

## CHAPTER 44

### **PENAL CODE\***

#### GENERAL PROVISIONS

##### **Constitutional Provisions**

The Grand Lodge shall, by Regulation, prescribe the procedures for administration of Masonic Justice. Such Regulations shall provide for notice to an accused Mason, service or specific charges upon him, reasonable opportunity to respond thereto, fair and impartial hearing thereon, and right of appeal from any judgment to the Grand Lodge. (Art. X, Sec. 19)

#### **OFFENSES AGAINST MASONIC LAW**

##### **Regulations**

**44.01** As piety, secrecy, obedience, temperance, truth, honesty, chastity, and charity are a few of the many virtues upon which mystic covenants and virtues are based, so their contrarities, profanity, evil speaking, insubordination, deceit, intemperance, lewdness, and derision are a few of the many vices which are subjects of fraternal discipline, and for the correction or vindication of which every Lodge involved is responsible to the whole Fraternity.

**44.02** Every breach or violation of proper fraternal deportment in the Lodge, and every wrongful disobedience of a legitimate order, notice, or summons from competent Masonic authority, is contempt.

**44.03** A Lodge cannot be used as a medium to collect a debt or to adjust a claim by charges and specifications.

**44.04** Making and filing of false charges against a Brother knowing them to be false or making and filing false charges upon information and belief without due and careful investigation as to the truth thereof is unmasonic.

\*Note - Chapter 44 was completely revised and rewritten, 1979.

**44.05** The sale or serving of beer, wine, liquor, or any other alcoholic or intoxicating beverage on any property owned or leased by Grand Lodge or on any property owned or leased by Particular Lodges, including, but not limited to, any Lodge Room, “Banquet Hall,” recreation room, dining room, or other structure used for Masonic purposes and located on said property is strictly prohibited, except as provided for in Regulation 28.06.1. These prohibitions shall apply to all Table Lodges, but the use of wine for Ceremonial purposes by Allied and Appendant Bodies shall not be prohibited. (2018)

These prohibitions shall not apply to any commercial property owned by the Grand Lodge or a Particular Lodge which is leased to non-Masonic third parties for lawful commercial purposes; to any premises or properties used by the Grand Lodge for its Annual Sessions; to hospitality rooms used by the Grand Lodge, a Masonic District, or a Particular Lodge at a hotel or private residence; nor to picnics or other gatherings held at properties not owned or operated under Masonic authority. (2013)

### References

As to alcoholic or intoxicating beverages being prohibited on Lodge or Grand Lodge owned or leased properties see also Regulation 28.06; or permitted under some circumstances see also Regulation 28.06.1. (2013)

### Rulings and Decisions

The serving of any intoxicating beverage in ~~Masonic Temples or Lodge Rooms or at Masonic Banquets~~ is forbidden by Masonic Law. (1969 Proc. 58, 212) (Partially Repealed 2013 Proc. 358-360 and 2018 Proc. 328)

The use of wine by churches or religious organizations in the sacraments while using Lodge property shall not be prohibited. (2000 Proc. 97-98)

As to Regulations 44.05, 28.06, and 28.06.1:

- I. In the event a Particular Lodge leases all or any portion of any of its properties outside the Lodge proper (such term shall include but not be limited to the Lodge Room, Banquet Hall, Collation Room, Teaching Room, or any other room or area utilized for Masonic purposes) to a non-masonic commercial enterprise or business **engaged** in the sale or serving of alcoholic beverages, the following shall be obtained by the Particular Lodge prior to entering into such leases:
  - a. A written lease agreement with appropriate hold harmless and indemnity language in favor of the Particular Lodge and Grand Lodge. The lease agreement shall further provide that in the event of any loss relating to the sale or serving of alcohol, the lessee shall give immediate notice to the Particular Lodge (which in turn shall provide such notice to the Grand Secretary), and further giving the Particular Lodge the right to make proof of such loss if not made promptly by the lessee to the lessee’s insurance carrier;
  - b. All city, county, state and if applicable, federal licenses;
  - c. Proof of the lessee’s insurance coverage (binder, certificate of insurance or policy) which shall insure the property against all perils including fire, windstorm, flood, and general liability coverage, to include liquor legal liability, in the amount of at least One Million Dollars (\$1,000,000.00) per occurrence/One Million Dollars (\$1,000,000.00) aggregate. The policy must be issued by a company licensed to do business in the State of Florida and possess a financial rating of “A” - Excellent, Class XI, or better according to the A.M. Best & Company rating guide. All Policies shall be maintained in full force and effect during the entire term of the lease and will be endorsed with a clause in favor of the Particular Lodge and The Most Worshipful Grand Lodge of Free and Accepted Masons of Florida, its successors, and/or assigns, P.O. Box 1020, Jacksonville, FL 32201-1020, not to be subject to contribution and provide at least ten (10) days prior notice of cancellation to both the Particular Lodge and the Grand Lodge. Proof of coverage (binder, policy, or certificate of insurance) shall thereafter be delivered to the Grand Secretary on any change or renewal/expiration of such policies.

- II. In the event a Particular Lodge leases all or any portion of any of its properties outside the Lodge proper (such term shall include but not be limited to the Lodge Room, Banquet Hall, Collation Room, Teaching Room or any other room or area utilized for Masonic purposes) to a non-masonic commercial enterprise or business **not engaged** in the sale or serving of alcoholic beverages, the following must be obtained by the Particular Lodge prior to permitting the serving of alcoholic beverages to invitees of the lessee for any function or event (e.g., an infrequent exhibition; a business open house where alcohol is served to guests at no charge; an office Christmas party that includes serving alcohol or BYOB):
- a. A written lease agreement with appropriate hold harmless and indemnity language in favor of the Particular Lodge and Grand Lodge. The lease agreement shall further provide that in the event of any loss relating to the sale or serving of alcohol, the lessee will give immediate notice to the Particular Lodge (which in turn shall provide such notice to the Grand Secretary) and further giving the Particular Lodge the right to make proof of such loss if not made promptly by the lessee to the lessee's insurance carrier;
  - b. Host liquor liability endorsement to the lessee's general liability policy (which meets the criteria set forth in 1 (c) above without the liquor liability);
  - c. A detailed explanation of the function or event, e.g., an infrequent exhibition; a business open house where alcohol is served to guests at no charge; an office Christmas party that includes serving alcohol or BYOB.
  - d. Copies of all the above required documents shall be sent to the Grand Secretary.
- III. In the event that a Particular Lodge or Club intends to engage in the serving or sale of beer, wine, liquor, or any other alcoholic or intoxicating beverage at any function or event the location of which is not on Lodge property, the Particular Lodge or Club must:
- a. Possess general liability insurance which must be endorsed with a clause in favor of The Most Worshipful Grand Lodge of Free and Accepted Masons of Florida, its successors and/or assigns, P.O. Box 1020, Jacksonville, FL 32201-1020.
- And
- b. Obtain a liquor legal liability or host liquor liability endorsement to the foregoing policy with a minimum policy limit of One Million Dollars (\$1,000,000.00) aggregate.
- Or
- a. Obtain a Special Event Policy with the foregoing endorsement and policy limits.
  - b. Obtain the proper license(s) from the city, town, county, or state, as applicable.
  - c. Comply with procedures and guidelines relating to the registration of the Lodge or Club with the State of Florida. (Ref. GL-220)
  - d. Copies of all the above required documents shall be sent to the Grand Secretary. (2014 Proc. 120-122)

**44.06** Inasmuch as this Grand Lodge is not a profit-making business nor organization and does not engage in profit-making activities for itself, nor for its members, an individual member of the Craft should neither use nor employ his connection with Freemasonry toward the realization of commercial or political gain or advantage. Consistent with the foregoing, the use of Masonic membership or affiliation for political or commercial purpose, including but not limited to advertising or publicizing such membership by signs, letterheads, cards, or otherwise in connection with any political or commercial activity, or solicitation of political support or commercial advantage at any Masonic meeting, is unmasonic; *provided*, however, that nothing herein shall prevent the use and publicizing of Masonic membership consistent with:

(a) Activities and programs specifically provided for elsewhere in this Digest, such as Public Education and Citizenship, Charity, or pursuant to Regulations 4.13 and 26.20.

