





EXAMINATION

BY MR. HANNULA:

Q Mr. Hicks, for the record, could you please state your name and give us your present home address?

A Jack A. Hicks. 439 South 188<sup>th</sup>, Seattle.

Q What's your zip?

A 98148.

Q How long have you lived at that particular location?

A Nine years.

Q Are you currently residing with anyone in that home?

A No.

Q Do you receive any income at this time from Community Chapel and Bible Training Center of Burien?

A. No.

Q When did you resign from Community Chapel?

A. As I recall, the date was March 14.

Q 1988?

A Yes.

Q Had you sent in a letter of resignation prior to that time?

A I had.

Q Do you recall the date of that resignation letter?

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MOTION TO COMPEL ANSWERS – 3

A I don't recall the exact date. It was sometime in February, mid February, I think.

Q of '88?

A Yes.

Q And the resignation was to take effect on March 14?

A No.

Q When you sent a resignation letter, did you intend to resign at that time, or how did it work?

A I changed – due to subsequent events prior to submitting my first letter of resignation, I changed the terms of my resignation and also the dates. There were a couple of changes, not just one change. As events transpired, there were at least two changes that I can recall now, the dates of termination of various aspects of my employment.

Page 5, lines 2 through 11.

Q Was this letter of resignation tendered to the board of Senior Elders or to Don Barnett, or to whom was it addressed?

A It was addressed to the entire board.

Q When you say the entire board, are you talking about the board of Senior elders?

A Yes.

Q And that would include Hartley, DuBois, and Barnett, besides yourself?

A Yes.

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MOTION TO COMPEL ANSWERS – 4

Page 9, line 15 through page 10, line 10.

Q In February of 1988, what information did you have, say generally, now, what information did you have generally regarding Don Barnett's sexual contact with women in the church?

MR. HOLLENBECK: Objection. Relevance.

MR. HANNULA: Okay. Go ahead.

MS. RINGER: I Join in that objection and reiterate the prior one made on the basis of form.

THE WITNESS: What does that mean?

MR. HANNULA: They've just objected for the Record.

A Well, any information that I learned in the time frame, at the time you are talking about here, was given with the express stipulation that it was in confidence. That was one of the ground rules of the eldership hearings that we held, and I would not violate that in confidence. It

was in the confidence of Pastor Barnett. He shared in confidence of Pastor Barnett. He Shared in confidence. There was information from others that was obtained in confidence, as others have shared to them in the expressed intention that the information remain confident, confidential, and I will not violate that.

Page 11, lines 17 through 25.

Q Who were the individuals in that meeting who actually made statements with reference to sexual contact that Don

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MOTION TO COMPEL ANSWERS – 5

Barnett had with female members of the church?

MR. HOLLENBECK: Objection, for of the question.

Objection, relevance.

MS. RINGER: I join in the objection.

A The question states an assumption which would be violation of a confidence, because it would supply information.

Pages 12, lines 14 through 24

Q I want to know who made the statements in this meeting regarding sexual contact that Don Barnett had with members of your church.

MR. HOLLENBECK: Same objection.

MS. RINGER:I join.

A I will refuse to answer that, because it would violate the confidence. If you would ask me who testified, I would give you – just general, without regard to what, I would give the names of people who supplied information in general. But I will not specify which information was supplied by which people.

Page 15, line 22 through page 16, line 1.

Q Now, you're stating under oath that you will not answer any questions with reference to those meetings as to what was said about Pastor Barnett regarding his involvement with women in the church. Is that your testimony?

A That is.

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MOTION TO COMPEL ANSWERS – 6

Page 16, lines 5 through 9.

Q Has anyone advised you that the court in this case has ordered you and others who were elders and who were privy to that information to answer those questions? Are you aware of that?

A I am aware of that.

Page 18, line 24 through page 20, line 2.

Q What, as far as you're concerned, is the basis for holding this information back in this deposition? That is, why are you refusing to answer it?

MS. RINGER: Objection. That's been asked and fully answered.

A I think I've answered the question.

Q Well, answer it again for me. Humor me for a second here.

MS. RINGER: Continuing Objection.

MR. HANNULA: That's fine. Let's just get it over and we'll go on.

A I'll refuse to answer it again.

Q You can't do that. Answer the question, please. It's probably not that big of a deal at this point.

