on the order of twenty or thirty
4 thousand, maybe.

5 Q. Total?

6 A. Possibly, yeah. I'm not sure. In that
7 general area, maybe.

8 Q. Do you think you have a responsibility to see
9 that they make as great an offering as possible, of
10 tithes and offerings, to be able to support Community
11 Chapel and Bible Training Center?

12 A. Under other normal conditions, yes.

13 Q. Under the present circumstances, you do not
14 believe you have an obligation to do that?

15 A. I've asked them. I'm not going to browbeat
16 them.

17 Q. Under other circumstances, you would make a
18 more fervent pitch for offerings and tithes?

19 A. No, I wouldn't have to because the people
20 more easily give. I wouldn't have to do anything more
21 than what I've done already. It's their choice, what
22 they give, not mine.

23 Q. I'm trying to find out why you have not, as a
24 member of the board of directors, made a further
25 request from the members of the congregation to make

1 offerings and tithes to be able to support Community
2 Chapel and Bible Training Center.

3 A. I haven't needed to do that, personally.
4 Some of the other elders and ministers have already
5 done that.

6 Q. So, have you requested individuals to have
7 members of the congregation who are following the
8 elders group to make fervent pitches or further
9 requests, or to ask for offerings to be made in a
10 greater amount by the members of the congregation?

11 A. Greater amount? No, but I've been in meet-
12 ings where it was discussed, asking the congregation
13 to give, yes.

14 Q. When was the last time you remember that
15 occurring?

16 A. A long ways back.

17 Q. Would that be an elders group meeting?

18 A. Pardon?

19 Q. Would that be an elders group meeting?

20 A. I don't remember.

21 Q. What meetings were held to discuss the
22 offerings request?

23 A. Well, you say meetings were held to discuss.
24 That doesn't necessarily mean that happened. Some-
25 times you have a meeting and somebody brings something

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1 up. That's different. I just know it's been dis-
2 cussed. We said that we must continue to ask the
3 people to give, and they were asked to give.

4 Q. And that, to the best of your memory, was the
5 end of March and the first part of April?

6 A. That's when I did it, myself.

7 Q. When did anyone else do it, to your knowl-
8 edge?

9 A. I don't know.

10 Q. Do you know of any occasions where it's been
11 asked, after the first part of April up to the present
12 time, for members of the congregation to give a
13 greater amount of tithes and offerings for the benefit
14 of Community Chapel?

15 A. Something was said the first two or three
16 weeks of July, regarding giving, but I don't recall
17 what was said.

18 Q. Were you involved in making any of those
19 requests?

20 A. I don't think so, but I don't recall. I
21 don't think I did.

22 Q. Were you involved in any discussions among
23 other individuals, as to what to ask or to tell the
24 congregation at a service meeting?

25 A. The only thing I recall is that it was

1 discussed to the congregation to continue to give.
2 And that's the only thing I can recall.

3 Q. Do you think that the ability of the congre-
4 gation to give to Community Chapel and Bible Training
5 Center for their offerings and tithes would be
6 affected by the amount that they give to the BLM fund?

7 A. I don't know.

8 Q. Do you have any ideas?

9 A. They probably wouldn't be as willing.

10 Q. Let me ask you how much you've given, in the
11 way of offerings and tithes, in the year 1988, to
12 Community Chapel and Bible Training Center.

13 A. I don't know, a few thousand dollars.

14 Q. Let me ask, since March 15, 1988, how much
15 have you given in the way of offering and tithes to
16 Community Chapel and Bible Training Center?

17 A. Probably nothing.

18 Q. So all of your offerings and tithes would
19 have occurred prior to March 15, 1988, for the calen-
20 dar year 1988.

21 A. Yes.

22 Q. Is there a reason you haven't given any
23 offerings and tithes since March 15, 1988, to the
24 Community Chapel and Bible Training Center?

25 A. Yes.

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1 Q. What's that?

2 A. Well, after the court appointed Donald
3 Barnett to the position as president, and messed up
4 the whole church corporation that way, I saw no reason
5 for me to personally support it, as long as he was
6 going to have a say-so in the direction. And, until
7 he leaves or we leave, there's no sense in giving
8 money to that. That's my own personal choice.

9 Q. Do you think your personal choice not to give
10 money to Community Chapel, do you believe that
11 conflicts with your obligation to seek the greatest
12 amount of offerings and tithes for the benefit of
13 Community Chapel, as a director?

14 A. No.

15 Q. Is there an amount of funds that are neces-
16 sary for individual members of Community Chapel to
17 give, in the way of tithes and offerings?

18 A. Say that again?

19 Q. Is there a minimal amount of offerings and
20 tithes which individual members of Community Chapel
21 are to give for the benefit and support of their
22 church?

23 MR. LEACH: You mean by way of obliga-
24 tion?

25 THE WITNESS: Or request.

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1 MR. PIERCE: In any manner.

2 A. Well, they're requested to give a tithe and
3 an offering.

4 Q. (By Mr. Pierce) Do they have a respon-
5 sibility to give an offering and tithe to support
6 their church?

7 A. Responsibility to who?

8 Q. To the church.

9 A. No.

10 Q. Are there any standards that are set up for
11 the amount of offerings and tithes for members of
12 Community Chapel to give to support their church?

13 A. Yeah, a tithe and an offering.

14 Q. And what is a tithe and offering?

15 A. A tithe is ten percent, and an offering is
16 anything you want.

17 Q. Is that the standard that is used, ten per-
18 cent of your income to be given to support Community
19 Chapel and Bible Training Center?

20 A. As a guideline to give to the church of God,
21 yeah.

22 Q. And, at the present time, you have decided
23 not to make a tithe of ten percent of your income?

24 A. Mm-hmm, that's right.

25 Q. And the reason is that you do not wish to

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support the church, financially?

