



An Attempt to Mend a Broken Network & Save the Cause of Christ from Reproach

Home Page
Tommy Shelton
Danny Shelton
ASI

Smokescreen
Conspiracy?
Prelude

Round One
Round Two
Round Three

H. Lance #3
G. Matthews #3
B. Pickle #3
G. Joy #3
Bump Bob

"What's
Happening?"
ASI
Statement #1
ASI
Statement #2

Abuse of Power
Ethical
Allegations
Financial
Allegations
Correspondence
Untruths
Alleged Illegal
Activities

Danny's Apologists
Leonard Westphal
Litigation, etc.
Letters of Support
News Releases
Contact Us

Added on 4/1/2007
Furniture

Added on 3/28/2007
Defy the Board
Board Action

Added on 3/22/2007
Book Deals
Emails
Financial Aff.

Added on 3/20/2007
The Lost Bet

Round Three: Harold Lance

[< Prev.](#)

[Next >](#)

Due to the abrogation of the confidentiality agreement by Harold Lance, the following communication is provided for your perusal.

----- Original Message -----

From: Harold Lance

To: G. Arthur Joy, Linda Shelton, Bob Pickle, Gregory Matthews,
Ron Christman, Deb Young,
Danny Shelton, Walt Thompson

Subject: Process: round three

Date: Sun, 10 Dec 2006 17:17:19 -0800

Greetings friends:

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I have now heard from/been in touch with each one or their representative. You have provided much to consider. There are many thoughts that have surfaced that can be grouped for consideration rather than "chase every rabbit" as they have appeared.

What we are attempting is new ground to a great extent, because the choices out there don't fit. For me the easiest thing would be to transplant a litigation model, agree on the standardized Federal Rules of Evidence and Procedure, find ourselves a judge and proceed. But that won't work. It would crush all the parties. Even if limited to the simplest issues it would cost many tens of thousands of dollars (that's not an exaggeration) and would not end with a redemptive result or persuade the Church that the right thing had been done. The Church has an established process for dispute resolution, but that doesn't fit well either and they are unwilling to get involved. We could allow things to keep

Added on 3/17/2007
Walt Admits: No
Evidence

Added on 3/16/2007
Pregnancy Test

Added on 3/15/2007
Dan & Brandy
Abused You?

Must Read:
Mom in Pain #1

going unchecked and open-ended with a vigilante outcome. It is because we are all wanting to be faithful to our calling that I think we must find a way to proceed the best we can in good faith, respecting each other.

It will help if we:

Realize that all will be benefited by resolution and closure.

Can accept the fact that there may be a degree of truth and fault in each sides position.

Accept that everyone involved is a person that God loves.

Consider how Jesus dealt with Judas, Simon, Mary M, and the woman at the well etc.?

The order that I discuss issues doesn't indicate its' importance, I just have to start somewhere. I may not get to each concern you have raised, I may have forgotten it or it may be beyond the scope of what I can surround just now.

I'll state each issue raised by at least one of you in the form of a question that reflects your comments to me.

WILL OUR PROCESS CONFLICT WITH THE PENDING ASSET DIVISION LITIGATION?

I believe the Shelton's decided by written agreement to obtain their divorce in Guam and defer to the local court the pending issues related to division of assets. The suggested issues for the ASI panel relating to Biblical divorce and remarriage are not to decide their marital status, but rather to provide clarity for matters of ASI relationships, employment concerns as well as to give clarity to the conduct of the parties. We will in no way consider the pending property issues. I believe we should leave to the civil authorities all matters that clearly involve a primary public interest. I'll get to more on that later.

IS ASI IMPARTIAL OR IN DANNY'S HIP POCKET?