(b) Display of Masonic emblems, symbols, patents, certificates, or the like in the interior offices of a Member's place of business or profession, consistent with pride of membership in the Fraternity and good taste; and

(c) Display of Masonic emblems and symbols on vehicles that do not display signs nor advertisements promoting or advertising a commercial or political enterprise.

(d) Displays by organizations engaged in the manufacture or sale of Masonic jewelry, emblems, or regalia. (1989)

**44.07** Obtaining a Degree or Degrees of Freemasonry by fraud, untrue statements or representations, or by knowingly concealing and withholding information relevant and material to eligibility for such Degrees is a proper subject for Masonic discipline.

**44.08** Every violation of the moral law, written or unwritten, whether emanating from the Particular or Grand Lodges, is an offense against the established Laws, usages and customs of Masonry; and any Lodge, Grand or Particular, of competent jurisdiction, may take cognizance.

**44.09** No Free and Accepted Mason is at liberty to relate, out of the Lodge, what is said or done within, for a mischievous, wrongful, or vicious purpose. Such conduct would be extremely reprehensible and be punishable accordingly as the circumstances are aggravated or mitigated. (1979)

**44.10** It is not unlawful for a Mason to ask a non-Mason if he would like to apply to become a Mason and offer to furnish a non-Mason information about Freemasonry including the procedures to be followed to become a Mason and offer assistance in the event the non-Mason should desire to become a member of the fraternity nor will it be unlawful for the Mason to remind the non-Mason of the offer but if no favorable response is made to the offer and reminder no further offer shall be made to the non-Mason. (1996)

Any such inquiry or offer shall be limited to a non-Mason who is believed to be of good morals, high character, upright in his community and has a favorable impression of our Fraternity. It shall be unlawful to urge, insist, attempt to persuade, argue, or use any other device or tactic to induce a non-Mason to petition for membership in the Fraternity. (1996)

The essence of the relationship between a Mason and a non-Mason in this matter should be limited and restricted to an inquiry and offer of assistance and one reminder of the offer to the end that it may always be said of every Mason that he came to membership of his own free will and of his own volition. Any action on the part of a Mason in approaching a non-Mason in respect to membership that would violate this concept is unlawful and would subject the Mason to discipline. (1996)

**44.11** Any member of a Lodge of this Grand Jurisdiction who uses or refers to any written or printed books, manuscripts or papers purporting to disclose or expose the secret work of Freemasonry, except the authorized written work of this Grand Jurisdiction when lawfully authorized so to do, shall be subject to discipline. (1979)

**PENAL JURISDICTION OF THE GRAND LODGE  
AND THE PARTICULAR LODGES**

**References**

The Grand Lodge has exclusive original Penal Jurisdiction over elected Grand Lodge Officers for life, and over Masters and Wardens of the Particular Lodges and District Deputy Grand Masters and subordinate Grand Lodge Officers while in office and continuing jurisdiction after expiration of term of office as to offenses committed while in office. (Reg. 4.02-1984)

**PENAL JURISDICTION OF A LODGE**

**Regulations**

**44.12** Penal jurisdiction is of two kinds:

- (a) Geographical, which is that jurisdiction over the territory surrounding the Lodge and extending in every direction one half the distance to the nearest Lodges, without regard to concurrent jurisdiction for receiving petitions for the Degrees and extending to all Masons, whether affiliated or unaffiliated, residing within its territory as above defined; and
- (b) Personal, which is that jurisdiction of the Lodge over its own members, wherever they may reside. (1979)

**44.13** The primary responsibility for administration of Masonic Justice is the responsibility of a Lodge for the conduct of its own members, and whenever practicable charges of unmasonic conduct shall be filed in the Lodge of the accused membership. (1979)

**44.14** When charges of unmasonic conduct are filed against a Mason in a Lodge in whose territory he resides but of which he is not a member, the Secretary of the Lodge in which the charges are filed shall, in addition to furnishing copy to the Grand Master, District Deputy Grand Master, and Grand Secretary, also send copy to the Lodge of the accused's membership. (1979)

**44.15** When charges of unmasonic conduct are filed against a Brother in a Lodge of which he is not a member but in whose jurisdiction he resides, the charges shall forthwith be transmitted to the Lodge of the Brother's membership if such Lodge is in the same Masonic District as the Lodge in which the charges were filed; and thereupon the Lodge in which the charges were

filed shall have no jurisdiction to proceed further in the matter, and the Lodge of the Brother's membership shall have jurisdiction and responsibility for all further proceedings.

The Secretary of the Lodge in which charges were filed shall immediately transmit such charges to the Secretary of the Lodge of the accused Brother's membership by registered or certified mail with return receipt requested with copies of charges to the Worshipful Master of the Brother's membership, the Grand Master, Grand Secretary, District Deputy Grand Master, the accused, and to the Brother or Brothers that filed the charges. No action of the Lodge originally receiving such charges shall be necessary for the Secretary to transmit such charges to the Lodge of the accused membership, but the Secretary shall, at next Stated Communication of the Lodge, report his action and make appropriate record in the minutes. (1979)

**44.16** Entered Apprentice and Fellow Craft Masons are subject to Masonic discipline and shall be entitled to all the rights of a Master Mason in respect to the charges against them and the proceedings thereon except those proceedings which must be conducted in a Master Mason Lodge, but the Master Mason Lodge may be called into recess for purpose of permitting the Entered Apprentice or Fellow Craft to present argument or make other appropriate statement in respect to such charges. (1979)

**44.17** If disputes arise between two (2) Brothers, and it is impossible to tell upon whom the blame rests, and it is evident that there has been a violation of Masonic Law, then both should be put upon trial. (1979)

**44.18** A Lodge has the right to try a member for an offense committed before his Initiation when it is of such character that if known at the time of balloting it would have prevented his acceptance. (1979)

**44.19** If the Brethren of a Lodge believe that there may have been a serious breach of the moral law, by one of their members, in which another Mason was grievously offended, it is their duty to investigate his conduct, whether the offended Brother desires to make formal complaint or not, since it is not in the power of any one Mason to prevent an investigation when the reputation of the Fraternity is at stake. (1979)

**44.20** A Mason, after affiliation, may prefer charges against an older member for an offense committed prior to said affiliation. (1979)





## JURISDICTION OF THE GRAND LODGE

### Regulations

**44.21** It shall be the duty of every member of a Florida Lodge to report to the Worshipful Master all convictions of members of the Lodge and of unaffiliated Masons residing in the Penal Jurisdiction of the Lodge of which he has any knowledge.

