

PM Donald R. Westbrooks
4631 Lodoga Stonyford RD
Stonyford, CA 95979
June 14, 2010

Tommy E. Phillips Sr.
Most Worshipful Grand Master
3307 Butler Court
Fairfield, CA 94534

Grand Master,

Please find enclosed copy of charges and specifications submitted to Most Worshipful Prince Hall Grand Lodge of California, against MWPGM Charles E. Tyner of Hiram Lodge #12. These charges have been filed in accordance with the Masonic Constitution of the MWPHGL of California, Masonic Code, Chapter XIII, Section 139.

Masonic Teaching has instilled in me an unwavering respect for our laws, rules, regulation and obligations; and has further demonstrated to me that no Mason is above our law. It is my sincere hope that this complaint will be afforded the constitutional consideration it deserves without bias or favoritism. Where there is no justice, there can be no healing, peace, progress or unity.

Respectfully,

Donald R. Westbrooks
Past Master

PM Donald R. Westbrooks
4631 Lodoga Stonyford RD
Stonyford, CA 95979
June 8, 2010

Most Worshipful Prince Hall Grand Lodge
Free and Accepted Masons, State of California, Inc.
9027 S. Figueroa Street
Los Angeles, CA 90003

RE: Charge - Un-Masonic Conduct – MWPGM Charles E. Tyner

Greetings Grand Lodge Members:

In accordance with the Masonic Constitution of the MWPHGL of California Code, Chapter XIII, Section 139, Charges are filed against MWPGM Charles E. Tyner.

Charge and Specification is against MWPGM Charles E. Tyner of Hiram Lodge #12. Charge: Presenting misleading and untruthful statements of information regarding the filing of a lawsuit against the MW Prince Hall Arms, Inc. (MWPHA), a nonprofit 501(c) (3) corporation, and the President of the corporation Mr. Frederick B. Young.

On July 15, 2009, MWPGM Charles E. Tyner presented to the Grand Lodge membership his "Annual Message" in accordance Article IX, Section 6, of the Masonic Constitution. In his message he stated that "on behalf of the Grand Lodge I filed a lawsuit in November 2008 to halt the spending of Grand Lodge money on the Prince Hall Arms project." This statement misrepresented the truth concerning spending money on the Prince Hall Arms project. During the Annual Session of Grand Lodge in July 2007 an Ad Hoc committee gave a report which included an itemized list of funds loaned to MWPHA. The total amount was estimated at \$424,787.00 dollars and the committee's report indicated that the last loan was made or about October 26, 1998 in the amount of \$9,000.00 dollars with funds withdrawn

from the Grand Lodge Building Fund. Refer to attachments 1 and 2.

The Grand Lodge Board did not authorize MWPGM Tyner to file the action. They were not informed of the filing until it was presented to them in a Grand Board of Directors meeting held on March 21, 2009. Although MWPGM Tyner was sustained in his action the lawsuit placed Grand Lodge in a very precarious situation. The appointment of MWPGM Tyner to represent the Grand Lodge in dealing with the MWPHA issue(s) has caused the Grand Lodge to lose its equity position in the Berkeley property, one of our valuable legacies. The Grand Board may not have understood that their fiduciary responsibility was to investigate the legitimacy and intent of MWGM Tyner's actions.

The Grand Lodge has paid out, based on orders of the court, payments totaling \$13,500.00 in attorney fees to MWPHA. The fees paid out to Byron Purcell, Grand Lodge Attorney, haven't been publicized. In addition, the Grand Lodge has paid out \$68,000.00 in arrears to Buckley Real Estate, Inc., with the promise to make the required monthly payments of \$6,500.00 until such time as MWPHA had secured funding to proceed with the project. The Grand Lodge reneged on that promise which caused Buckley Real Estate to file a notice of default which subsequently resulted in the property being lost in a foreclosure sale.

The \$13,500.00 court ordered attorney fee payments were based on the decision of the court that Grand Lodge had no basis for filing a Lis Pendens then contesting the court's decision to expunge the Lis Pendens and filing a second Lis Pendens without permission from the court.

Masonic and Moral Law Violations: In accordance with the Masonic Constitution Article IX, Section 6: Duties of the Grand Master, "Second, to present at each Annual Communication a written message setting forth his official acts during the year,...." The membership and representatives of the Grand Lodge have an expectation that the Grand Master's message will be truthful and unbiased since they are making decisions that affect all of the membership of our Lodges.

We learned in the Master Masons degree that I will not cheat, wrong, or defraud a Brother of this degree. When MWPGM Tyner gave fraudulent information in his message on July 15, 2009 to the membership about his reason for filing the lawsuit against PHArms, and Mr. Frederick B. Young

was to stop Grand Lodge spending money on PHArms project, he misrepresented facts because no money had been loaned to MWPHA since 1998. Thus, the frivolous lawsuit filings have caused the Grand Board of Directors to spend Grand Lodge to spend money unnecessarily on legal fees, and to lose the Berkeley property along with the \$424,787.00 dollars loaned to PHArms. In addition, as a member of MWPHA board of directors, by implication my honesty and integrity has been called into question.

Finally my brothers, no Mason is above our laws, I ask you find that MWPGM Tyner did in fact violate Masonic Law, Civil Law and his Masonic Obligation. Where there is no justice, there can be no peace or progress.

Respectfully submitted,

Donald R. Westbrooks
Past Master