

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

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J. CHRISTOPHER HARING,

Plaintiff,

- against -

CAROLINE CHURCH OF BROOKHAVEN, REVEREND  
CANON RICHARD D. VISCONTI, AS RECTOR OF THE  
CAROLINE CHURCH OF BROOKHAVEN, MARK  
LaSORSA, AS SENIOR CHURCHWARDEN, BARBARA  
RUSSELL, AS JUNIOR CHURCHWARDEN, NICK AMATO,  
CAROLYN MARTEZIAN, WILLIAM RHAME, MIRJANA  
ELLIS, WILLIAM HARVEY, MARY WUESTE, SUSAN  
RYDZESKI, JACKIE HULL and FRANK WEILAND, AS  
MEMBERS OF THE VESTRY OF THE CAROLINE  
CHURCH OF BROOKHAVEN, EPISCOPAL DIOCESE OF  
LONG ISLAND, RIGHT REVEREND LAWRENCE C.  
PROVENZANO, AS BISHOP OF THE EPISCOPAL  
DIOCESE OF LONG ISLAND, and LETICIA JAMES, AS  
ATTORNEY GENERAL OF THE STATE OF NEW YORK,

Defendants,

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STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF SUFFOLK    )

**AFFIDAVIT IN  
OPPOSITION TO  
TEMPORARY  
RESTRAINING ORDER**

Index No.: 608259/2019

Assigned Justice:  
HON. GEORGE NOLAN

**J. CHRISTOPHER HARING**, being duly sworn, deposes and says:

## INTRODUCTION

1. This affidavit, together with the affirmation of my attorney Richard Hamburger, is submitted in opposition to the temporary restraining order (“TRO”) requested by the Caroline Church defendants. If issued, that TRO would shut down the website I created to inform my co-parishioners about this pending lawsuit, which I filed in order to challenge the unlawful action taken by current Church leadership to consolidate various donor restricted funds into a single all-purpose operating account.

## PERSONAL

1. My family joined Caroline Church in 1956 when my younger brother was baptized at the church.

2. During my youth/teen years, I attended Sunday School, was confirmed and served at the altar as an acolyte.

3. Both our children were baptized, confirmed, attended Sunday School, and served at the altar. Our daughter was married at Caroline Church by Canon Visconti in 2014.

4. As an adult, I served as an usher, taught Sunday School, and become involved in the office technology. I built the wired network, recommended hardware purchases and generally managed the software and hardware of the Church from the late 1990's on.

5. I created and managed the Church website from approximately 1998 through late 2016, until that responsibility was summarily terminated approximately six months after I objected to the consolidation of the restricted funds in mid-2016.

6. In November 2002, before I was elected to the Vestry, I received the “Bishop’s Medal” in recognition of my service to the Church.

7. After election to the Vestry in early 2003, I served in many capacities, including Treasurer, Investment Committee chair, Buildings & Grounds committee chair, Budget & Finance committee, and many *ad hoc* committees.

8. Even during a one-year hiatus from the Vestry in 2009, I was referred to as the “shadow treasurer” as I continued to perform over 20 monthly reconciliations on the various investment accounts and prepared statements for the monthly Vestry meetings.

9. From 2000 through mid-2019, I was involved in innumerable tasks for the Church. These ranged to “lowly” tasks such as plunging/repairing toilets and broken water/sprinkler lines, electrical repairs, retrofitting light fixtures, work in the gardens/cemetery and painting to more supervisory tasks such as coordinating contractors on projects, building and maintaining computer servers, preparing financial information for annual audits, training staff on software, maintaining network security, drafting leases for rental of space for a pre-school, and numerous other tasks.

10. In 2016, after my objections to the consolidation of funds, I ceased doing the monthly reconciliations of the UBS accounts, which I had continued to perform even after I was no longer the treasurer (about 2012) and leaving the Vestry (January of 2016). I wanted nothing to do with the financials of the Church after this consolidation of funds.

11. At this time, I also reduced my financial giving to the Church but continued to give much of my time. My rationale was that by continuing to devote my time, 100% of that method of giving to the Church would directly benefit the Church. I had long kept a spreadsheet of

the cost of the Rector's package as compared to the pledge donations received by the Church. What I saw was that the Rector's package had grown from consuming an amount equal to 45% of the pledge receipts in 2005, to an amount consuming 85% of the pledge receipts.

12. During that time period, I also made regular visits to the Church to perform various tasks such as those enumerated above. As I kept a calendar of those trips, which total over 340 trips from May 2016 to July 2019 when the Vestry demanded the return of my keys, credit card and passwords in retaliation for the filing of this lawsuit.

13. During that time, I indeed did make financial contributions to the Church. This included \$500 to the Churchyard Fund in May 2016 (which was deposited to the general account and never moved to the Churchyard Fund), \$500 to the "Save the Carriage Shed" fund (which I took directly to the bank for deposit to the appropriate account, then gave the deposit slip into the office), and the purchase of a \$250 internet connected "smart sprinkler" controller, which I installed in the Rectory in early spring 2018.

