

HEARING PANEL - DIOCESE OF NEW JERSEY  
EPISCOPAL CHURCH

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Diocese of New Jersey

Vs.

TITLE IV INVESTIGATION

CANON IV.12.1

Case Number 2021-1

Case Number 2021-3

AMENDED WRITTEN STATEMENT

July 25, 2022

THE Rev. Daniel Somers,  
Presbyter

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PROCEEDURAL HISTORY

Fr. Somers was ordained a Deacon and later as a Priest in 2018 by The Rt. Rev. William Stokes, Bishop of the Diocese New Jersey. For the entirety of his ministries, he has been canonically resident in the Diocese of New Jersey and has served St Andrews, Lambertville, from the time of his ordination. Subsequently, Title IV proceedings were initiated against him on or about March 12, 2021, with Julia Barringer, Jr. Warden of St Andrews, as complainant. This matter was assigned Case 2021-3.

The Reference Panel in the Title IV proceeding met initially on March 16, 2021 and referred the matter for Investigation. Following Investigation, the matter was returned to the Reference Panel on August 20, 2021 for consideration and consultation with Investigator Dianne Sammons, Esq., who had by then concluded her investigation. The Panel on August 24, 2021, again conferred and referred the matter to a conciliator for a possible Conciliation under Canon IV.10. The matter was referred to Conciliation with William Downes of the Diocese of Utah.

As the matter was proceeding, a second Title IV matter was initiated against him by complainant Mark Stewart of St Andrews Lambertville on or about November 4, 2021, Case 2021-3. As a result, the first

letter advising Fr. Somers of his administrative leave was sent on November 13, 2021. A Reference Panel was then held on November 18, 2021, and the panel concluded that there was sufficient evidence of violations of Canon IV.4.1(h)(6) (conduct involving dishonesty, fraud, deceit or misrepresentation) and IV.4.1(h)(9) for the matter to proceed forward. The matter was then referred to Bishop Stokes for a possible Accord pursuant to Canon IV.9.

Bishop Stokes and the church attorney, Talbot Kramer, met with Fr. Somers and his counsel, Anthony Raimone, on December 15, 2021, to discuss a possible Accord addressing both of the complaints, the complaint raised in March of 2021 and the complaint raised in November of 2021. Following discussion of the potential terms of the Accord, the proposed Accord was transmitted to Fr. Somers on January 13, 2022 for his review.

On January 18, 2022, counsel for Fr. Somers, Rez Dagli, Esq., advised that the Accord was not acceptable as drafted. Accordingly, the Reference Panel reconvened on January 20, 2022 and the matter was referred to Conference Panel, in accordance with Canon IV.12.1. The Conciliator had advised that he did not feel that the Conciliation process would succeed and therefore he returned that matter to the Reference Panel to consider as well. The Reference Panel agreed that both cases should be heard together.

During the pendency of these matters, Fr. Somers turned 72 years of age in November of 2021. Pursuant to Canon III. 9.7.8, he was obligated to resign from his position with St. Andrews and seek the permission of the Bishop Diocesan to continue serving in ministry, Canon III 9.7.8.b. He failed to do so, despite acknowledging the passing of his 72<sup>nd</sup> birthday during communication with the Bishop at the December 15, 2021 meeting.

After the matter was referred to Conference Panel, a period of time passed while the matter was in the process of being scheduled. On May 31, 2022, Fr. Somers filed a civil lawsuit in the Superior Court of New Jersey, Morris County, entitled the Very Rev. Daniel Somers vs. the Diocese of NJ, Bishop William Stokes, St. Andrews Episcopal Church and the Vestry of St. Andrews Episcopal Church, MRS-L-918-22. This lawsuit challenged the authority of the Bishop, the Diocese and the church in taking disciplinary action against Fr. Somers that affected his Letter of Agreement with the church.

Fr. Somers' failure to resign at age 72 and his improper filing of a civil lawsuit were referred as additional Title IV violations on June 28, 2022, by Bishop Stokes. These matters were heard by the Reference Panel on July 13, 2022, at which time the Reference Panel determined that these matters should be sent to the Hearing Panel along with the prior two cases designated Case 2021-1 and 2021-3.

On July 18, 2022, the Conference panel that had convened on June 17, 2022 to address cases 2021-1 and 3 referred those matters to a Hearing Panel, in light of the failure of the parties to reach a mutually agreeable Accord. The additional matters brought by complainant Rt. Rv. William Stokes, Bishop of New Jersey, have not yet been given a separate case number but were referred to the Hearing Panel at the same time so that all of these related matters could be disposed of in the same proceeding.

