



# HOLY TRINITY

## ROMANIAN AMERICAN ORTHODOX CHURCH

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Non-Profit #95-2281840

## 2023 Legal Administration & Coordination Committee Report (Parish General Assembly, 28 January 2024)

### Legal Disputes

#### A. HTRAOC & Father Constantin Alecse vs ROEA:

- a. Since the members of the Holy Trinity unanimously voted in 2022 to disassociate the Holy Trinity from the former diocese (ROEA), the Holy Trinity along with the parish priest entered into multiple disputes with the ROEA in 2023 over the action taken. The former diocese took a very aggressive adversarial approach to the separation, so the law firms representing the Holy Trinity on various matters immediately sprung into action to defend both the church and the priest. These disputes continued through most if not all of 2023. In order to protect the Holy Trinity, its assets, and the parish priest, the lawyers worked very diligently to ensure the former diocese understood the position the Holy Trinity had taken on the unfortunate matters and the reasons as to the decisions taken along with their lack of administrative jurisdiction over a separate entity operated as a completely separate entity under the laws of California with the only jurisdiction prior to the separation being on a canonical/spiritual basis.
- b. Following the disassociation with the former diocese and after attending a spiritual congress with the Romanian Orthodox Metropolia of the Americas (ROMA) along with Father Alecse's countless efforts and discussions with the Metropolitan of the ROMA, the HTRAOC was graciously accepted under this higher and far more respected diocese whose roots stretch all the way to the Patriarchate of Romania which governs jurisdictions around the world. Father Alecse was offered a new employment contract by the HTRAOC to continue serving as the parish priest until his voluntary future retirement. Under the ROMA, the HTRAOC has been operating in peace and is now more focused than ever to drive the youth back into the church as a church is only as strong as its youth.

#### B. HTRAOC vs Associated Press:

- a. In 2023, the Holy Trinity received a request for compensation from a 3<sup>rd</sup> party on a copyright infringement matter regarding an image used on the church website during the Covid-19 lockdowns. The Holy Trinity immediately engaged one of the law firms representing the church to have their division on copyright law look into that matter. It was then discovered, contrary to what most believe to be true with non-profit organizations not needing to obtain licenses for the use of publicly available data, the law would require both for profit and nonprofit organizations to obtain the necessary permitting for the use of public data. In this case, the owner of the photo is a well-known media source (Associated Press). The lawyer representing the Holy Trinity on the matter reached a settlement offering to resolve the copyright matter which resulting in a minor payment to the requestor.

#### C. HTRAOC vs Anghioiu:

- a. The Holy Trinity, the ROEA, and the OCA were all served with allegations of misconduct for the time period of 1972-1974 against the former priest (Father Grabowski) of the Holy Trinity.

In early 2023, the Holy Trinity retained a law firm specializing in misconduct cases/trials to represent the Holy Trinity on the matter. The attorney representing the Holy Trinity has conducted an enormous amount of due diligence on the matter along with obtaining transcripts from the plaintiff and advising the Holy Trinity on the best direction forward. The OCA and ROEA immediately agreed to settle their portions. Although the Holy Trinity did not agree to any form of settlement at the advisory of legal counsel, the parish council was later made aware the most appropriate action forward in the best interest of the Holy Trinity was to reach a settlement to avoid court proceedings, so long as the settlement was justifiable. Legal counsel for the Holy Trinity, the ROEA and the OCA are currently all in negotiations with the counsel of the plaintiff to reach a fair settlement. An insurance investigation company was also hired to attempt to track down any insurance policy from the periods of 1972-1974 for the payout of damages the plaintiff is seeking. Although a workers' compensation policy was identified for the church during the period in question which usually meant there may be a liability policy in place, the insurance carriers from that time have not been able to locate a liability policy. In this case, the plaintiff would be receiving the Holy Trinity's portion of the settlement from the church's reserves.

## **Legal Transfer of Real Property/Assets**

### **A. Anca Fanoush Estate and Sale of Beverly Hills Condominium:**

- a. Following dispute of the Holy Trinity with the former diocese, a real estate asset donated to the church through Anca Fanoush estate was upgraded and liquidated through the sale above market value. The parish president, Eddie, was unwilling to accept any offers below a certain threshold, so due to his strong negotiating skills and patience with the sale, the Holy Trinity received a greater sum of proceeds than any of the offers previously received.

### **B. Ipsilanti Estate and Contesting of Real Property by Tenants:**

- a. The Holy Trinity received an endowment from the Ipsilanti estate which is a combination of real estate assets and cash value. The tenants of the one of the properties are contesting the property was left to them through a "so called" later drafted will and after nearly a year of the church's lawyer representing the matter pursuing the executor to provide a copy of the new will, an unexecuted draft was provided making which essentially, would most likely not be found favorable for the contesters. The courts have granted the contesters several extensions to provide the necessary documentation to the courts, but the lawyer representing the Holy Trinity feels confident, the church should retain full value of the endowment.

## **Legal Formation & Administration**

### **A. New Bylaws of HTRAOC:**

- a. As you have either all received or will receive a copy of the Holy Trinity's newly drafted by laws also incorporating some stipulations from the ROMA to establish the Father/Son relationship from a spiritual standpoint, if there are no objections, the Holy Trinity will adopt the newly formed bylaws as major step forward in turning the page to a new chapter of this church.

## **CPA**

### **A. Hiring and installation of CPA firm to handle church finances:**

- a. In 2023, the highly recommended CPA firm took over the managing, reporting and auditing of the all the Holy Trinity's financial activities and will be a very important component of the church's operations moving forward. The 2023 audited financial report you will all be receiving today has been generated through by our CPA firm.