A. No, I wish to support the church; I'm just not going to support the church while it's being run by Donald Barnett.

Q. You're not going to support the church financially while it's being run by Donald Barnett; is that right?

A. Right.

Q. Are you going to support the church in your representative capacity as a director while Donald Barnett is in charge?

A. I'm not required to pay money to the church.

Q. We're onto some issue other than finances right now. I'm not talking finances right now.

A. Oh, I'm sorry. What did you say, then?

MR. PIERCE: Would you repeat that question.

(The court reporter read the testimony.)

A. I still don't understand the question.

Q. (By Mr. Pierce) Do you feel you have an obligation to support the church in your fiduciary capacity, as a director, while Donald Barnett is the president?

A. Only as long as there is litigation. If, at

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1 some time in the future, Don wins the litigation, it
2 is all his; and, if sometime in the future we win,
3 it's all ours. And that will be decided at that time.

4 Q. Can you explain to me what this "all his"
5 versus "all ours" concept is that you just discussed?

6 A. I presume that some day we're going to have a
7 trial. And, at that trial, a decision will be made.
8 And either they are going to uphold the action that we
9 took or they're going to shoot it down. That will end
10 the whole thing.

11 Q. And if they uphold the action that you took,
12 then "all ours" means that it would go all to the
13 elders group?

14 A. Yes.

15 Q. And, if they uphold the Donald Barnett posi-
16 tion, it would all go to him?

17 A. Yes.

18 Q. Now, this has a concept of something other
19 than a corporation church. It sounds like, you know,
20 he wins or we win; is that correct?

21 A. I guess I'm not sure where you're coming
22 from.

23 Q. What I'm trying to understand is why it's a
24 "if Donald Barnett wins or we win" type of —

25 A. Isn't that what the judge is going to decide?

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1 Q. Okay. I was just trying to understand. If
2 Donald Barnett was not involved with Community Chapel
3 and Bible Training Center at the present time, or
4 since March 15, 1988, would the actions you've taken
5 as a director be different?

6 A. Yeah, I'm sure there would be lots of them.

7 Q. Would you have asked for offerings and tithes
8 under the financial circumstances that the corporation
9 church is in at the present time?

10 A. That's what we already did, yes.

11 Q. Well, I mean, would you be making a more fer-
12 vent pitch?

13 A. Possibly. It would depend on the financial
14 situation, where we were at, what we had to do.

15 Q. I'm talking about the same amount of finances
16 that the church had at all these different services,
17 and assuming that it had all of the same amount of
18 money in its coffers at that time.

19 A. We probably wouldn't have had to ask them,
20 because they would have voluntarily given more because
21 they were giving to something they could believe in.

22 Q. That's assuming that they would giving on a
23 voluntary basis.

24 A. Oh, they always give on a voluntary basis.
25 They don't owe anybody anything.

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1 Q. Going back to this July 25, 1988, meeting of
2 the elders and the discussion of this two-page docu-
3 ment, what was on this two-page document for discus-
4 sion?

5 A. As I said before, I don't recall. It had
6 something to do with the BLM fund; but, at the time I
7 remember seeing it, I don't recall. I think that
8 decision had already been made to ask Wyman to step
9 down.

10 Q. Prior to July 25?

11 A. You said July 25, didn't you?

12 Q. Yes. You said the decision was already made
13

14 A. At that meeting. In other words, at some
15 point in that meeting. I don't recall right now.
16 But, when it came to me, I was talking to somebody
17 else, I glanced at it, I didn't read it that well.

18 Q. Have you discussed alternatives for litiga-
19 tion with the elders group since June 15, 1988, or
20 members of the elders group?

21 A. What do you mean by "alternative"?

22 Q. Have you discussed litigation with members of
23 the elders group since June 15, 1988?

24 A. Mm-hmm.

25 Q. What has been discussed with them?

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1 A. Keeping them up to date as to what has been
2 happening.

3 Q. Have there been discussions as to what to do
4 in the future?

5 A. Some.

6 Q. What's been discussed, as to what to do in
7 the future, with members of the elders group?

8 A. Oh, the action that Judge Burdell took, as
9 far as requiring us to have mediation and discussing
10 what was going on at CCS; the fact that we were prob-
11 ably going to end up back in court again; the fact
12 that you told the judge that we were then in discus-
13 sions, which, to me, I felt at the time that you were
14 probably lying. But I took you at your word and I
15 drafted a letter, gave it to Jim, and we both drafted
16 a new draft of the letter and sent it over to you,
17 regarding negotiations. And apparently, the last
18 week, you haven't bothered to answer it. We've
19 discussed that.

20 Most of it, we did take on an as-it-
21 happens basis because we sure don't know what's going
22 to happen tomorrow.

23 Q. What did you discuss with the elders group to
24 do in the future, with regard to litigation, since
25 June 15, 1988?

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1 A. Well, we're going to continue holding to the
2 position we've held since March 4.

3 Q. Did you discuss with any members of the
4 elders group what steps would be taken in the future?

5 A. Yeah, we discussed whether or not it was a
6 good idea to get a permanent judge; who and if we
7 should depose anybody; whether or not we should press
8 for contempt of court charges against Don; and then
9 the basic outline of that letter, as far as the start-
10 ing point for negotiations.

11 Q. You mentioned something earlier that I had
12 "told the judge that" in discussions. What are you
13 talking about?

14 A. Well, I understood it that, the day you were
15 on a three-way conversation with Judge Burdell and Jim
16 Leach, that you told — or the judge asked you why the
17 mediation broke down and you guys talked about it, and
18 he said, "What are you guys doing about it?" And you
19 said, "Well, we're still in negotiations." And Jim
20 responded in some way indicating surprise at that,
21 because, to his knowledge, you weren't in negotia-
22 tions. You indicated to the judge we were doing
23 something that we weren't.

24 Q. You weren't present for that conversation.

25 A. No.

1 Q. So you don't know what occurred at that time,
2 do you?

3 A. No, not firsthand.

4 Q. So you've told individuals at worship ser-
5 vices that — excuse me. Did you tell individuals at
6 worship services that Rodney Pierce lied to Judge
7 Burdell?