The following Written Statement was prepared by the Church Attorney as required under Canon IV.13.2.

OFFENSES RELATED TO COMPLAINANT: JULIA BARRINGER

**Count 1 The Failure to Maintain Legal Malpractice Insurance While Performing Legal Work for the Church Could Constitute a Violation of His Obligation to Preserve the Assets of the Church.**

Under the Canons, a priest must “safeguard the property and funds of the Church and Community.” (Canon IV.4.1(e)). Fr. Somers did not carry legal malpractice insurance while he participated in the negotiation of a complex and valuable real estate transaction that had a substantial impact on the finances and assets of the Church. While this may not have amounted to a violation of the ethical rules governing his practice as a New Jersey attorney, the failure to maintain malpractice insurance while engaging in representing the Church constituted a violation of Canon IV. 4.1(e).

**Count 2 The Failure to Provide Complete Information Regarding Malpractice Insurance Constitutes a Violation of His Obligation to Cooperate with a Disciplinary Investigation.**

Under Canon IV.3.1(b), a clergy member must cooperate with the disciplinary process. In refusing to respond to questions relating to his attorney malpractice insurance, he refused to cooperate and thus violated this Canon.

During his questioning under oath that took place on June 9, 2021, Fr. Somers was asked whether he carried malpractice insurance in light of the actions he took on the church’s behalf relating to the Fisherman’s Mark negotiations. Under advice of counsel, he chose not to respond to this question, and never provided the information as requested. His refusal to provide information germane to the disciplinary process constituted a violation of this Canon.

**Count 3 The Interference in the Fisherman’s Mark Lease Negotiations after the Vestry appointed a Committee to Perform the Function Supports a Violation of Fr. Somers’s Obligation to Abide by a Decision Made by the Vestry.**

The Vestry in its July 13, 2021 meeting, specifically appointed a committee to conduct negotiations of the Fisherman's Mark Lease, despite his request to no longer be involved, Fr. Somers ignored it and continued to engage in negotiations of the lease. Fr. Somers interacted with the attorney for F.M, Mongelli, and persisted in continuing negotiations., a task removed from him by Vestry. Fr. Somers's actions in failing to abide by a vote of the Vestry was as a violation of Canon I.14.2 that provides that the "Vestry shall be agents and legal representatives of the Parish in all matters concerning its corporate property and of the relations of the Parish to its clergy. Failure to abide by this Canon IV.4.1(g). ("exercise his or her ministry in accordance with applicable provisions of the Constitution and Canons of the Church and of the Diocese, ecclesiastical licensure or commission and Community rule or bylaws")

**Count 4 The Failure to Provide to Jr. Warden Barringer and the Vestry Information Relative to the Decision-Making Process of the Vestry Supports and Offense under the Canons.**

In March 2021, Junior Warden Julia made repeated requests of Fr. Somers for certain documents to be provided to the Vestry. (of which she was a member) for their consideration in the follow-up to the negotiations relating to funds owed to the prior rector's wife. Fr. Somers refused to provide the information unless the request came from the entire Vestry. Canonically, vestries function as legal representatives of the parish. Canon I.14.2 Additionally, they too, have legal obligations under the N.J. corporate statutes. N.J.S.A. 16:12-2 Thus, every Vestry person is entitled to request and receive any document that might be relevant to a Vestry member's vote on a corporate church matter. Fr. Somers, by virtue of his refusal to provide documentation absent a vote by all Vestry members, was thwarting the ability of a vestry member (in this case Ms. Barringer) from securing information relevant to her acting in accordance with her fiduciary duties.

As with Count IV, Fr Somers' refusal to heed the appropriate request of a vestry person amounted to a violation of Canon IV.4.1(g). ("exercise his or her ministry in accordance with applicable provisions of the Constitution and Canons of the Church and of the Diocese, ecclesiastical licensure or commission and Community rule or bylaws")

**Count 5 Fr. Somers's Representation to Mark Stewart Regarding the Laura Townley Debt Discussions Supports a Violation of the Canons.**

The former senior warden, Mark Stewart, received information that the Vestry was going to request that Ms. Townley provide her tax returns to prove her entitlement to a \$17,973 reimbursement . Fr. Somers

made representations regarding this issue, and which statements conflicted with those regarding this issue made by Mr. Stewart. Based upon the internal consistency of the account provided by Mr. Stewart and his straightforward presentation, his statement on the issues is taken to be accurate. Conversely, Fr. Somers's recollection of his communications around the representation was vague and uncertain. Fr. Somers' misrepresentation made to Mr. Stewart regarding this conversation was in violation of Canon IV.4.1(h)(6), conduct involving dishonesty, fraud, deceit or misrepresentation. Given the significance of the dispute, the dollar amount in question and relationship of the late rector, Fr. Townley and his wife to the history of the Church, such a representation was significant and weighty enough to rise to the level of a violation of the cited canon.

