



LAW OFFICES
WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP

Matthew Oster
moster@wrslawyers.com

August 14, 2023

Via Email and U.S. Mail

nathaniel@roea.org
hgbnpopp@aol.com

His Eminence
Archbishop NATHANIEL
The Romanian Orthodox Episcopate of
America
P.O. Box 309
Grass Lake, MI 49240-0309

Re: Rejection of Jurisdiction and
Demand that You Cease and Desist From Defaming and Harassing Father Alecse

Dear Archbishop NATHANIEL:

We are litigation counsel to Father Constantin Alecse ("Father Alecse"). If you have, and/or the Romanian Orthodox Episcopate of America ("ROEA") has, legal counsel with regard to the matters addressed herein, please forward this letter to such counsel and ask them to respond. Otherwise, please address all future correspondence to me.

We are in receipt of Priest Ioan Bogdan's July 17, 2023 letter purporting to call Father Alecse to an August 17, 2023 Spiritual Consistory of the Romanian Orthodox Episcopate of America. We reject ROEA's claim to jurisdiction over Father Alecse for this purpose and renew our demand that ROEA cease and desist from its campaign of unwarranted harassment and abuse against Father Alecse.

First, as I set forth in my February 3, 2023 letter addressed to you, the ROEA forced Father Alecse into retirement on September 15, 2022, then immediately blessed him to serve as parish priest *pro-tempore* "until the process of assigning the next parish priest is completed." On September 30, 2022, Father Alecse applied for and received the Blessing of Metropolitan Nicolae and the Romanian Orthodox Metropolia of the Americas ("ROMA"), with his official acceptance in the Metropolia ROMA by the Metropolitan Council on November 11, 2022. Father Alecse, therefore, has not been subject to the jurisdiction of the ROEA for nearly a year and the ROEA has no authority to call him to a Spiritual Consistory or any other proceeding.

Second, even if Father Alesce were subject to the jurisdiction of the ROEA, the charges identified in Priest Bogdan's letter are facially baseless and outside the boundaries of any Spiritual Consistory. Article XV, Section 6, of the ROEA's own Bylaws provide that "[t]he Spiritual Consistory shall only hear and decide cases involving dogmatic and canonical matters...." Administration of parish properties, transfer to another diocese, and unspecified disobedience and conspiracy are not, by any measure, spiritual or canonical matters.

Further, as you must know, Father Alesce only has ever served as the Spiritual Leader of his parish. He never has "administered" any parish properties. As is explained in the ROEA's own Bylaws, Article IX, Section 6, "the assets of the Parish shall be administered by the Parish Council...." ROEA's Bylaws, Article IX, Section 12, further provides that "[t]he acquisition, sale, leasing, mortgaging or otherwise encumbering of church properties shall be decided by the Parish Assembly...."

Priest Bogdan's letter also purports to charge Father Alesce with unspecified "[d]isobedience and conspiracy." In what manner did Father Alesce allegedly disobey and conspire? With whom did such alleged conspiracy occur? Does this charge relate to the Father's resignation from the ROEA and subsequent Blessing by the ROMA (charge 3)? What rule prohibits a Romanian Orthodox priest from being blessed by a diocese after having been forcibly retired from another? We are confident the Holy Synod of the Patriarchate in Romania would disagree with any such restriction and would happily involve itself should the ROEA proceed on these charges.

Finally, Priest Bogdan's letter purports to charge Father Alesce with "[p]erforming religious services while suspended." Father Alesce has never been "suspended" by the ROEA. He was forcibly retired on September 15, 2022, and then immediately reinstated *pro tempore*. Father Alesce then received the Blessing of Metropolitan Nicolae and the ROMA on September 30, 2022 (officially on November 11, 2022). This fourth charge, therefore, is as facially baseless as the other three.

You and the ROEA nevertheless continue to threaten and defame Father Alecse. For example, your website publicly claims that Father Alecse was "suspended" from priestly functions on November 4, 2022, based on his participation in unspecified "unlawful actions." No "unlawful actions," however, have been identified by the ROEA. Father Alecse, furthermore, cannot have been suspended by the ROEA in November because he was forcibly "retired" by the ROEA in September.

You also have publicly claimed that Father Alecse signed and violated a "Declaration and Act of Loyalty." Attorney Grossman, however, requested a copy of any such declaration on November 8, 2022, and the ROEA provided none. Your inability to provide even this foundational document establishes the falsity and defamatory nature of this claim.

His Eminence
Archbishop NATHANIEL
The Romanian Orthodox Episcopate of America
August 14, 2023
Page 3

On January 24, 2023, the ROEA sent Father Alecse a letter “summoning” him before a “Spiritual Consistory” of the ROEA to address the ROEA’s purported “investigation into various complaints” received about him. That facially abusive effort appears to have been abandoned, only to now be renewed in a manner that facially exceeds the jurisdiction of the ROEA and contradicts the ROEA’s own Bylaws.

Please understand that Father Alecse has suffered real and quantifiable harm caused by the ROEA’s harassment and defamation. Parishioners have cited your published false claims in questioning Father Alecse’s status and conduct despite his Blessing by Metropolitan Nicolae and the ROMA. This has led to cancelled engagements (expressly based on the false statements issued by the ROEA) and a diminution of Father Alecse’s stellar reputation, built on decades of service. You have caused real harm to Father Alecse, and he is prepared to seek legal redress for his injuries.

We therefore demand that you immediately cancel this false “Spiritual Consistory” and cease and desist from further defaming Father Alecse. Further, since it appears that you have decided to ignore our previous letters, we now have no choice but to escalate this issue to your superiors, and as such, have filed a formal complaint to the OCA.

As we previously explained, if your tortious conduct continues, the next step will be litigation. Indeed, and as stated previously, Father Alecse has instructed us to defend him in the most public manner available including not only civil action, but also redress from the Orthodox Church of Romania and, if necessary, the Holy Synod of the Orthodox Church in Romania. Father Alecse also is working with a filmmaker who wants to document his persecution by you and who believes Father Alecse’s fight for due process will catch the public interest.

In conclusion, please understand that Father Alecse wants nothing more from the ROEA than to be left to fulfil his duties under the auspices of the ROMA, the Orthodox Church in Romania, and the Holy Synod of the Patriarchate in Romania. Father Alecse rejects any jurisdiction the ROEA claims to have over him and rejects this proposed kangaroo “Spiritual Consistory.” The path forward here still depends entirely on the decisions of the ROEA: leave Father Alecse alone and release him to ROMA as per the Metropolitan +Nicolae’s request of January 11, 2023, and the dispute still can end here. Continue to persecute Father Alecse and your every abuse goes very public.

His Eminence
Archbishop NATHANIEL
The Romanian Orthodox Espiscopate of America
August 14, 2023
Page 4

All rights are reserved.

Very truly yours,

WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP

A handwritten signature in black ink, appearing to be 'M. Oster', with a long horizontal stroke extending to the right.

MATTHEW OSTER

Copy: OCA, Metropolitan Tikhon, metropolitan@oca.org
ROMA, Metropolitan Nicolae, contact@mitropolia.us
Priest Ioan Bogdan, prbogdan@sfdimitrie.org
Anthony Grossman, Esq., agrossman@sg-law.net