It shall be the duty of the Worshipful Master of a Lodge to promptly notify in writing the Grand Master, the Grand Secretary, and the District Deputy Grand Master of the District the name and address of any member of his Lodge and the name and address of any unaffiliated Mason residing in the Penal Jurisdiction of his Lodge:

- (1) who is convicted of a criminal offense involving moral turpitude under any State or Federal law, or
- (2) who is being charged with any such offense and who enters any plea other than “not guilty,” or
- (3) who, when charged with any such offense, enters into a “pre-trial intervention program” or joins in any “plea-bargaining” in which one of the stipulations is that he admits his guilt as to the charges,

together with a copy of the charges of which the Brother was convicted, or to which he entered a plea, a copy of the judgement and sentence and other relevant information, or a copy of the stipulations of a pre-trial intervention program in which he admitted his guilt as to the charges and in which he may have also agreed to a specified term of probation after which time, and if all the stipulations are satisfied, the charges would be dropped. (1995)

Moral turpitude is that element of an offense that characterizes the act done as an act of depravity, baseness, vileness, wickedness, or evil and contrary to the accepted and customary rules of right and justice and violative of the duty between man and man and includes any and all violations of moral law.

Upon receipt of such notice and information as aforesaid, the Grand Master shall cause written notice to be served upon such member in accordance with Regulation 44.28 directing him to show cause in writing within thirty (30) days of service why he should not be suspended. If the member fails to respond to the Grand Master, he shall be suspended without further notice. If the member does respond within the thirty (30) days, the Grand Master shall direct the Chairman of the Penal Affairs Panel to convene a review board of three (3) Master Masons, two (2) of whom shall be members of the Penal Affairs Panel. The matter shall proceed in the same manner as provided in Regulation 44.53, except that the review board shall receive the testimony and argument in writing. The review board may, in its discretion, also hear all or part of the matter orally. The review board shall promptly submit its written findings and

recommendations together with the complete record to the Grand Master, with copies to the Chairman of the Penal Affairs Panel and to the member. The Grand Master may adopt, modify, or reject the recommendations of the review board or may direct that charges be filed. Notwithstanding the provisions of Regulation 44.56, any suspension hereunder shall continue until the member has served his sentence of imprisonment, parole, and/or probation, or had his civil rights restored, whichever last occurs; and the member may not seek reinstatement until one (1) year after expiration of his suspension. The Petition for reinstatement may be filed with the Lodge and take its usual course and the ballot must be unanimous. The timely filing of an appeal of the conviction to the appropriate civil court shall stay action under this Regulation until the appellate process has been concluded.

If the Grand Master shall direct that charges be filed, he may specify who shall file the charges or he may specify the number of Master Masons required to sign the charges without regard to requirements as to the signatures to charges in any other provisions of this Penal Code. All trials ordered under this Regulation shall be by Trial Commission. (1986)

#### **Rulings and Decisions**

Applicant must file a Petition for Reinstatement and that Petition must follow the usual course and that the ballot must be unanimous. (1986 Proc. 71)

With reference to the term full civil rights, the word "full" means complete without exception. For a man that has lost his civil rights and had them restored, the restoration must include all civil rights. This restoration, therefore, must include "the right to bear arms." (2009 Proc. 120-121)

**44.22** There shall be a Penal Affairs Panel composed of fifteen (15) Master Masons in good standing in their respective Florida Lodges who shall be appointed and serve terms as follows:

Each year the newly installed Grand Master shall appoint five members of the Panel to serve terms of three (3) years. In the event of vacancy the Grand Master shall make appointment for unexpired term.

For the first year after effective date hereof, the Grand Master shall, in conference with Deputy Grand Master and Senior Grand Warden, appoint five (5) members for terms of three years, five (5) members for terms of two years, and five (5) members for terms of one year.

Each year the Grand Master shall designate one member as Chairman and another member (whose term shall not coincide with term of Chairman) as Vice Chairman.

Members of the Panel should be lawyers, judges, and men experienced in law enforcement and court procedure.

It shall be the duty of the Grand Secretary, upon receipt of each and every paper relating to penal matters, to forthwith make record thereof in a book kept for that purpose and forward copy to Chairman and Vice-Chairman of the Panel.

The Chairman, under the direction and supervision of the Grand Master shall be the administrator of the Penal system of the Grand Lodge and shall keep current docket record of each Penal Proceeding in a book provided by the Grand Lodge for that purpose, which book shall be delivered to his successor.

The Grand Master shall inform the Chairman in respect to all acts or actions taken or proposed to be taken by the Grand Master and copies of all documents issued by the Grand Master shall be delivered to the Chairman and to the Grand Secretary, the accused Brother, his counsel, and such other persons as may be appropriate.

The Grand Secretary, upon request therefore, shall make available to the Chairman of the Penal Affairs Committee, the Chairman of the Appeals Committee of the Jurisprudence Committee, and to the Jurisprudence Committee any file or files, documents and papers or copies thereof relating to Penal Affairs.

The Grand Master may, by Executive Order, confer upon the Chairman of the Panel the power to exercise any or all of the powers of the Grand Master in respect to Penal Affairs. The Executive Order shall be filed with the Grand Secretary and copies furnished to Grand Lodge Officers, Particular Lodges, Past Grand Masters, and Chairman of the Penal Affairs Panel.

In the event the Grand Master shall delegate any or all of his powers to the Chairman of the Panel, the Grand Master shall continue to supervise all Penal Affairs.

If the Grand Master shall delegate any or all of his powers aforesaid to the Chairman of the Panel, any person aggrieved by any act or action of the Chairman during the progress of the proceedings may appeal to the Grand Master in writing for review of such act or Order.

Such appeal shall be taken not later than fifteen (15) days after the act or action complained of and shall be in writing and set forth clearly and fully the act or action complained of and the reasons for the appeal.

Copies of the written appeal shall be delivered to the Chairman of the Penal Panel and the Grand Secretary.

The Grand Master shall enter Order approving, reversing, amending or correcting the act or action of the Chairman and file his Order with the Grand Secretary with copy to the Chairman of the Penal Affairs Panel and to the complaining party.

This Regulation shall not be construed to permit appeal to the Grand Master of final judgment of the Lodge or Trial Commission, which appeal must be addressed to the Grand Lodge as provided in this Penal Code. (1983)

## **POWERS OF THE GRAND MASTER**

### **Regulations**

**44.23** Notwithstanding any other provision of this Penal Code, the Grand Master may, upon receipt of copy of charges

or at any other time or stage of the proceedings, take such action in regard to the proceedings as he may be advised, including but not limited to directing the Lodge as to further proceedings, abatement of proceedings pending investigation, appointment of Trial Commission, referral of the matter to the Penal Affairs Committee or to the Chairman thereof or to any member or members of the Committee with such orders as he may deem appropriate, and in any and all other ways control and direct the proceedings to a conclusion.

Copies of all Orders shall be filed in the office of the Grand Secretary and a copy delivered to the Lodge, to the District Deputy Grand Master, to the accused, and to any other person affected by said Order or Orders.

The Grand Master, in the exercise of his discretion, may investigate or cause to be investigated any matter coming to his attention and file charges or order charges to be filed in every instance where there is probable cause to believe there has been conduct justifying filing of charges.

The grant of powers herein shall not be construed to limit, restrict or impair the inherent powers of the Grand Master or any other powers of the Grand Master set forth herein but shall be construed as additional and cumulative powers.