This is a critical question for everyone, including ASI. If we are not able to accept that ASI can act fairly, impartially, honestly, then it certainly should not be involved. Don't expect ASI to "toot it's own horn" on this issue. They can't and they won't. They are either trustworthy or they are not. There is no question that there has been a longstanding relationship between ASI and 3ABN that has been mutually beneficial. 3ABN probably was launched as the result of a presentation Danny made at the ASI Convention in Big Sky in 1985. To the extent that the relationship was beneficial to 3ABN both Shelton's' received whatever that benefit was until a short time ago. 3ABN has given public exposure to ASI and hundreds of supporting ministries in programming. In turn 3ABN has received financial support that has assisted in offsetting its' costs of production of our convention programming, and 3ABN has benefited from the programming itself. The outcome of our process could also affect 3ABN membership status in ASI. We are completely open to accepting what ever outcome occurs. For those of you in doubt ask questions about ASI and their players. If I don't know the answers we'll do our best to find the information you need. If after your inquiry you do not believe ASI cannot be trusted, let's cut the process as soon as possible and go on to something better.

SINCE THERE ARE MANY OTHER CONCERNS WHY LIMIT THE ISSUES TO THOSE SUGGESTED?

There are other implications to the request of 3ABN to ASI then may appear on the surface. Even though the 3ABN employees are probably "employees at will", If the allegations justifying termination are NOT true, than the question arises; was the action taken by 3ABN appropriate? Likewise was the local Church action correct? Was the divorce and remarriage biblical? If not, would there be an impact on the membership status of 3ABN in ASI? That is why I have suggested that there are three sides rather than just two. To resolve these issues will require the personal presence and a careful inquiry of the parties and others who may have first hand relevant information. The hearing is likely to require several days (probably 2-4) plus travel considerations for some of 2 additional days. That is stretching the commitment that we can expect from the participants. If we were to add to the list of issues, how do

you decide which of the many out there should be added? Why some and not others? Who would be able to commit to an open-ended process that sought to resolve every expressed concern? Our limited view of issues to be considered has nothing to do with 3ABNs' request, rather it's our own belief that if we can surround what's pending that will be all ASI can handle. I urge all parties to understand and accept ASIs' decision. I'll deal with some of the other reoccurring requests as the next issue.

DO ACTIVITIES AND PERSONNEL ACTIONS THREATEN LIABILITY FOR THE SDA CHURCH?

In the materials just received there is a reoccurring (three or more times) suggestion/urging that we include issues relating to the alleged misconduct of Shelton family members. The stated reason was urged primarily by a concern for ascending liability for the Illinois Conference of SDAs'. (finding someone who could pay and be legally liable was the search of my career) I understand how liability may attach to others "up the food chain". It is never in the abstract, but always built upon a relationship of some kind (employment, agency, etc). The alleged conduct occurred, if at all, elsewhere, while there was no employment relationship with any of the parties and certainly with no connection to the SDA Church or its' entities. I don't believe there has ever been any case establishing ascending liability from a supporting ministry to the SDA Church. There has never been an adequate connection between them to ground liability in the Church. There just are not any facts presented here suggesting that there is a viable risk to the Church. I used the term alleged to describe claimed misconduct, because that is what it is. The Supreme court within the last month ruled that a web site holder/server was immune from legal liability for libel and slander for information sent to it, but affirmed that liability would attach to the sender/publisher but not the receiver. I have a concern that if libelous matter is sent to us and then inadvertently re-sent that we by resending could become liable for publishing such information. I know that those who have sent such information believe strongly that they have the truth, and that truth would be a defense. Remember that there has been no prosecution or judgment establishing the truth of the allegations made. It would be

incumbent on the publisher to prove the very facts the States of Illinois and Virginia has been unable/unwilling to do. I don't think we want to go there. IT IS ESSENTIAL THAT THE INTERCHANGES, CONTAINING DEROGATORY INFORMATION, STOP AMONG THE PARTIES AND THEIR TEAM MEMBERS. I have recently had a personal conversation with Danny strongly urging that he stop the email interchanges. He has agreed. I am appealing to those of you on Linda's' team to stop this as well. I really do already understand your factual positions.

SHOULD AN SDA JUDGE BE USED TO CONDUCT THE PROCEEDINGS?

There will inevitably be questions that arise in our process that could be ruled on if a judge were in charge of the proceedings, but then that would not be ASI's process, but rather that of Judge and a quasi- court proceeding. I believe we can establish a process that lay people can understand and effectively function within without lawyers, a Judge, etc. What we can do is provide a panel of ASI members that can bring intelligence, common sense and fairness in a way that will be respected and supported.