8 A. I don't recall doing that.

9 Q. Did you tell anybody at the elders group
10 meeting that Rodney Pierce lied to Judge Burdell?

11 A. Yeah, I think I said that it sounded to me
12 like Rodney did lie.

13 Q. But you didn't have any actual knowledge of
14 that, did you?

15 A. Not firsthand.

16 Q. Did you make any mention of that to members
17 of the congregation of the elders group?

18 A. I don't recall right now.

19 Q. At a Sunday service, on July 24, 1988, did
20 you tell members of the congregation of the elders
21 group that Rodney Pierce lied while discussing things
22 with Judge Burdell?

23 A. I don't know.

24 Q. Do you have tapes of those worship services,
25 Mr. Hartley?

1 A. That Sunday's? Yes.

2 Q. And those are located where?

3 A. At my house.

4 Q. And can those be produced immediately?

5 A. Mm-hmm.

6 Q. When could I expect to pick those up from
7 your counsel's office?

8 A. I could mail them to you today.

9 Q. I'll pick them up from your counsel's office
10 as soon as you make them available to him.

11 A. Okay, I'll give them to him tomorrow.

12 MR. PIERCE: Counsel, can I come up to
13 your office tomorrow and pick those up? Or, we're
14 having depositions tomorrow, Counsel, so will we be
15 able to have those delivered to us at that time?

16 MR. LEACH: Why don't we have the depo-
17 sition in our office? It would be a lot more comfort-
18 able.

19 THE WITNESS: Can I vote for that?

20 MR. PIERCE: Would it be possible to
21 have those tapes tomorrow?

22 MR. LEACH: If I have them, you'll have
23 them.

24 Q. (By Mr. Pierce) "Discussed with members of
25 the elders group a permanent judge"; is that correct?

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1 A. Yes.

2 Q. What was discussed?

3 A. Just the fact that it was an idea that we
4 felt we should pursue.

5 Q. Were there a number of individuals who voted
6 for it or against it?

7 A. It wasn't voted on.

8 Q. Was it just a report to the elders group of
9 discussions with your attorney?

10 A. To talk with the attorney about, yes.

11 Q. Was there any discussion, with regard to the
12 pros and cons of that?

13 A. I think it was generally thought that it was
14 probably a good idea

1 taken with the elders group?

2 A. I don't recall any specific names, other than
3 Don or maybe Scott Miller.

4 Q. Did the elders group recommend that deposi-
5 tions be taken?

6 A. No, it was just a discussion.

7 Q. Since March 15, 1988, have you discussed with
8 any members of Community Chapel elders group recommen-
9 dations of your attorneys, with regard to this litiga-
10 tion?

11 MR. LEACH: Since when?

12 MR. PIERCE: March 15, 1988.

13 A. Possibly. I don't know.

14 Q. (By Mr. Pierce) Do you recall any discus-
15 sions at all with them?

16 A. Not off the top of my head, no.

17 Q. Was there any discussion, with regard to
18 recommendations as to the appointment of a permanent
19 judge?

20 A. With who?

21 Q. The elders group.

22 A. We just went through that.

23 Q. I'm asking if there was any discussion with
24 the elders group of the recommendations of your coun-
25 sel, with regard to the —

1 MR. LEACH: I would object to that and
2 direct him not to respond, because what I've directed
3 and discussed with him is privileged material.

4 MR. PIERCE: I have no doubt about
5 that, so I'm not asking what he discussed with you.
6 I'm asking if he's repeated what you've discussed with
7 third parties.

8 MR. LEACH: Okay.

9 Q. (By Mr. Pierce) Have you repeated the
10 discussions with Jim Leach with third parties; for
11 example, members of the elders group?

12 A. Mm-hmm.

13 Q. What have you discussed with these third par-
14 ties that would have occurred in your meetings with
15 Jim Leach?

16 MR. LEACH: I will object to that.

17 Q. (By Mr. Pierce) Go ahead and answer.

18 MR. LEACH: No, I'm directing him not to
19 answer. I have directed him not to divulge the con-
20 versations that he has had with me and which he has
21 told to the members of the eldership.

22 MR. PIERCE: I want to have the discus-
23 sions that he's had with the members of the eldership
24 group. I do not want the discussions that occurred
25 with you, Counsel. I don't want him to tell me one

1 thing that occurred between you two. I do want to
2 know what he's told the members of the elders group.

3 MR. LEACH: And I'm directing him not to
4 tell you in this deposition what he has told them that
5 I have said.

6 MR. PIERCE: It may not be accurate. He
7 may have lied to them. I'm not going to ask you whe-
8 ther that's true or correct. I want to make it clear,
9 so that when I ask the court to compel the answers to
10 these questions, that I'm not asking him what has
11 occurred in the discussions between you and him. Do
12 you understand that?

13 MR. LEACH: And if he is accurate, he is
14 telling what I have told the elders group. That's
15 privileged material and I'm telling him that he is
16 entitled to privilege and advising him to claim it.

17 MR. PIERCE: And how long does that
18 privilege last, Counsel? Is there any time you can
19 waive that privilege?

20 MR. LEACH: Well, it's waived in lots of
21 different ways. If it gets beyond the elders group,
22 if he tells the congregation what I've said, those
23 sorts of things, then it's no longer privilege.

24 MR. PIERCE: Are you representing the
25 elders group?

1 MR. LEACH: I am representing Jack
2 DuBois and E. Scott Hartley, as defendants in this
3 case.

4 MR. PIERCE: Are you representing mem-
5 bers of the elders group?

6 MR. LEACH: I don't think that any of
7 them have any lawsuits going that I need to represent
8 them on.

9 MR. PIERCE: Obviously, if he went out
10 and told Jim Johnson, who has no relationship, what
11 your discussions were, would you agree that he's lost
12 his privilege?