The Grand Master shall enter an order for Expulsion from the Fraternity for any member who is convicted, of any of the following crimes or who when charged with any of these crimes enters into a pre-trial intervention program or who joins in any plea bargaining in which one of the stipulations is that he admit his guilt or who enters a plea of anything other than not guilty when charged with Murder, Attempted Murder, Sexual Battery, Child Molestation, Terrorism, or the use of a firearm during the commission of a Felony. (2008)

### **Rulings and Decisions**

The Terms "With Prejudice" and "Without Prejudice" are terms used in Civil and Criminal trials only and have no merit or meaning in our Grand Lodge or Lodge Masonic Trials or in the dismissal of charges of unmasonic conduct when it pertains to our Digest of Masonic Law or our Masonic Justice Manual; therefore, these terms shall not be used in Penal Proceedings. (2018 Proc. 120)

## **PREFERMENT OF CHARGES, SERVICE THEREOF, AND ANSWER**

### **Regulations**

**44.24** Any Master Mason who is a member in good standing in a regular Lodge may file charges of unmasonic conduct against any Mason either in the Lodge of the accused membership or in the Lodge in whose territory the accused resides. Charges against an unaffiliated Mason shall be brought in the Lodge in whose jurisdiction the accused resides. The Vigilance Committee of a Lodge may file charges in such Lodge against any member of the Lodge or against any Mason residing in the jurisdiction of the Lodge.

**44.25** Charges shall be in writing and shall conform to the following:

- (a) Addressed to the Worshipful Master, Wardens and members of the Lodge in which the charges are to be filed with address of such Lodge.
- (b) The name of the accused, his address, Lodge membership or that the accused is unaffiliated, and telephone number if known.
- (c) The general charge shall be that the accused is guilty of unmasonic conduct, which general charges shall be followed by clear, definite and detailed specification of the acts or actions of the accused. If more than one (1) charge is made, each charge shall be consecutively numbered with appropriate spacing between each of the charges.
- (d) Each charge shall specify in clear language the acts or actions of the accused, the time and date or dates thereof, the place where such acts or actions took place, and the name or names of witnesses having knowledge of such action, and upon whose testimony the accuser or accusers will rely upon at trial of the accused.
- (e) Each fact alleged in a charge shall be presumed to be facts of which the accuser or accusers have personal knowledge unless such fact is specifically stated to be alleged upon information and belief.
- (f) The charges shall conclude with the statement that the accusers or accuser, on his or their Masonic honor, allege the charges to be true, except such charges as are stated to be upon information and belief and that upon investigation they verily believe the charges or charge to be true.
- (g) The charges shall be signed by the accuser or accusers together with his or their address and telephone number, if any, and Lodge membership.
- (h) The original and six (6) signed duplicate copies of the charges shall be filed with the Secretary.
- (i) The charges or charge shall be in substantially the following form:

1

To the Worshipful Master, Wardens and Members of 2 Lodge No. 3  
located at 4 :

In Re: Charges against Brother 5 who resides at 6 and whose address is  
7 and whose telephone number is 8 and who is a member of 9 Lodge  
No. 10 (or is unaffiliated).

The undersigned hereby charge Brother 5 with unmasonic conduct as  
hereinafter specified:

1. Brother 5 on or about the 11 day of 11 A.L. 60\_\_ A. D.  
20\_\_ (or during the period beginning on the 11 day of 11 A.L. 60\_\_  
A.D. 20\_\_) - and ending on the 11 day of 11 A.L. 60\_\_ A.D. 20\_\_) at  
13 in 14 did 15 .

Witnesses having knowledge of the foregoing are 16 , 17 , 18 and  
19 .

2. On information and after due and careful investigation the  
undersigned verily believes that Brother 5 (continue as in charge No. 1).

The undersigned upon his or their Masonic honor allege the above  
charges are true except those alleged upon information and belief and the  
undersigned verily believe those to be true after due and careful investigation  
20 , 21 and 22 .

1. Date charges are being prepared
2. Name of Lodge in which charges will be filed
3. Lodge number
4. Location and address of Lodge in which charges will be filed
5. Name of accused
6. Residence of accused
7. Mailing address of accused
8. Telephone number of accused
9. Lodge of which accused is a member
10. Lodge number
11. Date or dates of alleged unmasonic conduct

12. Place where offense was committed
13. Name of city, town Or community where offense was committed
14. Name of state
15. Detailed description of the acts, actions, words or conduct constituting the offense
16. Name or names of witnesses having knowledge of the unmasonic conduct and who will testify thereto
- 17-19. Residence, address and telephone number of witnesses and if a witness is a Mason the name and number of his Lodge
- 20-22. Name, residence address and telephone number and Lodge membership of accuser or accusers

**44.26** For administrative and time purposes, charges shall be deemed filed when the original and six (6) copies have been delivered to the Secretary of the Lodge personally or by registered or certified mail with return receipt requested. Upon receipt of charges, the Secretary shall forthwith endorse on the original and all copies the date and time of delivery to him and the means by which the same was delivered to him. Such action shall not be considered a formal filing of charges until such charges are accepted either by the Lodge or Grand Lodge for prosecution. (2010)

#### **DUTIES OF THE WORSHIPFUL MASTER AND SECRETARY UPON RECEIPT OF CHARGES**

##### **Regulations**

- 44.27** Upon receipt of charges the Secretary shall:
- (a) File the original in the records of the Lodge.
  - (b) Deliver personally or by registered or certified mail copies of the charges to:
    - (1) The Worshipful Master of the Lodge
    - (2) The District Deputy Grand Master
    - (3) The Grand Secretary
    - (4) The Grand Master



- (5) If the accused is a member of a Florida Lodge other than the Lodge in which the charges are filed, the Secretary shall deliver copy of the charges to the Worshipful Master of the Lodge of the accused's membership.
  - (6) If the accused is a member of a Lodge of a foreign jurisdiction, the Secretary shall deliver, additional copy of the charges to the Grand Secretary for delivery by the Grand Secretary to proper Masonic authorities of such foreign jurisdiction.
- (c) Upon receipt of the charges the Worshipful Master shall examine them and determine if they be in proper form and if they state an offense against Masonic Law.

If the charges are in proper form and sufficiently state an offense, the Worshipful Master shall direct the Secretary to serve copy of the charges as provided in Regulation 44.28.

If the charges are not in proper form or shall be insufficient to state an offense, the Worshipful Master shall enter his written order stating therein the errors, omissions, or deficiencies in the charges and either dismiss the charges or direct amendments thereto or other proceedings thereon as he may be advised and shall file his order with the Secretary. The Secretary shall deliver personally or by registered or certified mail, with return receipt requested, copies of the order of the Worshipful Master to the accused, the accusers, the District Deputy Grand Master, the Grand Secretary and the Grand Master.

The dismissal of the charges by the Worshipful Master shall not preclude or prevent filing of other or further charges which shall take the same course as the original charges.

**44.28** After determination by the Worshipful Master that the charges are in proper form and state a violation of Masonic Law, the Secretary shall, at direction of the Worshipful Master, serve a copy of the charges upon the accused:

- (a) By personally delivering a copy of the charges to the accused; or
- (b) By delivery of a copy of the charges to the usual Place of residence of the accused and in absence of the accused delivery to an adult (age 18 or more years) member of the family of the accused residing at and with the accused at the usual place of residence of the accused; or
- (c) By registered or certified mail addressed to the accused at the last known address of the accused.

The Secretary shall make notation on the original of the charges of service on the accused, specifying the time, date and manner of service.

If service cannot be made as above provided, the Secretary shall announce at the next Stated Communication of the Lodge his failure to effect service upon the accused and request information as to the whereabouts of the accused and make other search and inquiry in regard thereto; and if the accused cannot then be found and served, the Secretary shall make written record of all his efforts to serve the accused and report to the Lodge, and thereafter the matter shall proceed as if the accused had been served with copy of the charges and had failed to respond thereto.

Every member of the Lodge has the duty to inform the Secretary of the Lodge of his mailing and residence address and any change thereof, and if he fails to do so cannot be heard to object to lack of service or receipt of notices.