MS. RINGER: It's been answered. Why don't we move on to some other area?

A It was information that was given on the condition that it be held in confidence. It was the prior agreement by all in attendance as to the confidentiality of the entire

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MOTION TO COMPEL ANSWERS – 7

hearing. And on that basis, I will not divulge infor-



mation that was –

Q Was that information or at least part of that information disseminated to church members?

A There were some aspects that were disseminated to the church membership, yes.

Q There were some specifics regarding Don Barnett's sexual activity with women in the church that were revealed to church members, were there not?

A That's true.

Page 22, lines 8 through 15.

Q When you resigned, you were a member of the senior board of elders. Did you have any other title, position in the corporation.

A Yes.

Q What positions did you hold?

A Well, I was vice president and general manager.

Q So you were vice president of the corporation?

A Yes.

Page 23, line 24 through page 24, line 9.

Q Have you ever acted as counselor to Don Barnett?

A Never.

Q How about to Scott Hartley?

A No.

Q How about Jack DuBois?

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MOTION TO COMPEL ANSWERS – 8

A Never,

Q Any ministers or elders that you've acted as counselor to?

A I have, many years ago, counseled just briefly with Mark Yorkers. I Counseled him just briefly on some family Matters. I don't recall any other ones.

Page 25, lines 21 through 24.

Q When did you become a member of the board of senior elders?

A It was 1969, as I recall. Late Summer, probably, August, close as I can remember.

Page 26, lines 5 through 9.

Q You became a member of the board of senior elders in 1969?

A That's right. They were not called the board of senior elders at that time, but it was the same group. They were the directors of the corporation.

Page 37, line 21 through page 38, line 4.

Q In that meeting or meetings that you will not share with me, what was said about Pastor Barnett? Did Russell McKenzie, without telling me what he said, did Russell

McKenzie get up in front of that meeting and discuss what he felt were improper – incidents of improper conduct with women that he had seen Don Barnett commit over years, over a period of years?

A That is in the area of confidentiality that I will not not answer questions about.

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MOTION TO COMPEL ANSWERS – 9

Page 40, lines 2 through 7.

Q All right. Well, in those meetings from January of '88 through February of '88, for what period of time were allegations made regarding Don Barnett and improper conduct that he was alleged to have had with women in the church?

A I'll refuse to answer on that on ground of me divulging confidential information.

Page 54, line 20 through page 55, line 7.

Q Have you ever told a women not your wife that sexual contact between you and that women was within the spirit?

A This - - you are getting into an area of my private life and I consider that to be totally irrelevant to the Gabrielson case or any other such things and I'm going to

refuse to answer any questions that get into my private life.

Q Are you aware that the court has rendered a decision in which you have to answer those questions? Are you aware of that?

A I am under that general understanding.

Q Okay. And are you going to violate that court's order?

A I will refuse to answer questions regarding my private life.

Page 56, line 14 through page 57, line 4.

Q Mr. Hicks, have you ever engaged in any sexual contact with

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MOTION TO COMPEL ANSWERS – 10

a women from your church on church property?

A I will refuse to answer that on the grounds that that's my personal life and has no relevance to this case, in my opinion.

Q Have you engaged in any sexual contact with a female member of your church during business hours in your office?

A I refuse to answer about anything having to do with my private life, on the same grounds as before.

Q So what you're telling me is that even if you did, and I'm

not saying that you did at this point, but even if you did engage in some sexual contact with a women in your church during business hours on church property, you would consider that to be a private affair that you will not answer questions of in this deposition; is that correct?

A That's correct.

Page 85, lines 10 through 22.

Q Do you believe that it would be wrong for an elder in your church, under the guise of a spiritual connection, to enter into a sexual relationship with a women in your church not his wife?

A Yes.

Q Do you believe the elders in your church have done that very thing?

A I will refuse to answer that on the grounds of confidentiality. Any information that I have, and I'm not

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MOTION TO COMPEL ANSWERS – 11

admitting that I have any, that I may or may not have would have been divulged in private communications, confidential communications, and I will refuse to answer that question.

Page 86, lines 8 through 14.

Q No, that's all right. I'll go on.

Have you personally, under the guise of a spiritual connection, engaged in a sexual relationship with a women in your church?

A Again, that a question regarding my private life and I will refuse to answer that as being irrelevant, in my opinion.