13 MR. LEACH: I would say that.

14 MR. PIERCE: And, if he tells the mem-
15 bers of the elders group, does he lose his privilege?

16 MR. LEACH: That depends. In the Upjohn
17 case, the United States versus Upjohn, as long as
18 these discussions are within the elders, administra-
19 tive group, the employees and the ministers of the
20 group, then he does not lose the privilege.

21 Q. (By Mr. Pierce) Are any members of the
22 elders group employees of Community Chapel at the
23 present time?

24 A. No.

25 Q. Are any members of the elders group, other

1 than you and Jack DuBois, directors of Community
2 Chapel at the present time?

3 MR. LEACH: You mean members of the
4 board of directors.

5 MR. PIERCE: Members of the board of
6 directors of Community Chapel and Bible Training
7 Center at the present time.

8 A. Other than Don being established there by the
9 judge, just the three of us.

10 Q. (By Mr. Pierce) I'm asking you, are there
11 any other members of the elders group, other than you
12 and Jack DuBois, who would be a member of the board of
13 directors of Community Chapel?

14 A. No.

15 MR. PIERCE: Let the record reflect that
16 Mr. Hartley has decided to leave the deposition room
17 for purposes of a bathroom break.

18 (Pause in proceedings.)

19 Q. (By Mr. Pierce) Mr. Hartley, are members of
20 the elders group all ministers of Community Chapel?

21 A. They're ministers, yes.

22 Q. Ordained ministers?

23 A. Mm-hmm.

24 Q. Are there any individual members of the
25 elders group who are not ministers?

1 A. Jeff McGregor sometimes comes to a meeting
2 and he's not.

3 Q. And Jeff McGregor has been at all the meet-
4 ings involving the BLM fund, hasn't he?

5 A. Yes. I think so, yes.

6 Q. What's Jeff McGregor's relationship to
7 Community Chapel and Bible Training Center at the
8 present time?

9 A. Right now, I guess all he does is handle the
10 bulletin for us and then he — if we were writing
11 anything, he would be editing it. And as a signatory
12 on the BLM checks.

13 Q. He's not being paid any money from the BLM
14 fund, is he?

15 A. I don't think so.

16 Q. He's volunteering his services for the bene-
17 fit of Community Chapel at the present time; is that
18 correct?

19 A. The last time I heard, that's what I heard
20 him say.

21 Q. Was he present at these elders meeting on
22 July 18 and July 25, 1988?

23 A. He was on the July 25th one. I don't recall
24 on the 18th.

25 Q. At the July 25 meeting, without referring to

1 what you said, did you discuss with the members of the
2 elders group recommendations that Jim Leach had made
3 to you?

4 A. Yes.

5 MR. PIERCE: Counsel, it appears that
6 individuals there are not directors, not employees.
7 And even Jeff McGreggor, who is not an employee or
8 even a minister, has been present at these discus-
9 sions. Do you want to change your opinion, now?

10 MR. LEACH: No, I still believe the same
11 principle applies. And I still direct him about
12 privilege.

13 A. We consider Jeff McGreggor to be a minister.
14 That's why he's been asked to attend some of these
15 meetings.

16 MR. LEACH: One other question,
17 Mr. Hartley: Before the unfortunate termination of
18 the staff, what was Mr. McGreggor's position?

19 THE WITNESS: He was the editor of
20 publications.

21 Q. (By Mr. Pierce) Did Mr. McGreggor resign?

22 A. From his paid position, yes.

23 Q. Did you resign from your position?

24 A. Only my paid position.

25 Q. And your paid position was as what?

1 A. A little bit of everything.

2 Q. Explain to us what your paid position was.

3 MR. LEACH: What was your title?

4 MR. PIERCE: I'm not asking him his
5 title. I want to know what his paid position was, the
6 position he resigned from.

7 A. Well, I didn't resign from the function, I
8 resigned from the pay. As a minister, I function in
9 the church. And I was also privileged enough to be
10 paid to carry out that function.

11 Q. (By Mr. Pierce) You also performed in the
12 counseling center as a counselor.

13 A. Sure.

14 Q. Did you resign as a counselor at Community
15 Chapel?

16 A. No.

17 Q. When you say you resigned, I don't quite
18 understand what you mean. Can you tell us?

19 A. I resigned my paid position. I didn't resign
20 my functioning position.

21 Q. So, instead of being paid, you would be a
22 volunteer and doing the same thing?

23 A. Mm-hmm.

24 Q. And, for volunteers of Community Chapel, who
25 should direct the operation of these individual

1 volunteers?

2 A. Who should direct it?

3 Q. Yes.

4 A. Any combination of two of the board of
5 directors could.

6 Q. The board of directors is not normally
7 involved in the operation of Community Chapel, either
8 in the church or in the corporation itself.

9 A. Not normally, but can be and should be.

10 Q. The bylaws provide that the board of direc-
11 tors is not to be involved at all in the church; is
12 that correct?

13 A. I don't think so.

14 MR. LEACH: Mr. Pierce, I note that you
15 have taken out the bylaws of the corporation, and this
16 is about the third or fourth deposition we've had with
17 Mr. Hartley where you've reviewed the bylaws with him,
18 and I think we know what the bylaws say, if that's
19 what you're going to ask him about.

20 MR. PIERCE: Now, Counsel, you're incor-
21 rect. This is not the third or fourth. There has
22 been separate litigation commenced by Mr. Hartley to
23 dissolve the corporation, where that action was
24 dismissed by the Superior Court. This is different
25 litigation, in which I'm meeting and discussing with

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1 Mr. Hartley the terms of the bylaws.

2 MR. LEACH: I don't think the bylaws
3 have changed since the last time we reviewed them in
4 another deposition.

5 MR. PIERCE: That may be.

6 (Exhibit No. 1 was marked
7 for identification.)

8 Q. (By Mr. Pierce) Mr. Hartley, I show you what
9 has been marked as Exhibit 1 to your deposition in
10 this litigation, which appears to be bylaws of
11 Community Chapel, admitted as of April 6, 1988. Could
12 you review that document and tell me if I'm correct.