### **ANSWER OR OTHER RESPONSE TO CHARGES**

#### **Regulations**

**44.29** If the accused shall be served with a copy of the charges or sign receipt for registered or certified mail containing a copy of the charges at least ten (10) days before the next Stated Communication of the Lodge (in counting the ten (10) days the day of service or signing of receipt shall not be counted but the day of the Stated Communication shall be

counted), he shall, on or before the day of the next Stated Communication of the Lodge, file with the Secretary his answer to the charges admitting, denying or excusing each of the charges against him.

If the accused shall not be served with a copy of the charges or sign receipt for mail containing the charges at least ten (10) days before the next Stated Communication of the Lodge, he shall, on or before the day of the next succeeding Stated Communication file answer; *provided*, however the accused may waive the ten-day period and file answer or objections at next Stated Communication after such service or receipt.

### Reference

If the accused or the Lodge desires trial by Trial Commission procedure is set forth in Regulation 44.63.

**44.30** The answer shall set forth in plain language the facts of the case and shall specifically admit or deny or excuse each of the charge or charges in consecutively numbered paragraphs in the charges.

The answer shall be signed by the accused, who shall certify on his honor as a Mason that the facts set forth in the answer are true except as to such facts as may be alleged on information and belief and in such case he shall certify that he verily believes such facts to be true.

If the answer contains any matter not pertinent or material to the case it may be stricken by action of the Lodge or Trial Commission.

The original and six (6) signed copies of the answer shall be delivered to the Secretary, who shall retain the original in the Lodge files and deliver a copy to the Worshipful Master, the District Deputy Grand Master, the Grand Secretary and the Grand Master.

**44.31** For good cause the Worshipful Master may allow charges or the answer to be amended, but in every such instance copies of such amendment shall be served or delivered as in the ease of the original charges or answer.

**44.32** If the accused shall fail to file answer or other response to the charges after proper notice, he shall, by direction of the Worshipful Master, be given further and final notice by registered or certified mail to appear or file response within the time set forth in the final notice; and upon failure to appear or respond to said final notice or if the accused in his answer shall admit that he is guilty of the charges, he shall be deemed guilty as charged and the Lodge shall proceed to fix penalty.

**44.33** If the accused Brother is in prison and unable to obtain someone to represent him, the Worshipful Master shall either upon request of the accused or, if no such request is received, may in his discretion appoint a Brother to represent the accused; and in such case the appointed representative shall, if possible, obtain from the accused a statement either orally or in writing and in reliance thereon file answer in behalf of the accused and sign the same but need not certify as to the truth of such answer.

#### **DETERMINATION TO PROSECUTE OR DISMISS CHARGES AND PROCEEDINGS THEREON**

##### **Regulations**

**44.34** (a) At the first Stated Communication of the Lodge after the answer of the accused has been filed with the Secretary the charges and the answer shall be read in full to the Lodge.

(b) If the answer shall deny the charges or admit the truth thereof but set forth reason or excuse therefore the Lodge, after such discussion as the Worshipful Master shall deem appropriate, shall by majority vote by secret written ballot of members present determine to dismiss or prosecute the charges.

(c) The accused shall have right to be present at time of reading of the charges and the answer but shall retire from the Lodge immediately thereafter and shall not be permitted to be present at time of discussion or voting.

(d) If the Lodge shall vote to dismiss the charges, the Worshipful Master shall enter a written order dismissing the charges and file the same with the Secretary.

(e) If the Lodge shall vote to prosecute the charges, the Lodge shall then determine by majority vote by secret written ballot of members present whether or not to request trial by Trial Commission as provided in Regulation 44.63; and if the Lodge shall determine to request trial by Trial Commission, the Worshipful Master and Secretary shall forthwith prepare and deliver such request to the Grand Master as provided for in Regulation 44.63.

(f) If the Lodge shall determine to prosecute the charges and not to request trial by Trial Commission the Secretary shall give written notice to the accused that the Lodge has determined to prosecute the charges and not to request trial by Trial Commission and informing the accused of his right to request trial by Trial Commission within ten (10) days after receipt of the notice of the action of the Lodge, which notice shall be by personal delivery or by registered or certified mail with return receipt requested. (In counting days, the day of delivery of charges or signing of receipt of registered or certified mail shall not be counted but day for filing request shall be counted.)

(g) If the Lodge shall determine to prosecute the charges and not to request trial by Trial Commission, and the accused has not filed request for Trial Commission as provided in Regulation 44.63, the matter shall proceed as provided in Regulation 44.35.

(h) The Secretary shall deliver personally or by registered or certified mail with return receipt requested all orders, notices, request for Trial Commission or copies thereof to the accused, the accusers, the District Deputy Grand Master, the Grand Secretary and the Grand Master. If the Secretary shall personally deliver any of the above he shall take receipt therefore, and all receipts for personal delivery and by mail shall be preserved in the records of the proceedings.

(i) Notwithstanding the vote of the Lodge to dismiss the charges, the Grand Master in his discretion may order prosecution and in his order give directions as to further proceedings as provided in Regulation 44.23.

(j) A Brother under charges shall not automatically be excluded from the Lodge except at such time as the Lodge is discussing or voting on matters relating to such charges; but the Worshipful Master may, if he deems it in the best interest of the Lodge and the peace and harmony thereof, enter order excluding the Brother from the Lodge until final judgment of the Lodge or Trial Commission; but the Brother shall not be excluded from the Lodge at time of reading the charges and answer as provided in Regulation 44.34(c) nor at time of trial as provided in Regulation 44.46.

### **Rulings and Decisions**

The Terms "With Prejudice" and "Without Prejudice" are terms used in Civil and Criminal trials only and have no merit or meaning in our Grand Lodge or Lodge Masonic Trials or in the dismissal of charges of unmasonic conduct when it pertains to our Digest of Masonic Law or our Masonic Justice Manual; therefore, these terms shall not be used in Penal Proceedings. (2018 Proc. 120)

## **TAKING AND REPORTING TESTIMONY**

### **Regulations**

**44.35** If the Lodge has determined to:

- (a) Prosecute the charges; and
- (b) Not to request trial by Trial Commission as provided in Regulation 44.34; and
- (c) If the accused shall not request trial by Trial Commission within ten (10) days after notice that the Lodge has determined to prosecute the charges and not request trial by Trail Commission; and
- (d) If the Grand Master shall not have entered any order otherwise directing the proceedings;

the Worshipful Master shall appoint a Trial Committee of three (3) members of the Lodge, designating one of them as Chairman to take the testimony in writing.

If possible, the Chairman of the Trial Committee shall confer with the accused or his counsel or representative and enter into agreement relating to all further proceedings as provided in Regulation 44.40; but otherwise the Chairman shall give at least ten (10) days notice to the accuser and the accused and his counsel or representative of date, time and

place of taking testimony. The Chairman shall preside at all meetings of the Committee and at taking of testimony and may adjourn such meetings or taking of testimony to reconvene at such times and places as may suit the convenience of the parties and may tend to promote the cause of truth and justice. When all the evidence has been taken on behalf of the accused and against him, the Committee shall cause the same to be sealed up, addressed to the Master of the Lodge, and deposited with the Secretary.

**44.36** In the trial of a member all the testimony must be submitted in writing and signed by the witness or witnesses, respectively, except such matters as, in their nature, are improper to be written.

**44.37** In the taking of testimony, no oath shall be administered. Masons testify upon their honor as such; others affirm upon their honor as gentlemen, etc., as prudence and propriety suggest.

**44.38** Testimony in a Masonic trial can be taken by deposition, the witness being at a distance; *provided*, notice is given to the accused of the time and place and the name of the witness, or witnesses, and an opportunity is given the accused to cross-examine the witnesses.