14. I make this portion of the affidavit to refute any inference that I am simply a malcontent who is attempting to stir up trouble or create any harm whatsoever to the Church or any individual. On the contrary, I am attempting to save the Church from fiscal ruin due to its irresponsible spending of monies donated for specific purposes and being used instead to support its unsupportable deficit. If indeed the Church does fail financially, the Churchyard Endowment Fund had sufficient monies to continue the perpetual care of the cemetery — until those funds were moved out of the Churchyard accounts at UBS in mid-2016.

15. I would also note that for three years, I attempted to quietly convince the Rector and Vestry of how unwise (then, as I discovered, unlawful) this consolidation was. It was not until the Vestry failed to reverse the action.

16. I “went public” about this lawsuit in early August, months after the papers were filed, and only after the Church publically announced the lawsuit at several “town hall” meetings. It was necessary to put out my side of the story. As stated in an email to parishioners, it was the Vestry’s choice to go public and what vehicle they chose to go public. It is my choice, not theirs, on what vehicle to use to publicize my position.

## CONFIDENTIALLY OF DOCUMENTS

17. The Rector's affidavit states that documents I have posted to my website, apparently referring to some Vestry minutes of the 1940's and 1990's as well as some CPA annual audit reports for the 1990's are "confidential." In my experience, during my many years at Caroline Church of Brookhaven, this is simply not the case.

18. Persons wishing to examine the books or minutes have always been permitted to do so. The only limitation placed on financials is that the salaries of individual employees is not specifically disclosed. The limitation is by practice, not by any written policy or by-law. While I was the treasurer, I stated many times at meetings that "our books are open." I heard my predecessor and successor Treasurers make the same statement at annual meetings.

19. It is fairly uncommon for someone to take us up on that offer, but when they do, the books are shown. I have never been asked by someone examining the books if they could make a copy or remove the documents, but I am unaware of any practice or policy that would prohibit photocopying. To the best of my knowledge, there is and never has been such a policy.

20. What I am aware of is that the Rector is indeed extremely protective of access to his "Letter of Agreement" with the Church, outlining his obligations and compensation package. He is resistive of requests to review the document, and when pressed, he will allow a Vestryperson to review the document — in his presence — and not make photocopies. Again, I am not aware of any other document that in practice is subject to this type of restriction. If there were such a restriction, I would be aware of it.

21. The availability of Vestry minutes is indirectly revealed by Article 5 of the Vestry By-laws (attached as Exhibit "A"):

**Section 4: Minutes**

**A. Duties of the Clerk:** The Clerk shall record the proceedings and actions of the Vestry in accordance with Article 2, Section 2(A) and in accordance with Roberts Rules of Order. **The discussion of personnel matters, whether in executive session or regular session, shall be confidential and not recorded in the minutes other than recording actions relating to changes of employment status (e.g., hiring and acceptance of the resignation of a staff member).**

The bolded portion was placed there in 2013 in recognition of the fact that minutes are freely accessible for viewing (and photocopying), except that matters of personnel, as is the norm, are confidential.

22. The Church has its own website, which I created many years ago, but no longer manage. One section is managed by the Historical and Cultural Artifacts Committee. That committee is very involved in scanning and posting documents, photos, and cemetery records to the website. Included in those posted documents are financial records. A quick search of terms such as receipt, invoice, financial and the like produced numerous hits. Those hits included receipts for salary of at least two former Rectors of the Church (Seabury and Livingston). Minutes and audit reports are not posted at this time, but the scanning continues with the committee now nearly current on the cemetery records and moving forward scanning other historical documents.

**FIRST AMENDMENT ISSUES**

23. The Rector's affidavit states that this is a private matter. I respectfully disagree. Caroline Church of Brookhaven is a historic community treasure. It was organized in

1723, with the present structure built in 1729. The Church was placed on the National Register of Historic Places by the U.S. Department of the Interior in 1991.

24. Ward Melville is a historic community leader in the Three Village area, with the high school named after him. He donated the land for SUNY Stony Brook. The documents on the site show he donated to both the Churchyard and Remembrance Funds for those specific purposes. His donations comprise the main source of the Churchyard Endowment Fund and a major portion of the Remembrance Fund. Now those funds have been raided.

25. If the Church fails financially, that is a community matter. My website is raising awareness in the community as well as in the parish. The fact that the *savethchurchyard.org* site received 7,311 page requests, averaging 293 page requests per day from its launch on August 7 to August 31 is an indication that the issue reaches well beyond the immediate congregation.

26. Defendants are attempting to suppress the community discussion rather than address the merits of the lawsuit.

27. As stated above, I attempted for three years to quietly resolve this issue. The Rector and Vestry chose not to. The Rector and Vestry chose to announce the lawsuit at several “town hall” meetings on June 29 and 30, 2019. They chose to “let the cat out of the bag.” Parishioners talk outside of church. This issue is now public. They are entitled to speak or not speak, and I have no right to dictate the terms. I have the same right, not to be subject to their terms.

  
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J. CHRISTOPHER HARING

Sworn to before me this



9<sup>th</sup> day of September, 2019.



Notary Public