13 A. It appears that way.

14 Q. Is that your signature on the third to the
15 last page of that document?

16 A. Yes.

17 Q. Would it be correct to say that Article 11 on
18 Page 6 of the bylaws provides that the board of senior
19 elders shall have no power to infringe upon the
20 pastoral rights and authority listed in the bylaws?

21 If you need the remaining portion of the
22 bylaws, please take a look at the entire document, in
23 toto, to answer the question. If you need additional
24 time, please say so and that additional time will be
25 provided to you.

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1 A. No, I don't need more time, it's just that
2 that's just one point.

3 Q. Does that Article 11 on Page 6 provide what I
4 indicated?

5 A. As far as pastoral rights, yeah.

6 Q. Would there be anything that would give the
7 board of directors power over those pastoral rights,
8 as set out in the bylaws?

9 A. Mm-hmm.

10 Q. What is that, Mr. Hartley?

 A. Section 2, Article 1, It says (Reading)

1 Q. Which provides what?

2 A. It says: (Reading) The board of senior
3 elders shall direct the corporation in such matters as
4 — and it lists a bunch of them.

5 Q. Anything else?

6 A. Division 1, Section 4, Article 10.

7 Q. Provides what?

8 A. That the board of senior elders have
9 authority to overturn action of division heads and
10 managers, et cetera.

11 Q. Anything else?

12 A. Oh, that's probably enough.

13 Q. Excuse me. Are there any other provisions
14 that gives you control over the pastoral rights, as
15 set out in the bylaws?

16 A. As a member of the board of directors, I
17 can't see anything here at this point. But, if we're
18 talking about a vice president or general manager or
19 deacon board or other such things, there sure is.

20 Q. Other than what you've provided to me at the
21 present time, Mr. Hartley, do you have in your
22 possession or your control Item Number 2 of the sub-
23 poena duces tecum: "Any and all documents represent-
24 ing or relating in any manner to any type of meeting,
25 relating to any one of the defendants in this

1 litigation"?

2 A. Not that I know of. I'll have to take a
3 look. When do I get my other stuff back?

4 MR. PIERCE: Let's go off the record.

5 (Discussion held off record.)

6 Q. (By Mr. Pierce) Do you have in your posses-
7 sion and under your control any of the documents iden-
8 tified as Item Number 3 of the subpoena duces tecum,
9 which is: "Any and all documents representing any
10 type of correspondence or communication to or from
11 any one of the defendants in this litigation repre-
12 senting or in any way relating to the Community Chapel
13 Bible Training Center from January 1, 1987, to the
14 present"?

15 A. No, I don't have anything else.

16 Q. Has anybody written to you, with regard to
17 Community Chapel, that's not in the documents which
18 you provided to me?

19 A. Not that I have possession of any more.

20 Q. Who would you have given those documents to?

21 A. There have been lots of things I've thrown
22 away.

23 Q. If you didn't throw them away, would you have
24 transferred any documents to any third party?

25 A. No.

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1 Q. Where is the check that you received from the
2 BLM fund?

3 A. I cashed it.

4 Q. Did you take it to the bank on which it was
5 drawn to have it cashed?

6 A. No.

7 Q. Did you take it to your own bank?

8 A. Mm-hmm.

9 Q. Was that a separate bank than the bank upon
10 which it's drawn?

11 A. I didn't look at it to see which bank it was
12 drawn on.

13 Q. That's what I was trying to find out, if it
14 was different. Which is your bank?

15 A. First Interstate.

16 Q. Do you have any of the documents identified
17 in the subpoena duces tecum, Item Number 4, which is,
18 "Any and all documents, including bank statements,
19 deposit records, giving records, receipts, relating in
20 any manner to offerings, gifts, or the transfer of any
21 checks or other forms of money by any individual at
22 worship services or resulting in any manner from
23 worship services held by elders of Community Chapel
24 from June 15, 1988, up to the time of deposition,
25 including but not limited to monies given or otherwise

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1 transferred to or for the benefit of the BLM fund or
2 individuals in control thereof"?

3 A. I have nothing.

4 Q. Who has the check register and bank statement
5 for this account?

6 A. Either Wyman or Ralph or Russell, but pro-
7 bably one of the first two.

8 Q. And these first two individuals, Ralph or
9 Wyman, would be a part of the group which you direct
10 and control; is that correct?

11 A. That I control?

12 Q. That you direct or control.

13 A. I don't recall the group at all.

14 Q. Are you a member of the elders group which
15 directs or controls this small group that controls
16 the BLM fund?

17 A. Yes.

18 Q. And did you ask them, upon receipt of the
19 subpoena, to provide those documents to you so that
20 you could respond appropriately to this deposition?

21 A. No, I didn't. They are not under my control.

22 Q. Under whose control are they?

23 A. Wyman's or Ralph's.

24 Q. And then Wyman and/or Ralph is under whose
25 direction?

1 A. The group of elders.

2 Q. And do I have to subpoena all fifteen members
3 of the elders group to have one document brought down
4 here, or can I subpoena you, Mr. Hartley, to have that
5 document brought down here?

6 A. Subpoena Wyman. You did. He's on his way
7 down today.

8 Q. I'm asking you, other than subpoenaing the
9 individual holder thereof, do I have to subpoena all
10 fifteen members of the elders group to get the
11 documents that are under the control of the elders
12 group?

13 A. I haven't looked at it that way before, but
14 if you're expecting me to gather up that information
15 that's in the direct possession of somebody else, I
16 could make that attempt and gather that information.

17 Q. Do you have any documents that would be
18 responsive to the subpoena duces tecum, representing
19 any and all documents relating in any manner to any
20 meeting or action taken as a result of any meeting of
21 any elders of Community Chapel from March 1, 1988, to
22 the time of this deposition?

23 A. No.

24 Q. Do you have any documents which would be in
25 response to Paragraph 6 of the subpoena that was

1 served on you, that being: "Any and all curriculum
2 and other documents relating in any manner to the
3 Community Chapel Christian School, past, present or
4 future, and any proposed Christian school for the
5 Fall by the senior elders or elders of Community
6 Chapel"?

