

Note: Portions of the email dated 1/5/17 have been omitted.

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1/5/17

to deb.faulkner

Dear Chief Faulkner:

A few years ago, we were members of a church, Clearview Baptist Church, where there was a pastor resignation. We were told there was a series of unauthorized transactions made by this pastor John Duval. He remained on the church payroll for a period of time and would receive counseling. We were given limited information because it was confidential. He and the Sr. Pastor Mark Marshall had a two way confidentiality agreement. The Sr. Pastor did not disclose the information related to his side of the confidentiality agreement. When I went to church leadership with concerns, my questions and concerns were met with complete silence.

As time went on, we moved on to another church as we were concerned with the lack of transparency at Clearview. We also learned that the indiscretions of John Duval were more serious than was conveyed and criminal in nature.

In 2016, I realized that I contributed to the fund that John Duval oversaw at Clearview, so I looked further into the situation. I came into the Franklin Police Department and spoke to Officer Cary Bradbury. He shared with me that I was responsible for responding to the notice at Clearview regarding John's activities at that time. My concern at this point in time is civil. He said that when money is stolen from a church, if the money is paid back and a notice is given, the church is free to handle the situation internally. This really surprised me as the notice at Clearview was very vague and not given to all the people who donated to the fund that John Duval oversaw.

I would appreciate the opportunity to discuss the matter of police response to criminal misconduct in church settings. First, I believe it is important to share how these events as they have transpired impacts citizens of Franklin. Second, I would like to understand the relationship between the police and churches in terms of criminal activity, investigations, and disclosures.

If you have any questions, please let me know.

Sincerely,

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Deb Faulkner deb.faulkner@franklintn.gov via franklintn.onmicrosoft.com

1/5/17

to me

I am reviewing your message. Thank you

Sent from my iPhone

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1/25/17

to Deb

Dear Chief Faulkner:

I appreciated the opportunity to speak with Officer Morgan the other week. When I spoke to him, he explained to me that sometimes churches will be burglarized, and they will decline to press charges as they feel like it is against their beliefs. Or, there might be an embezzlement situation that they take care of on their own. I understand what he was trying to communicate to me. I do have some follow up questions. However, I will preface the questions with a summary of events to give some context.

In June 2016, I came in the police department and had a conversation with Officer Cary Bradbury and another officer. I wanted to discuss some events that had transpired at Clearview Baptist.

During a church service on September 9, 2012, there was a vague disclosure regarding a series of unauthorized transactions related to an undisclosed fund that had occurred over an unknown period of time by a church Pastor John Duval(see highlighted portions of attached file JDResignation). The former Sr. Pastor Mark Marshall and he had entered into a two-way confidentiality agreement. Minimal information was provided. John Duval resigned but stayed on the payroll and would receive counseling. The next week was also the end of a one-year giving campaign to reduce debt in which the pastor had asked people to give one week's salary on top of regular giving.

After we were informed of the unauthorized transactions, I approached a church leader who was part of the process. I mentioned I believed John Duval had some authority over the Benevolence fund and that family members and friends had contributed following my mom's funeral, which John Duval had officiated. This leader looked really surprised and did not answer my questions.

The next few years included events such as replacement of John's position with a close former associate of Mark Marshall, funding of a new church plant in Franklin with the main pastor being a church member who was privy to the confidentiality agreement, a change in financial reporting year, replacement of the Finance Director position with the husband of one of the attorneys for the confidentiality agreement, and a major turnover in staff.

A few years after the disclosure, I crossed paths with a woman who is friends with John Duval. She gave me an update on John's new profession. She also said, "You know, what John did was no big deal. He was only using the funds as a line of credit."

In 2016, I recalled and confirmed that I had donated to this fund. I also found an email where John had informed me that the Benevolence fund was an authorized way to donate funds to those in need within the church (see highlighted portions of attached file JDBenevolence).

At the time I came in and explained the story to Officer Bradbury in June 2016, I asked him if using church funds as a line of credit is considered a crime. He said the issue was civil for me now. I needed to have come in to the police department at the time of the notice for him to investigate it. I told him that due to the minimal information, I had no option other than to trust that the church was behaving appropriately. We were displeased with the lack of transparency and the strange events at the church but felt unable to do anything about it. He explained that it was a “live and learn” situation in trusting the church. The police department just requires funds to be repaid and a church to make a notice, which depends on the church governance (Clearview had a congregational church governance). Then, they can handle the situation internally. He said that the big churches tend to handle things internally.

John Duval was definitely hands on and more involved in the lives of the members than a lot of other staff. I told Officer Bradbury that it appeared based on how events had transpired he had used his knowledge of the church to leverage a good compensation package. Officer Bradbury told me that is usually the way it works. I told him that I thought handling criminal misconduct internally was bad policy.

Given my personal experience, I am trying to understand how things work related to the police handling of criminal misconduct in churches. Officer Morgan suggested that I ask a church what their misconduct policies are. I agree that is a good choice. However, I can anticipate that a typical answer would be that they respond in accordance with the police.

So, that is why am interested in asking the following questions:

1. Assuming a police report has been filed and a notice is given, why would a church member be responsible for acting on the notice at that time it is given and coming to the police when it was very vague? Also, what happens when a notice is never given to a person who had contributed to a potentially affected fund such as my out of town family members who contributed to the Benevolence fund? Or, what happens in my case when I was not informed nor did I recall at the time that I had contributed to the same fund?
2. Continuing on the assumption that a police report has been filed, doesn't that permit a church to make a claim with their insurance company? Could it be possible that a church would file a police report and contact the insurance company to make a claim, yet at the same time minimize the possibility that the offending staff person be held accountable criminally by utilizing confidentiality agreements and issuing a vague disclosure?
3. Assuming a police report is not filed and the Sr. Pastor has decided on his own that he wants to handle financial misconduct internally, does a church member have a right to make a report on their own in a congregationally-led church such as Clearview? If that is permitted, does the report have to be made at the time of disclosure, despite its vagueness?
4. Does it make a difference if the misconduct was opportunistic or predatory? It appears in the case of

Clearview, there was not a utilized set of checks and balances during the unknown period of unauthorized transactions. It seems like the lack of accountability could have been taken advantage of. Based on the email John Duval had written to me, I wonder if he had used similar opportunities to solicit donations from other church members. It personally appears to me that soliciting donations for a fund a person oversees and disburses could be considered predatory if a portion of those disbursed funds are used personally.

This is important to me because my family attends church regularly, and I would like to understand what protocol the local police expect from churches and its attendees in the event of criminal wrongdoing. If you have any questions, please let me know.

Sincerely,

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