**Count 6 Fr. Somers's Outburst at the March 22, 2021 Vestry Meeting Wherein He Intemperately Insulted Junior Warden Barringer Constitutes a Basis for Conduct Unbecoming a Clergy.**

In the presence of the other Vestry members at the March 22, 2021 Vestry meeting, Fr. Somers berated Junior Warden Julia Barringer by saying she was a toxic presence, and that he would be willing to provide transfer papers to another parish if she requested. He admitted this conduct. The meeting in question was a heated one and Ms. Barringer also became angry and directed negative and derogatory comments at Fr. Somers and the Vestry. While Fr. Somers had reason to become angry at Ms Barringer, he nevertheless had an obligation, under his vows, to hold himself to a higher standard. His outburst at his Jr. Warden amounted to conduct unbecoming a clergy person, a violation of Canon IV.1(h)(9).

**Count 7 Fr. Somers's Demeaning Comments to Ms. Barringer in the March 22, 2021 Meeting Could Also Continue an Offense of Canon IV.3.3 e (Discharging Demoting or otherwise Retaliating against any Person because the person opposed any practices forbidden under this Title or because the person has reported information concerning an Offense, testified or assisted in any proceeding under this Title.)**

The disparagement of Ms. Barringer by Fr. Somers as referenced above, also constitutes retaliatory behavior on his part in violation of Canon IV.3.2 (e). This Canon prohibits: "discharging, demoting, or otherwise retaliating against any person because the person has opposed any practices forbidden under this Title or because the person has reported information concerning an offense, testified, or assisted in any proceeding under this Title."

While Fr. Somers did not have formal notice of the complaint against him by Ms. Barringer on the date of the abusive comments, March 22, 2021, he was aware that she had raised complaints against him to the Bishop's office in early March. Therefore, this conduct violated Canon IV3.2 ( e).

#### OFFENSES RELATED TO COMPLAINANT: MARK STEWART

**Count 1 Repeated acts of plagiarism constituted violations of Canons IV.4.1(h)(6) , (conduct involving dishonesty, fraud, deceit or Misrepresentation, IV 4.1 (h)(8) (8) habitual neglect of public worship, and of the Holy Communion, according to the order and use of the Church; and (9) any Conduct Unbecoming a Member of the Clergy.**

On multiple occasions, Fr. Somers delivered sermons, a eulogy and a pastoral letter to the parish that contained large sections which were authored by others and for which no attribution, or woefully insufficient attribution, was provided. Those instances include, but are not limited, to communications listed here:

Sermon June 21, 2020

Sermon August 29, 2021

Sermon October 3, 2021

Sermon October 24, 2021

Sermon October 31, 2021

Eulogy for Elaine Cho, November 7, 2021

Stewardship letter to parish, November 4, 2021

In each instance, material ranging from several paragraphs to nearly the entire presentation was offered to the parish as Fr Somers' with minimal to no attribution.

#### OFFENSES RELATED TO COMPLAINANT: RT. REV. WILLIAM STOKES, BISHOP DIOCESAN OF NEW JERSEY

**Count 1. Failure to abide by promises made at ordination, IV 4.1.c, and failure to exercise ministry in accordance with the Canons of the Church and of the Diocese, IV 4.1.g.**

In failing to submit his resignation upon attaining 72 years of age and then seeking the permission of the Ecclesiastical authority to continue in ministry, Fr. Somers failed to abide by the requirements of Canon III 9.7.8 and III 9.7.8b respectively.

**Count 2. Seeking to have a secular court interpret the Constitution and Canons of the Church to address a dispute arising under the Constitution and Canons of the Church, in violation of Canon IV 4.19.2**

On May 31, 2022, Fr. Somers brought civil litigation against the Bishop, the Diocese and the church and Vestry of the church where he had been serving, challenging the Bishop's ecclesiastical authority that was being exercised related to cases 2021-1 and 3, Somers. v. Diocese of NJ et al, Superior Court of N.J., MRS-L-918-22. This legal challenge to the ecclesiastical discipline process constitutes a separate and distinct violation of Title IV.

Respectfully Submitted,

*Talbot B Kramer Jr.*

Talbot B. Kramer, Jr., Esq.

Church Attorney