1 of the original or copies of documents involving the
2 Community Chapel Christian School from Community
3 Chapel property?

4 A. No.

5 Q. Are these documents that you refer to located
6 on Community Chapel property or off Community Chapel
7 property?

8 A. I would assume off. I don't know.

9 Q. Do you have any information provided to you
10 as to the location of any of these documents involving
11 the Community Chapel Christian School?

12 A. No.

13 Q. Would any of these documents have been used
14 in a proposed Christian school for this Fall?

15 A. I don't know.

16 Q. Did you in any way communicate with any third
17 parties about the proposed Christian school to com-
18 mence any time in the future?

19 A. Nothing, other than just the generalized hope
20 that we could do something. Nothing specific.

21 Q. Did you communicate with any individuals
22 about it?

23 A. I think so.

24 Q. Who did you discuss it with?

25 A. I discussed it once with Lenny Petersen. I

1 think I talked with Barb Pfaff once. I'm not sure. I
2 can't remember now.

3 Q. Excuse me, who?

4 A. Barb Pfaff.

5 Q. Anyone else?

6 A. The question had to do with -- referring to
7 as far as having a Christian school?

8 Q. Did you discuss a Christian school with any
9 individuals after April 1, 1988?

10 A. I think once with Jerry Slaminski, but I
11 think he spoke with me.

12 Q. Is that different, in your understanding
13 about a discussion, as to whether or not they
14 discussed it with you or you discussed it with them?

15 A. No. It's been so many months back that I
16 just don't remember if he called me or I called him.

17 Q. In a recent bulletin put out by the elders
18 group, there was a reference to a Christian school
19 and for contact to be made with Mr. Scott Hartley. Do
20 you recall that?

21 A. Mm-hmm.

22 Q. This was a Christian school that would not be
23 under the direction of Donald Barnett; is that
24 correct?

25 A. Yes.

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1 Q. What was the concept that you were referring
2 to in the bulletin, where the school would not be
3 under the direction of Donald Barnett?

4 A. I just wanted to see if there was an interest
5 out there to set up a Christian school.

6 Q. Would this be a Christian school that would
7 be set up outside of the Community Chapel and Bible
8 Training Center?

9 A. I don't remember that part of the discussion.
10 I just wanted to find out how much interest there was.

11 Q. Did you intend it to be a Christian school
12 that would be set up outside of Community Chapel and
13 Bible Training Center?

14 A. It never got that far in my discussions or
15 thinking.

16 Q. Did you ever discuss the Christian school
17 with Debby Stutzman after April 1, 1988?

18 A. Only in the context of what she was doing
19 over there; never as far as the future, having a
20 Christian school.

21 Q. Did you discuss with her the copying of the
22 curriculum and other documents at Community Chapel?

23 A. She asked me whether or not she had a right
24 to make copies, and I said she did.

25 Q. Did she discuss with you what she was going

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1 to do with the copies of these documents?

2 A. No.

3 Q. Did she discuss with you removal of these
4 original or copies from Community Chapel property?

5 A. I don't think she discussed it with me, but I
6 presume that she would obviously keep the copies.
7 That would be my impression.

8 Q. If she removed original or copies of docu-
9 ments relating to Community Chapel Christian School,
10 would that have been done without your knowledge, con-
11 sent and ratification?

12 A. Could it have been done that way?

13 Q. If it had been done, would it have been done
14 without your knowledge, consent and ratification?

15 A. It could have been done that way, yeah.

16 Q. If she did it, you would not have ratified or
17 discussed that matter with her at all, would you?

18 A. How do you answer a question like that when
19 it didn't happen?

20 Q. Are you sure that it didn't happen?

21 A. I don't recall it happening.

22 Q. You understood that she was making copies of
23 documents for her own self.

24 A. She asked me way back, probably six months or
25 so ago, about making copies of things.

1 Q. After the disfellowship of Donald Barnett,
2 did you discuss her making copies of any of these
3 documents?

4 A. I think she called one other time and asked
5 about the legality of it, and I said you have no
6 problem in having the right to a copy.

7 Q. Of Community Chapel property?

8 A. She told me they were things she had designed
9 and built and made over the years.

10 Q. Has anybody told you that Community Chapel
11 curriculum, or other documents relating to the
12 Christian school, have been taken off of Community
13 Chapel property?

14 A. I just found out the other day that John
15 Koppang had made copies of some of the Bible college
16 teachers' notebooks.

17 Q. We'll get to the Bible college in just a
18 minute. I'm asking with regard to the Christian
19 school.

20 A. Oh.

21 Q. Has there been any discussion with any indi-
22 viduals about originals or copies of documents being
23 removed from Community Chapel property?

24 A. Well, way back in March people asked me about
25 originals and I told them they couldn't touch anything

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1 and to leave them alone.

2 Q. Any other discussions about the removal of
3 the originals or copies of any document relating in
4 any manner to the Community Chapel Christian School
5 curriculum or other documents?

6 A. I don't recall anything.

7 Q. Do you have any documents which would be
8 responsive to the subpoena duces tecum, Paragraph 7,
9 which asks for you to bring: "Any and all documents
10 relating in any manner to any and all surveys taken by
11 elders or ministers or at worship services of
12 Community Chapel"?

13 A. I don't have any of that information.

14 Q. Were there surveys taken?

15 A. Yes.

16 Q. And where are the documents that would be
17 reflective of that survey?

18 A. I don't know.

19 Q. Did those documents ever come into your
20 possession?

21 A. I saw the blank survey.

22 Q. Other than the blank survey, did you see any
23 of the results or an accumulation of information or
24 summary sheets or actual surveys —

25 A. I heard some of the results. I didn't see

1 what the results were on paper.