DO PARTIES WHO MAY BE "PUBLIC FIGURES" GIVE UP THEIR RIGHT TO PRIVACY?

I believe there is some confusion about how the rules relating to "public figures" and privacy apply. It has been suggested that because the Shelton are "public figures" they are therefore not entitled to any privacy in their personal lives. It is likely that both the Shelton's are public figures, but what does that mean? Does it mean that their personal lives are open to public scrutiny without any restraint? The "public figure" concept relates to the proof required in litigation, before a public figure can recover money damages for slander and libel. In an action for libel a public figure must prove that the publisher (slanderer or libeler) was motivated by malice and had an intent to harm, not merely that an untruth was published about a public figures personal life. This concept plays no part here justifying exposure of the parties personal lives on a concept that the public somehow has a right to know. It is our belief that the usual and customary practices of confidentiality adhered to

by the Church, government, and business needs to be followed in our proceedings. What the public has a "right to know" can be provided by the panels factual findings and recommendations.

SHOULD THE PANEL INCLUDE EXPERTS THAT COULD ASSIST IN THEIR COMPREHENSION OF THE INFORMATION?

You will recall that one of the concepts(#6) in our memo to you December 3, we suggested was that the findings of the panel should be based upon the information presented and not from any private undisclosed source. This is a typical requirement with courts and juries that they not seek information upon which to base their findings other than what was received into evidence. If there are special concepts not known by laity(concept of "transference" as suggested) that help should be provided to the panel by a witness, not from someone planted in their midst as a member.

WHAT STANDARD IS TO BE USED IN WEIGHING THE BIBLICAL DIVORCE REMARRIAGE ISSUE?

We all probably have examples of how a local church dealt harshly or too liberally with members in a divorce situation. We need to avoid that outcome. That is why I suggested the Church Manual as I believe that is the standard SDA Churches are required to follow. I believe ASI is compelled to follow that standard as well in considering its' membership.

WHAT STANDARD WILL BE USED IN ALLOWING INFORMATION TO BE CONSIDERED ?

Was the witness disclosed and a fair summary of their information furnished to the parties ?

Does the information tend to establish or disprove a fact of an agreed upon issue or contention? (in other words, is it

relevant?)

Does the witness have direct knowledge of the facts to be presented?

HOW WILL PANEL PROCEED AND THE QUESTIONING OCCUR?

The order of the proceedings will be established by prior agreement of the parties. i.e. define the issues and decide the sequence to be followed.

The parties will be physically present and with a representative (one) if they choose.

HJL will be present to assist in the process.

The parties may orally and/or in writing present an opening statement detailing their respective position on the issues and the facts that support their position.

The party asserting a position will be obligated to establish the facts needed to support that position. For example Danny/3ABN will need to provide information (proof) that the divorce was Biblical. They would go first on that issue followed by information presented by Linda that disputes that position. Etc

The questioning will be by the panelists not the parties or their representative. The schedules and convenience of witnesses will be respected in so far as possible.

The parties may provide to the panel written suggestions for questions of any witness.

After the questioning process is completed the witness will be excused to leave.

The hearing will be confidential and private, not recorded or reported by the panel, the parties, or the representative.

After the panel has heard from all witnesses, and considered the documents/things submitted the parties will/may make a closing statement to invite the panel to accept or reject the information presented and what the panel should include in

its' findings and recommendations.

The panel will thereafter meet privately at its' own schedule to review the information, develop its findings and recommendations to the parties.

After the hearing process is completed the panel will within 30 days deliver to ASI and the parties its' findings and recommendations.

Thank you for your patience in awaiting my thoughts. Please read this carefully. If you have questions feel free to express them. Whenever we have clarified adequately we will put our process information into a document that we can all sign on to, then begin the details of scheduling, etc.

Harold lance

[< Prev.](#)

[Next >](#)

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***"Truth invites examination & needs no defense.
Lies hide in darkness & blame everyone else."***