

“APPENDIX 1”

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Mark Moriarty, PRP, JD  
Professional Registered Parliamentarian  
239.277.1164  
[Mmoriarty2016@outlook.com](mailto:Mmoriarty2016@outlook.com)

**VIA EMAIL ONLY** ([Adefoor@diocesefl.org](mailto:Adefoor@diocesefl.org))

Episcopal Diocese of Florida  
Attn: The Rev. Cn, Allison DeFoor  
Canon to the Ordinary  
325 N. Market Street  
Jacksonville, FL 32202

**Re: Parliamentarian Opinion**

Dear Rev. DeFoor:

Thank you for the opportunity to serve the Church.

You have asked for me for my professional opinion as a Professional Registered Parliamentarian (attached is a copy of my Bio) on the following issue:

**WHETHER THE CLERGY QUORUM AT THE MAY 14<sup>TH</sup>, 2022 ELECTION IN THE GOVERNING DOCUMENTS (i.e., CONSTITUTIONS, CANONS, AND ARTICLES OF REINCORPORATION) OF THE DIOCESE OF FLORIDA WAS FOLLOWED.**

Response:

- 1. A quorum was present and the governing documents were followed.**
  - a) The Agenda and Special Rules of Order for the Special Diocesan Convention were adopted unanimously**

At the beginning of the Special Convention, delegates were informed some of the delegates were electronically present online and some were physically present in person. Bishop Howard

recognized Mr. Robert S. Yerkes, Esquire, Chair of the Credentials Committee for the Certification of Delegates. Mr. Yerkes announced a quorum of clergy and duly elected delegates with 125 clergy delegates present (90 in person and 35 online) and 144 lay delegates present in person. The meeting was called to order. The Amended Special Rules of Order and the Agenda were subsequently adopted unanimously

Special rules of order supplement or modify rules contained in the organization's parliamentary authority. Robert's Rules of Order, Newly Revised 12th Edition, 2:15 (hereinafter 'RONR (12<sup>th</sup> ed.) 2:15'). Special rules of order supersede any rules in the parliamentary authority (or individual rules of order) with which they may conflict. Id.

Florida Canon 29 'Of Rules and Procedure' provides:

***The Convention and all Diocesan agencies may adopt such rules of procedure as are not inconsistent with the Articles of Reincorporation, these Canons, or those as set forth by the General Convention; and in all matters of procedure not otherwise provided for, Robert's Rules of Order as revised shall be followed (emphasis added).***

The agenda and the special rules of order were adopted unanimously.

I have reviewed the Canons of the Diocese of the Florida last amended by the 174<sup>th</sup> Diocesan Convention dated March, 2017, the Articles of Reincorporation of the Episcopal Church in the Diocese of Florida dated February 4, 1972, the Minutes of the Special Diocesan Council Meeting dated May 14, 2022, and the Minutes, Agenda, and the 2<sup>nd</sup> Amended Special Rules of Order of the Special Convention for the election of a Bishop Coadjutor dated May 14, 2022. It is my professional opinion that the adopted Special Rules of Order were not inconsistent the Articles of Reincorporation, these Canons, or those as set forth by the General Convention.

**b) No objections were made, no points of order were raised.**

RONR (12th ed.) 40:11-12, 'Manner of Enforcing a Quorum Requirement' provides:

*"When the chair has called a meeting to order after finding that a quorum is present, the continued presence of a quorum is presumed unless the chair or a member notices that a quorum is no longer present. If the chair notices the absence of a quorum, it is his duty to declare the fact, at least before taking any vote or stating the question on any new motion – which he can no longer do except in connection with the permissible proceedings related to the absence of a quorum, as explained above. Any member noticing the apparent absence of a quorum can make a point of order to that effect at any time so long as he does not interrupt a person who is speaking (emphasis added).*

Nobody objected. No one made a point of order.

**c) Points of order regarding the conduct of a vote must be raised immediately following the announcement of the voting result.**

An election to an office becomes final immediately if the candidate is present and does not decline or if he is absent but has consented to his candidacy. RONR (12th ed.), 46:46 'Time at Which as Election Takes effect'.

RONR (12th ed.), 46:48 'Contesting the Announced Result of an Election'

*"[A]n election may be contested only by raising a point of order. The general rule is that such a point of order must be timely ... If an election is disputed on the ground that quorum was not present, the provision the last sentence of 40:12 apply (the last sentence of 40:12 states: "Because of the difficulty likely to be encountered in determining exactly how long the meeting has been without a quorum in such cases, a point of order relating to the absence of a quorum is generally not permitted to affect prior action, but upon clear and convincing proof, such a point of order can be given effect retrospectively by a ruling of the presiding officer, subject to appeal).*

After the results of the third ballot were announced by Bishop Howard who reported that The Rev. Charlie Holt will become the Ninth Bishop of Florida upon the retirement of Bishop Howard and independent auditors confirmed the results of the count, all voting delegates completed a verification form, either online or via email. The election is final.

## Conclusion

After reviewing the Minutes of the Special Diocesan Council Meeting dated May 14, 2022, and the Minutes, Agenda, and the 2nd Amended Special Rules of Order of the Special Convention for the election of a Bishop Coadjutor dated May 14, 2022, my professional opinion is that the clergy quorum at the May 14<sup>th</sup>, 2022 election in the Canons of the Diocese of the Florida last amended by the 174th Diocesan Convention dated March, 2017, the Articles of Reincorporation of the Episcopal Church in the Diocese of Florida dated February 4, 1972 was followed. The Amended Special Rules of Order and the Agenda were adopted unanimously. No objections were made, no points of order were raised at any time during the convention. The election is final.

Sincerely,

/s/ Mark Moriarty, JD, PRP

Mark Moriarty

## Mark Moriarty's Bio

Mark Moriarty is a Professional Registered Parliamentarian. The "PRP" classification is the National Association of Parliamentarian's highest designation. It denotes experience and ability as a parliamentarian, and passing an extensive examination on the latest edition of Robert's Rules of Order.

Mark is the published author or "Misled Interested Citizens and Florida's Public Meeting Laws", Vol. 93, No. 1 Florida Bar Journal 52 (January/February 2019), and "Parliamentary Procedure: Accomplishing the Will of the Majority While Protecting the Rights of the Minority in an Efficient and Respectful Manner", Vol. No. 10 Florida Bar Journal.

Mark is the Associate Editor of Q & A Feature for the quarterly publication of the Florida Parliamentarian Newsletter. He has provided parliamentary services to the Organ Transplant Recipients of SW Florida, Inc., the cities of Venice, Rivera Beach, Cape Coral, North Port, Fort Myers, St. Pete Beach, the Cape Coral Charter School Governing Board Authority, the Florida School Board Attorney's Association, the Golf Lakes Residents Association, and various other property owners associations.