2 Q. Did you discuss the surveys with any
3 individuals?

4 A. Mm-hmm.

5 Q. Who did you discuss the surveys with?

6 A. With the rest of the elders.

7 Q. And what were the results of the surveys?

8 A. I'd have to have the survey in front of me to
9 try to remember those questions. I don't remember.

10 Q. And where is the survey so we can actually
11 discuss that at this deposition?

12 A. I have no idea.

13 Q. Who took the surveys?

14 A. Russell MacKenzie did.

15 Q. Who received the results from the survey?

16 A. Russell MacKenzie.

17 Q. Do you know if those documents are still in
18 existence?

19 A. I have no idea.

20 Q. Were they destroyed at all?

21 A. I don't know.

22 Q. Did those surveys indicate a desire of
23 individual members of Community Chapel to leave the
24 services of the elders and move off campus?

25 A. There was a question similar to that.

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1 Q. Do you know what the result of that question
2 was?

3 A. I don't recall.

4 Q. Would Russell MacKenzie have that
5 information?

6 A. I would assume so. I don't know.

7 Q. Did Russell MacKenzie provide that infor-
8 mation to you?

9 A. He discussed a few of the facts at one of the
10 elders meetings. In fact, he said —

11 Q. Was this an authorized action on behalf of
12 the elders group?

13 A. No.

14 Q. Was this something that Russell MacKenzie did
15 on his own?

16 A. Yeah.

17 Q. Did you at any time approve of his actions in
18 taking the survey?

19 A. No.

20 Q. Was he chastised for taking those steps and
21 seeking a survey?

22 A. Yeah.

23 Q. Getting back to it, then, responsive to the
24 subpoena duces tecum, Paragraph 8, which asks if you
25 would bring: "Any and all documents relating in any

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1 manner to the Community Chapel Bible College, past,
2 present or future" —

3 A. I don't have any.

4 Q. Do you know where the documents are that do
5 relate to Community Chapel Bible College?

6 A. I presume they're in the Bible college office.

7 Q. Do you know if any original or copies of
8 Community Chapel Bible College documents have been
9 taken off of the property after March 15, 1988?

10 A. I understand that a copy of some of the
11 teacher notebooks were made.

12 Q. How did you find out that information?

13 A. John Koppang told me.

14 Q. Did you tell John Koppang that he had an
15 obligation to return those documents to Community
16 Chapel?

17 A. Yes, I did.

18 Q. Did he do that?

19 A. I presume so.

20 Q. When did you discuss this matter with John
21 Koppang?

22 A. Last week.

23 Q. After the subpoena duces tecum was sent out
24 for service?

25 A. Yeah. I asked him if he had anything, and

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1 he said he did, and I said to return it.

2 Q. Was that the first time that you had any
3 information provided to you of the original or copies
4 of documents relating to the Bible college being
5 removed from the Bible college?

6 A. Yeah.

7 Q. Do you know why 36,000 copies were made in
8 the month of June at the West Campus?

9 A. Thirty-six thousand copies of what?

10 Q. I'm asking you why 36,000 copies were made of
11 documents at the West Campus in June of 1988.

12 A. I have no idea.

13 Q. Did you ever discuss with anybody a large
14 volume of copies being taken off of Community Chapel
15 property, or copies being made of documents?

16 A. No.

17 Q. Would it be unusual for 36,000 copies to be
18 made in any one month at Community Chapel?

19 A. No.

20 Q. Would it have been usual if there was a large
21 volume that was going out to parishioners of
22 Community Chapel?

23 A. I don't know how to answer that. I mean, we
24 put out several million pieces of paper a year, so
25 36,000 would be pretty small.

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1 Q. It would not be unusual in June of 1988, at
2 least in your opinion, to have 36,000 copies made?

3 A. That does surprise me.

4 Q. Why does it surprise you?

5 A. Because I don't know what it's of. To be
6 able to have relevancy, I'd need to know what they
7 were made of.

8 Q. Do you know where the documents are located
9 now that John Koppang had taken off the Community
10 Chapel property?

11 A. He told me -- when I talked to him, he said
12 he'd return them immediately, so I presume he did.

13 Q. Were these documents to be used for a Bible
14 college to be set up by the elders group?

15 A. I don't know all of his reasons. You'll have
16 to ask him.

17 Q. Did you discuss it with him, as to why the
18 copies were taken off the Community Chapel property?

19 A. No.

20 Q. Do you have any documents that would be
21 responsive to Paragraph 9 of the subpoena duces tecum
22 served on you, which provides: "Any and all documents
23 relating in any manner to a Bible College to be spon-
24 sored by the 'elders of Community Chapel' to be
25 launched in the Fall '88 semester, including but not

1 limited to accreditation, books, curriculum, teachers,
2 students, directors, deans, president, classes,
3 associates, leaders, and decision making authority"?

4 A. Nothing.

5 Q. Was there to be a Bible college to be spon-
6 sored by the elders of Community Chapel?

7 A. It's been discussed.

8 Q. Who discussed that?

9 A. The eldership.

10 Q. When was it discussed?

11 A. I think the subject came up last Monday. I'm
12 not sure, but I think it did. Something real short
13 was stated about, was there enough people to support a
14 Bible college this fall, and would that be, like, one
15 teacher or two teachers, or I don't remember what it
16 was. It was just a question that was brought up.

17 Q. Would this be a Bible college that would be
18 under the bylaws of Community Chapel and Bible
19 Training Center?

20 A. We haven't discussed that.

21 Q. Was it intended to be under the bylaws of
22 Community Chapel and Bible Training Center?

23 A. We haven't discussed that.

24 Q. Was it intended to be under the bylaws of
25 Community Chapel and Bible Training Center?

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1 A. That wasn't discussed. I don't know.

2 Q. Did you provide any information to the mem-
3 bers of the elders that Donald Barnett was the chief
4 administrative officer and the president of the
5 Community Chapel Bible College?