**44.39** The accused and the Lodge may be represented at the taking of testimony before a Trial Committee by Brothers as counsel.

## AGREEMENTS AND STIPULATIONS

### Regulations

**44.40** The accused and the Chairman of the Trial Committee may enter into agreements and stipulations relating to time, place and manner of taking testimony, setting time for other and further proceedings and relating generally to all other matters relevant to disposition of the proceedings; *provided*, that no agreement shall be made as to date of trial without approval by the Worshipful Master. Such agreements should be made whenever practicable to expedite the proceedings, avoid misunderstandings, avoid unnecessary delays and in all other ways bring the proceedings to speedy conclusion.

**EVIDENCE ADMISSIBLE****Regulations**

**44.41** All relevant testimony should be taken and considered on every matter of Masonic investigation.

**44.42** Rumor and hearsay testimony is not evidence in a Masonic trial, but all information obtained in a regular Masonic manner is admissible.

**TRIAL****Regulations**

**44.43** After the Trial Committee has filed the testimony as provided in Regulation 44.35, the Worshipful Master shall appoint a Stated Communication for the trial and announce the same in open Lodge; and if the accused not be present at time of such announcement, the Secretary shall note his absence in the minutes and shall give him notice thereof in the same manner prescribed in Regulation 44.28 for service of charges upon the accused.

**44.44** The lodge, of right, is the judge of the weight and credibility of testimony.

**44.45** The filing of charges against a suspended Brother shall operate to restore to him the right to be present in the Lodge during the proceedings relating to the charges against him as provided in Regulation 44.46.

**44.46** The Lodge is the jury. After the testimony has been read to the Lodge, argument for the Lodge and the accused shall be permitted; but when arguments have been heard, the accused and accuser, together with their counsel, shall retire, and the Lodge, as jury shall then discuss and deliberate upon the law and facts to a reasonable extent. The first question to be voted upon by the members present shall be: "Is the accused guilty or not guilty of the offense charged?" If the accused or his counsel, or any member of the Lodge, prior to the ballot, request it, a vote upon each charge shall be taken separately.



**44.47** All charges for unmasonic conduct shall be tried upon their merits; and no quibbles, technicalities or special pleadings shall be allowed to prejudice, retard or defeat the ends of Fraternal Justice. In Masonic Trials, the main points of law shall be: First, a charge plainly stated; second, a reasonable notice to the accused; and third, a speedy and impartial trial.

**44.48** After the testimony is read to the Lodge, such discussion should be allowed and encouraged as will enable the Brethren fully to understand its import so that they may render an intelligent verdict when the vote is taken.

**44.49** When the testimony is under discussion during the course of a Masonic trial, and a Brother present has been involved in the matters under investigation, though not under charges, he should be requested by the Worshipful Master to withdraw until the vote is taken if his presence tends to check a full discussion of the case.

**44.50** Every member of the Lodge who is present must vote on all questions arising in trials unless excused by the Lodge for good cause stated.

**44.51** The vote on all questions arising during the trial shall be by written secret ballot, and a majority vote controls.

**44.52** A Lodge is not, in general, required to postpone a trial when the accused is also charged with violation of state or municipal law, until the courts have acted; but if the Lodge trial would tend to defeat the ends of legal justice, by aiding an escape or by creating bias or prejudice in the minds of his peers for or against him, the Masonic proceedings should await action of the courts.

#### **FORM OF CHARGES FOR CIVIL CONVICTION AND PROCEEDINGS THEREON**

##### **Regulations**

**44.53** If the Grand Master shall order charges to be filed under Regulation 44.21, the charges shall be substantially in

the form prescribed by Regulation 44.25; but it shall be only necessary in describing the offense to set forth the fact of the plea, adjudication or conviction giving nature of the offense committed, the date of plea, adjudication or conviction and the name and location of the court, and attach to the charges copies of the indictment or information, and the record of the plea, adjudication or judgment of the court.

The accused shall admit or deny the charge or charges; and if the accused shall allege that he was not guilty of the charges made in court against him, he shall set forth fully the facts upon which he expects to rely to establish his statement that he is not guilty of the civil charge and the names of two (2) or more witnesses upon whose testimony he will rely to establish such facts.

At the trial it shall only be necessary to put in evidence a copy of the court records relating to the plea, adjudication or conviction; and thereafter the burden shall be upon the accused to establish such facts as will demonstrate that notwithstanding the action of the civil court he is not guilty of the charges, which facts shall be established by uncontradicted testimony of not less than two (2) witnesses.

All other proceedings shall be as prescribed in this Penal Code.

The accused shall have right of appeal from action of the Lodge in same manner and form as provided for other appeals from judgments of the Lodge or Trial Commission.

### **Rulings and Decisions**

Dispensation to hold trial at Called Communication is fatal legal error and trial proceedings are void and new trial will be granted or ordered. (1956 Proc. 206)

## **SENTENCE AND PENALTY**

### **Constitutional Provisions**

Expulsion and suspension from the "higher degrees" of Masonry do not necessarily work as such in Symbolic Masonry, but may be good cause for investigation by a Lodge. (Const., Art. X, Sec. 30)

### Regulations

**44.54** The vindication or sanction of fraternal justice, for the correction of errors and the protection of the just against contamination of evil, is a necessary ingredient in the scientific organization of the Fraternity of Freemasons, for which purposes three (3) general penalties, viz: reprimand, suspension, and expulsion, have been established, and which, respectively, apply to every grade and species of offense that can be committed against the Laws of Masonry.

**44.55** In all cases of conviction for Masonic offenses the vote of a majority of the members present is necessary to assess the penalty. Every member of the Lodge who is present must vote on all questions of penalty unless excused by the Lodge for good cause stated.

**44.56** It is impossible to prescribe any definite role for the application of these penalties to the various offenses for which a Mason may be convicted; much, therefore, must be left to the exercise of sound discretion, guided by the third and fourth cardinal virtues (Prudence and Justice) in each particular case; but the following general outlines should be observed:

#### Reprimand

Reprimand is the mildest of the three (3) general penalties and may be properly applied in case of contempt, improper deportment, and all offenses of minor magnitude. It should be administered by the presiding Officer, or a Brother appointed by him for that purpose. It should be more or less severe in import according to the circumstances of the case.

#### Suspension

Suspension is the intermediate penalty between reprimand and expulsion. It takes away or suspends as its name imports, all the fraternal rights, privileges and benefits of its subject during its continuance, but may leave behind the veil of charity a hope of reformation and consequent restoration. Its duration is for a definite or indefinite period, as may be determined.

A DEFINITE SUSPENSION EXPIRES BY ITS OWN LIMITATION, EXCEPT AS PROVIDED IN REGULATION 44.21, AFTER WHICH ALL FORMER RIGHTS AND PRIVILEGES ARE RESUMED WITHOUT SPECIFIC ACTION.

An indefinite suspension continues in force until removed by the power inflicting it or until set at naught by the appellate tribunal.

Suspension may properly be applied for non-payment of dues, (Article X, Section 20). It may properly be inflicted for a provoking repetition of an offense for which reprimand is inadequate and expulsion unjustly severe. Vicious practices, such as habitual intemperance, profanity, Sabbath-breaking, gambling, with the exception of fundraiser drawings and raffles, fraud, evil speaking, and the various species of mischief-making are proper subjects for the penalty of suspension. (2013)

### **Expulsion**

Expulsion is the severest penalty for the punishment of offenses known to the plan of Freemasonry and it drives its subject from the circle of the Mystic Brotherhood. It is, therefore, properly applied only to the gravest offenses known to Masonic Law. It may properly be inflicted upon a provoking repetition of an offense for which a Brother has been suspended, or for the violation of the Mystic Covenant of Secrecy, or for the violation of any injunction of the moral law which exhibits an intolerable degree of moral depravity.