Pages 87, line 17 through page 88, line 2.

Q Well, have you mixed your professional and private life by engaging in sexual contact with women in your church during business hours in your offices?

A No.

MS. RINGER: Object as asked and answered.

Q. You haven't done that?

MS. RINGER: Object as asked and answered.

Mr. HANNULA: Well, you can object, but you can answer.

A I'll refuse to answer that on the grounds that I previously stated.

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MOTION TO COMPEL ANSWERS – 12

Page 88, line 16 through page 89, line 4.

Q (By Mr. Hannula) Was Sandy Schwartzkopf an employee of yours at Community Chapel?

A Yes.

Q Did you hire her?

A No.

Q Did you give her a promotion?

A I was not the one that recommended - - let's see. She was promoted several times, some that I have recommended and some that others had.

Q While an employee at the Community Chapel, did you ever engage in sexual contact with her during business hours?

A You're asking questions about my private life and I will refuse to answer.

Page 89, lines 11 through 17.

Q Now, did you ever have lunch with Barbara Barnett, along with Debra Wenholz, where you stated to Barbara Barnett the nature and extent of your relationship with Debra Wenholz?

A That is a private matter and not connected with my position in the corporation, and I will refuse to answer that.

Page 91, line 8 through page 92, line 5.

Q And Barbara had admitted to you that she had a sexual relationship with Jerry Zwack, didn't she?

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MOTION TO COMPEL ANSWERS – 13

A I'm not admitting anything, but any statements made by Barbara about her connection were in confidence and I'm not free and I'm not going to reveal any confidences.

Q Were they made to you in some sort of confessional setting? Is that what you're saying? Or is it just simply that she was a friend and she told you something and you're not going to reveal it?

A I'm going to refuse to answer that, because I'll say that the information was given in confidence, and to answer your question the way I understand it was worded would have implied – would have been an implication of what she had said, you know, depending on the answer I would give.

Q What was the setting in which she took you into her confidence?

A There was only one occasion, and that was at a lunch.

Q And other people were there besides yourself, isn't that true?



A Yes.

Q Who else was there?

A Debra Wenholtz was there.

Page 108, lines 9 through 24.

Q When Don Barnett went on vacation, would you be aware of who he was going with?

A No.

Q You would not be?

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MOTION TO COMPEL ANSWERS – 14

A Possibly. But decidedly not necessarily, not at all. And I usually didn't inquire, unless I just happened to hear about it.

Q Did he ever go on vacations with women other than his wife?

A He did go on vacations in group settings without his wife, along with other people, yes.

Q Did he ever go on vacation with just one woman not his wife, to your knowledge?

A Although I'm not admitting anything, that does get into areas of information that have been revealed in confidence, and I will refuse to answer that.

Page 109, lines 18 through 21.

Q Jerry Zwack. Let me get it for the record. If I was to ask about your involvement sexually with any women in the church, you would not answer those questions.

A That's true, on the grounds I've previously stated.

Page 119, lines 14 through 22.

Q At the time that you had lunch with Barbara Barnett, the lunch that you referred to previously, did you have any concerns about your own actions with people that you thought you were having a spiritual connection with that maybe you yourself were engaging in activities which would not be sanctioned by your church?

A I'll refuse to answer that question on the grounds that

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MOTION TO COMPEL ANSWERS – 15

it's my private life and on the grounds that I previously stated.

Page 120, lines 4 through 14.

Q Well, it's a senior elder question in the sense that you were a member of the board of senior elders. And I'm asking you if your own experiences regarding your relationships with spiritual connections in any way caused

you to reflect on whether or not you were acting properly within the guidelines of your church and what was appropriate, moral behavior between you and another women.

A I'll refuse to answer that on the grounds that I've stated. The question is so intertwined with my personal life that I'm going to refuse to answer that.

Attached hereto and incorporated herein by reference is the order compelling answers to deposition questions and production of documents against Community Chapel and Bible Training Center and denying Terms.

Harold T. Dodge, JR.

(Signature)

Subscribed and sworn to before me this 8 day

August, 1988.

Geraldine Markku  
NOTARY PUBLIC in and for the  
State of Washington Residing at  
Milton.  
My commission expires 10-4-89.

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MOTION TO COMPEL ANSWERS - 16