6 A. I didn't have to. I think they already know
7 that.

8 Q. And this Bible college would not be under the
9 direction of Donald Barnett, would it?

10 A. Probably not.

11 Q. How can you —

12 MR. LEACH: You said "this Bible
13 college." What Bible college are you talking about,
14 Mr. Pierce?

15 MR. PIERCE: What are you talking about?
16 My next question?

17 MR. LEACH: No, the last question, you
18 said, "this Bible college would not be under," and my
19 understanding is that there is no Bible college.

20 Q. (By Mr. Pierce) There is a provision in the
21 bylaws of Community Chapel and Bible Training Center
22 for a Bible college; is that right?

23 A. Mm-hmm.

24 Q. And that's under the direction of Donald
25 Barnett; is that correct?

1 A. That's still to be decided.

2 Q. Are you telling me that the Bible college is
3 not under the direction of Donald Barnett?

4 A. Not until the litigation is complete.

5 Q. During the interim period of time, under
6 whose direction is it under, Mr. Hartley, the Bible
7 college?

8 A. Don is acting in that position.

9 Q. So you would not take any steps to form
10 another Bible college which would not be under his
11 interim or acting status as the president of the Bible
12 college, would you?

13 A. Oh, sure.

14 MR. LEACH: That calls for speculation,
15 talking about "would."

16 Q. (By Mr. Pierce) You said, "Oh, yes." What
17 —

18 MR. LEACH: The question is what has he
19 done, not what he might do.

20 (Pause in proceedings.)

21 (Exhibit Nos. 2 through 198 were
22 marked for identification.)

23 MR. PIERCE: For the record, Mr. Leach
24 has left the deposition. He indicated that we could
25 go over the exhibits with Mr. Hartley being here by

1 himself. We aren't intending to go over any substan-
2 tive questions, just to have Mr. Hartley review the
3 documents to make sure that these are copies of the
4 documents which he has brought here.

5 For the record, I am going to take
6 Exhibit Number 1 and make a copy of that for the depo-
7 sition, which was my original copy of the bylaws. And
8 a copy is being made as we discuss this matter here.

9 Q. (By Mr. Pierce) Mr. Hartley, showing you
10 what has been marked as Exhibit Numbers 2 through 198,
11 would you review those documents, taking any time that
12 you need necessary to confirm that those are all of
13 the documents that you have in response to the sub-
14 poena duces tecum, which have been brought here,
15 except for the two items which we discussed in the
16 deposition, which we'll return to you.

17 THE WITNESS: Did you make copies of
18 everything? I thought you were selecting out copies.

19 MR. PIERCE: I told my file clerk, for
20 the record here, to make copies of each and every
21 document that you've brought, and a duplicate copy has

1 that I personally have, yes.

2 MR. PIERCE: While you're reviewing
3 that, Mr. Hartley, I'd say for the record that
4 Mr. Leach indicated he would give us a call back, with
5 regard to the continuation of this deposition to
6 Tuesday, August 2. I have made a phone call to his
7 office. He's in a meeting, and his secretary indi-
8 cated that she would contact us back so we can confirm
9 on the record the continuation of the deposition.

10 I guess I'll probably need something on
11 the record, when you've had a chance to review those
12 records. Can you tell us that they are copies of all
13 the documents that you have?

14 A. Yes, it looks that way.

15 MR. PIERCE: Let me call Mr. Leach's
16 office, and we can just go off the record here.

17 (Pause in proceedings.)

18 MR. PIERCE: Mr. Leach indicated they
19 had a hearing set for 9:00 o'clock on Tuesday, on
20 August 2, which will last an hour, so that we can com-
21 mence at 10:00 o'clock on Tuesday, August 2nd, and
22 that's the time we'll continue this matter to.

23 Thank you.

24 (Whereupon, at 3:52 p.m., the
25 deposition was concluded.)

(Signature was reserved.)

* * *

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DONALD L. BARNETT,

Plaintiff,

vs.

JACK A. HICKS, JACK DUBOIS,
and E. SCOTT HARTLEY,

CAUSE NO. 88-2-04148-2

Defendants.

TO: JAMES LEACH
LEACH, BROWN...
4040 FIRST INTERSTATE CTR.
999 THIRD AVE.
SEATTLE, WASH. 98104

Deposition Of: E. SCOTT HARTLEY
Date Taken: 7-28-88
Today's Date: 8-1-88
Trial Date:

PLEASE TAKE NOTICE THAT:

- The above original deposition was today filed with the Clerk of the Court.
- The above original deposition is hereby released to you for filing with the Clerk of the Court.

XXXXXX Enclosed are two forms: "Affidavit" and a Corrections Sheet. Instruct the deponent to review the deposition, record any corrections over his signature on the Corrections Sheet, and sign the Affidavit before a Notary. If there are corrections, please furnish other counsel with copies.

- Then please promptly file both forms with the Clerk of the Court.

XXXXXXXX Return both forms to this office for their inclusion in the original transcript. (The transcript will be filed on 8-22-88)

- The transcript of the above deposition is ready for your reading and signing at 405 Seattle Tower, Seattle, Washington. You must by _____ read and sign the deposition or state in writing your reason for refusal to sign, or state in writing the fact that you waive your right to sign; failing to do so, signature will be deemed for all purposes waived and your deposition will be filed with the Clerk of the Court.

Thank you for your assistance in obtaining signature.

BY: ANN SIEPAK

CC: RODNEY PIERCE

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C E R T I F I C A T E

STATE OF WASHINGTON)
 :
COUNTY OF KING)

I, the undersigned officer of the Court under my commission as a Notary Public in and for the State of Washington, hereby certify that the foregoing deposition upon oral examination of the witness named herein was taken stenographically before me and thereafter transcribed under my direction;

That the witness before examination was first duly sworn by me to testify truthfully; that the transcript of the deposition is a full, true, and correct transcript of the testimony, including questions and answers and all objections, motions, and exception of counsel made and taken at the time of the foregoing examination;

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That I am neither attorney for, nor a relative or employee of any of the parties to this action; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 1st day of aug. 1988.

Ann Siegel
NOTARY PUBLIC in and for the
State of Washington residing at

Lynnwood.

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