**44.57** When it has been determined that a Brother has been convicted of, enters a plea of guilty to, or enters a plea admitting the commission of a criminal offense involving moral turpitude, the penalty to be imposed shall not be less than suspension for the period of the sentence of imprisonment or the period of probation imposed by the civil court, whichever is the longer period.

**44.58** In proceeding with vote to determine the penalty to be imposed, all votes shall be by secret written ballot.

The first vote shall be upon which of three (3) penalties shall be imposed-reprimand, suspension or expulsion.

If none of the three (3) penalties shall receive a majority, the penalty receiving the smallest number of votes shall be dropped.

If there is a tie vote between the two (2) lowest number of votes, then voting shall continue on the three (3) penalties until the tie vote is broken.

After the tie vote, if any, is broken and no penalty receives a majority vote, the next vote shall be upon the two (2) penalties receiving the largest number of votes.

If the majority vote is for the penalty of reprimand or expulsion that shall be the penalty but if the majority vote be for suspension the next vote shall be to determine if the suspension be for an "definite" or "indefinite" period of time.

If the majority vote is for indefinite suspension, that shall be the penalty; but if the majority vote shall be for a definite period of time, vote shall be taken with ballots marked as to time of suspension, and voting shall continue until a definite time of suspension is determined, and that shall be the penalty.

If it shall appear after several votes that no majority vote for any specific period of suspension will be cast, the Worshipful Master, in his discretion, but with due regard for the trend of the voting, may limit the ballots to specific periods of time and specify what periods of time may be voted for. For example, if a majority of the votes are for a period of less than one (1) year the Master may order that no ballot be cast or counted for a period of more than one (1) year or if the majority of the votes are for a period of more than one (1) year the Master may order that no ballot be cast or counted for a period of less than one (1) year.

The Master may, with due regard for the trend of the voting, continue to limit the range of the voting until a definite period of suspension shall receive majority vote and that period of suspension shall be the penalty.

**44.59** A Brother who absents himself from the Lodge for the Purpose of avoiding reprimand to which he was regularly sentenced should be summonsed under the Seal of the Lodge by direction of the Master to attend at a given Communication, and the Summons should state the purpose for which his attendance is required; and if he fails to answer to the summons he is subject to discipline.

**44.60** Suspension or expulsion from other Masonic bodies does not affect a Mason's standing in his Particular Lodge, but may properly be the subject of investigation. (Const., Article X, Section 30)

**44.61** Being under the penalty of suspension is no bar to trial and expulsion for other unmasonic conduct.

If a penalty for suspension is imposed the suspended Brother shall, upon written request of the Secretary, deliver to the Secretary his current dues card which shall be returned to the suspended Brother upon termination of period of suspension or upon his reinstatement. Failure of the Brother to deliver his dues card upon request shall subject him to further discipline. If the penalty is expulsion the Secretary shall request return of current dues card; and if the same is not delivered to the Secretary upon such request the Secretary shall publish the fact of such expulsion in the Lodge Bulletin and send copies to all Lodges in the Masonic District, or if there is no Lodge Bulletin the Secretary shall give written notice to such expulsion to all Lodges in the District.

## **DUTIES OF SECRETARY TO RECORD ALL PROCEEDINGS**

### **Regulations**

**44.62** The Secretary shall make full and complete records in the minutes of all proceedings of the Lodge in respect to filing of charges, service upon the accused, answer of the accused, request for Trial Commission if any, vote of the Lodge on determination to prosecute or dismiss the charges, orders of the Worshipful Master, appointment of Trial Committee, report of Trial Committee and the proceedings and votes of the Lodge thereon and the judgment of the Lodge as to guilt

or acquittal and penalty imposed, if any, and shall send copies of the final judgment of the Lodge to the accused, the District Deputy Grand Master, the Grand Secretary, and to the Grand Master, making note of such service in the minutes of the Lodge. (1979)

## REQUEST FOR AND TRIAL BY TRIAL COMMISSION

### Regulations

**44.63** (a) If the accused shall desire trial by Trial Commission he shall, on or before expiration of ten (10) days after notice of Lodge determination to prosecute the charges as provided in Regulation 44.34(f), file with the Secretary of the Lodge original and five (5) copies of such request, taking receipt from the Secretary therefore. (In counting days the day of receipt of notice shall not be counted but date for filing shall be counted.)

The request shall be addressed to the Grand Master, state the grounds for such request and be signed by the accused, show the address of the accused, and contain the statement that the facts stated in the request are made upon the Masonic honor of the accused.

The Secretary shall file the original in the papers of the Lodge and send by registered or certified mail with return receipt requested copies to the Grand Master, Grand Secretary, District Deputy Grand Master and the accuser or to one of the accusers.

The filing of the request with the Secretary shall stay an proceedings pending decision of the Grand Master.

(b) If the Lodge determines by majority vote by secret written ballot to request trial by Trial Commission as provided in Regulation 44.34, the Worshipful Master and Secretary shall prepare the request and five (5) copies which request shall be addressed to the Grand Master and signed by the Worshipful Master and Secretary under Seal of the Lodge.

The Secretary shall mail by registered or certified mail a copy to the Grand Master, to the Grand Secretary, to the District Deputy Grand Master, to the accused, and to the accuser or one of the accusers.

The vote of the Lodge to request trial by Trial Commission shall stay all proceedings pending decision of the Grand Master.

(c) The Grand Master shall enter his order granting or denying the request of the accused or the Lodge and in such order give such direction as he shall deem appropriate as to other or further proceedings.

(d) If the Grand Master grants the request for trial by Trial Commission he shall, in his order granting the request, appoint five (5) Florida Master Masons as a Trial Commission to conduct further proceedings, designating one of them as Chairman, and giving address and telephone number of all of the members of the Commission and including in his order directions in respect to further proceedings as he shall deem appropriate. One (1) copy of the order shall be delivered to the Lodge, a copy to the Grand Secretary, a copy to the District Deputy Grand Master, a copy to the accused, and a copy to the accuser or one of the accusers, and to the members of the Trial Commission.

Upon entry and filing of such order the Secretary of the Lodge shall deliver all papers relating to the matter to the Chairman of the Trial Commission, who shall enter such orders as to further proceedings as he shall deem appropriate, including but not limited to time of meeting of the Trial Commission, taking testimony and deposition, if any, and trial.

The Chairman of the Trial Commission shall have the same powers in respect to entering into agreement and stipulation as provided in Regulation 44.40.

(e) If the Grand Master shall deny the request for trial by Trial Commission he shall enter Order denying the request and shall include in the order such special directions as to further proceedings as he shall deem appropriate, or if there be no such special directions he shall order the Lodge to proceed with trial as if no request for trial by Trial Commission had been made.

A copy of such Order shall be delivered to the Grand Secretary, the Lodge, the District Deputy Grand Master, the accused and to the accuser. (1979)



**44.64** In all instances of trial by Trial Commission the proceedings shall be conducted under the same procedure prescribed by Regulations for conduct of trial by a Lodge except the testimony shall be taken by the Commission and not by a Committee. The Chairman of the Commission shall exercise all powers and perform all the duties of the Worshipful Master, the Secretary and the Chairman of Trial Committee in Lodge trials; and the Trial Commission shall have all powers and duties of the Lodge as in trial by the Lodge.

Upon conclusion of the trial the Commission shall make written report of its findings and judgment thereon, and the Chairman shall promptly deliver the same with transcript of testimony and all other records and documents to the Secretary of the Lodge, taking receipt therefor.

