

RECEIVED 9 OCT 2009 16

# Grand Lodge of A. F. & A. Masons of Ireland

Telephone  
+353 1 6761337/6795465/  
6624485/6796799

Telefax  
+353 1 6625101

e-mail: office@freemason.ie

*Grand Secretary's Office*

*Freemasons' Hall,*

*17, Melrose Street,*

*Dublin 2.*

7<sup>th</sup> October, 2009



Mr. Ivan Gillespie,  
15, Rosemary Street,  
Belfast,  
BT1 1QA

Dear V.W. Bro. Gillespie,

Re: CHARGES OF UNMASONIC CONDUCT AGAINST W. BRO B. HOOD, W.BRO S. HOOD AND W.BRO R. WILSON.

I refer to the above matter and to your letter of 1<sup>st</sup> October 2009.

In my letter to you of 7<sup>th</sup> September 2009 I requested further and better particulars in relation to the charges that your Province have laid in respect of the above named persons and also with reference to the enclosed "list of grievances." in respect of each Brother.

To date I have not received the information requested from you and would ask that you provide the information requested or in the alternative, an explanation as to why you are not providing the information requested.

I would draw your attention to the third paragraph of Rule 35 of the Laws and Constitutions:-

"If, on consideration of the matters alleged in such charge, the Board.... shall find that a prima facie case has been made, then they shall cause to be served on the Brother so charged a summons to attend....."

The Board requires evidence to support the charges made against each party. In the "list of grievances" there would appear to be references to various letters and other communications. The Board has to consider the context of these communications and letters before it can decide if a prima facie case has been established in relation to each charge made.

Until the Board has established that there is a prima facie case in relation to any charge it cannot recommend that summonses be issued against any party.

As you are aware charges have been laid against various officers of the P.G.L. of Antrim.

Doc 5

PAGE 8

As you are aware charges have been laid against various officers of the P.G.L. of Antrim. I can inform you that the persons bringing those charges have also been requested to provide further and better particulars of the allegations that they make.

In other words the Board requires documentary evidence to support any allegation or charge being made.

\* When the Board is in receipt of the information that it requires, it will then consider the evidence and decide if a prima facie case has been made.

Only then, in accordance with rule 35 will the Board advise that summonses be served.

The dates of 7<sup>th</sup> and 14<sup>th</sup> November 2009 were only proposed dates for hearing, if hearings were required following a finding that a prima facie case had been made and summonses issued in time, in accordance with Rule 35.

At the moment the Board has been unable to decide if there is a prima facie case to answer on these complaints as it has yet to receive the full evidence that it requires.

Thus I request a reply to the contents of my letter to you of 7<sup>th</sup> September 2009.

In relation to the rest of your letter of 1<sup>st</sup> inst I can answer as follows:-

If hearings were required then the Board would propose to commence at 11.00 a.m. and sit until lunchtime at about 1.00 p.m. Then rise to about 2.00 p.m. and then recommence the hearing. The afternoon hearing would conclude between 4.30 p.m. and 5.00 p.m. depending on the state of the evidence or witnesses giving evidence with a break in the afternoon of about 15 minutes at a suitable juncture or natural break in the proceedings. The time of such break would be in the hands of the Chairman.

- As regards evidence.
  - (a) Electronic recordings - no, unless all parties are in possession of same and are in agreement that same should be admitted. It is not normal practice to admit such evidence.
  - (b) Consortium of concerned Brethren documentation - no, as the authorship is currently unknown
  - (c) Previous mediation activities - unless relevant to the present proceedings such evidence would not be admissible.
- Will the panel impose time limits on oral submissions?

Parties to the hearing will assume that the Board has considered all written documentation provided to it. Whilst it would not be the Board's intent to limit the presentation of a case the Chairman at his discretion can decide to stop oral submissions, or ask that same be wound up if same become repetitious, or if no further point requires to be made, in the view of the Board.

Doc 5

PAGE 9

2

- What evidence will the panel consider?

The evidence before the board prior to the hearing and to which both parties have had full access to beforehand.

- Can a legal advisor be present?

No. The sub-committee dealing with these matters has decided that no party can be legally represented in accord with our rules, regulations and customs. A party to proceedings has the right to be in attendance himself and is entitled to be accompanied by a subscribing Masonic Brother of his choice in support, or if unable to attend personally he may be represented at the hearing by a subscribing Masonic Brother of his choice.

- Will there be total document discovery before the hearing commences?

Yes. That is the purpose of the process of further and better particulars. If a prima facie has been established on consideration of all the written evidence then a summons would issue and the summons would be accompanied by the evidence in support of the charge which would be served on the accused, so that he would have the opportunity to fully consider the case being made against him and supply the Board with any documentary evidence to refute the same.

- Can new evidence be introduced at the date of the hearing?

No. The Board can only consider the evidence before it in relation to the charge or charges made.

- Have each side to elect a case presenter or will individual submissions be accepted on the day?

No, it is up to each side to decide how to present their case.

- If the panel cannot agree will the verdict be that of the majority?

The Board will attempt to come to a unanimous verdict. If that is not possible within a time period then a majority verdict will be allowed.

- Will there be a report on the outcome?

Please read the full contents of Rule 35 of the Laws and constitutions. This answer is also relevant to the next question in your list.

- Will there be a confidentiality clause imposed with resultant penalty for abuse?

Doc 5

PAGE 10

No, the Board does not have the formal power to enforce a confidentiality clause but the Chairman, on behalf of the Board has the discretion to advise that all Brethren concerned should not reveal the contents of the hearing or the findings of the Board. This is a hearing involving Freemasons and as men of honour and with regard to their previous degrees within the Order, the members present should have no difficulty in abiding with such advice.

I can advise that there are no formal "Terms of reference" for the hearing.

At this stage the Board does not have sufficient material in its view to consider if a prima facie case has in fact been made in respect of any charge. Thus there are no formal arrangements in place for a hearing.

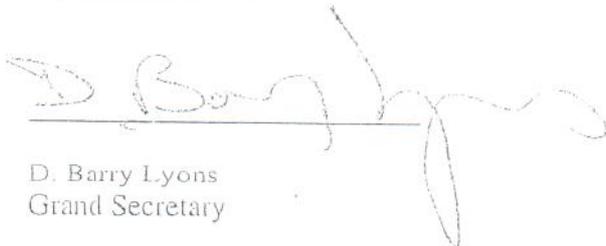
The dates given are provisional, if and only if a hearing is required.

The information provided above should suffice in the event of a hearing being required.

I trust the above is of assistance to you.

I look forward to a response to the contents of my letter of 7<sup>th</sup> September 2009 at your earliest convenience.

Yours sincerely and fraternally,



D. Barry Lyons  
Grand Secretary

DoS  
PAGE 11  
Lfo