The Chairman of the Trial Commission shall furnish copies of the findings and judgment to the Grand Master, the Grand Secretary, the District Deputy Grand Master and to the accused, and deliver copy of receipt of the Lodge Secretary for all records to the Grand Secretary and to the Grand Master.

The accused and the Lodge shall be bound by the findings and judgment of the Commission subject only to right of appeal to Grand Lodge.

The Chairman of the Trial Commission shall submit statement of all expenses of the Commission and the members thereof to the accused, the Lodge, the Grand Secretary and to the Grand Master; and the Grand Master shall enter order as to payment thereof.

## **APPEALS TO GRAND LODGE**

### **Regulations**

**44.65** (a) The accused shall have right of appeal to the Grand Lodge from judgment of the Lodge or Trial Commission; and the Lodge, by majority vote in favor thereof by secret written ballot, shall have right of appeal to Grand Lodge from judgment of the Trial Commission.

(b) The accused has right to appeal the judgment as to sufficiency of the charges, finding of guilt, or excessiveness

of penalty, either or all; and the Lodge has right to appeal the judgment finding the accused not guilty or on account of insufficiency of penalty, either or both.

(c) An appeal by the accused from judgment of the Lodge or Trial Commission and appeal by the Lodge from judgment of Trial Commission shall be taken within thirty (30) days after receipt of copy of such judgment. (In counting days the day of receipt of the copy of judgment shall not be counted but date of filing of the appeal shall be counted.)

(d) An appeal by the accused from judgment of the Lodge or Trial Commission shall be in writing addressed to the Worshipful Master, Wardens and members of the Lodge wherein the charges were filed and shall designate the judgment appealed from and specify in consecutively numbered paragraphs the errors complained of. The original and three (3) copies shall be signed by the accused with place provided on each for receipt of original by the Secretary of the Lodge.

The original and three (3) copies shall be delivered to the Secretary who shall sign receipt therefore on said original and on the three (3) copies.

The Secretary shall keep the original and deliver personally or by certified mail one (1) copy of the appeal with his receipt shown thereon to the accused, one (1) copy to the Grand Master, and a like copy to the Grand Secretary.

(e) The appeal of the Lodge from the judgment of the Trial Commission shall be addressed to the Grand Master, Deputy Grand Master, Grand Wardens and members of the Grand Lodge and shall specify the errors complained of in consecutively numbered paragraphs.

The original and four (4) copies shall be signed by the Worshipful Master and the Secretary under seal of the Lodge and shall provide place for receipt of copy by the accused or for certificate of Secretary that copy of appeal was delivered to the accused by certified or registered mail, with return receipt requested.

The original of the appeal shall be mailed by certified mail to the Grand Master, a copy likewise mailed to the Grand

Secretary, a copy mailed or delivered to the accused as aforesaid and one (1) copy retained by the Lodge Secretary.

(f) During period of appeal the accused shall not be entitled to any Masonic rights or privileges except to be present at all hearings on his appeal by the Grand Lodge.

**44.66** (a) When appeal is taken from judgment of the Lodge or Trial Commission, the Secretary of the Lodge shall, within fifteen (15) days after notice of appeal, prepare the record on appeal and deliver the same to the Grand Secretary. The record on appeal shall consist of all documents and papers relating to the case and all entries in the Lodge minutes relating thereto, including, but not limited to the following so far as they are applicable to the case:

- (1) The charges against the accused and all amendments thereto, if any.
  - (2) Copy of notice served upon the accused.
  - (3) Copy of request for appointment of Special Trial Commission, if any, and all documents relating thereto.
  - (4) The answer of the accused, if any, and all amendments thereto, if any.
  - (5) Copy of notice of taking testimony.
  - (6) Transcript of testimony and report of committee, or Special Trial Commission thereon, including all papers and documents filed therewith, if any.
  - (7) The notice of appeal filed by the accused or copy of notice of appeal filed by the Lodge, if the appeal be by the Lodge.
  - (8) Any and an other documents and papers relating to the case and any and all articles or things offered in evidence.
  - (9) A full and complete transcript of the minutes of the Lodge or excerpts thereof relating to the case.
- (b) The Secretary shall arrange and bind the record in convenient form for review by the Grand Lodge. If practicable,

he shall prepare an index thereto of the documents and papers therein. An appropriate certificate of the Secretary, under Seal of the Lodge, that the record contains all of the documents and papers and a true and correct copy of all minutes of the Lodge that relate to the case shall be attached to the Record on Appeal. The Record on Appeal, bound, indexed and certificated as aforesaid, shall be delivered to the Grand Secretary by hand delivery or by registered mail with return receipt requested.

Upon receipt of the record on appeal the Grand Secretary shall notify the Grand Master and Chairman of the Grand Lodge Committee on Appeals, and thereafter the matter shall proceed as directed by the Grand Master.

### **ACTION OF GRAND LODGE ON APPEALS**

#### **Regulations**

**44.67** (a) In all cases of appeal by the accused to the Grand Lodge for the action of a Lodge or Special Trial Commission, the Jurisprudence Committee shall review such actions and make recommendations to the Grand Lodge for final action. The Grand Lodge may affirm the action of the Lodge or Trial Commission, adjust the penalty, which shall end the proceedings, or may reverse the action of the Lodge or Trial Commission and acquit the accused. If the penalty imposed upon the accused was indefinite suspension or expulsion, such reversal and acquittal shall not restore the accused to membership in his Lodge; but he shall, upon reversal and acquittal, have the status of an unaffiliated Mason, and the Grand Secretary shall, on order of the Grand Master or by direction of the Grand Lodge, issue to him a certificate to that effect, which shall constitute a proper basis for application for affiliation with any Lodge. (2010)

(b) On such appeal by the accused the Grand lodge may reverse the action of the Lodge or Trial Commission and order a new trial. Such order for new trial shall give full and specific directions in regard to conduct of such new trial, including directions as to whether the trial shall be by the Lodge or by the original or new Trial Commission, and shall also specify the errors to be corrected, the proceedings for correction

thereof and the procedure to be followed after such corrections are made.

(c) The order of reversal for new trial by the Grand Lodge shall have the effect of restoring the accused to the same status he occupied prior to his conviction, without regard to the penalty imposed, it being hereby expressly declared that reversal for a new trial is not such reversal as contemplated in Article V, Section 3 of the Constitution of this Grand Lodge as will deprive the accused of membership in his Lodge.

(d) After the order of reversal, the matter shall proceed in accordance with such order with full right of appeal to the accused from the action of the Lodge or Trial Commission.

#### **Rulings and Decisions**

The Terms "With Prejudice" and "Without Prejudice" are terms used in Civil and Criminal trials only and have no merit or meaning in our Grand Lodge or Lodge Masonic Trials or in the dismissal of charges of unmasonic conduct when it pertains to our Digest of Masonic Law or our Masonic Justice Manual; therefore, these terms shall not be used in Penal Proceedings. (2018 Proc. 120)

**44.68** On an appeal by the Lodge, the Grand Lodge may affirm the action of the Trial Commission and this shall end the proceedings, or the Grand Lodge may reverse the action of the Trial Commission and order a new trial in the same manner as provided in Regulation 44.67. Such new trial shall be by the original or a new Trial Commission as directed by the Grand Lodge or by the Grand Master.

**44.69** If there shall be an appeal by the accused on retrial by the Lodge or by Trial Commission or appeal by the Lodge on retrial by Trial Commission the Grand Lodge shall enter such judgment as it deems appropriate, and if such judgment be that the accused is guilty of the charges against him the Grand Lodge shall fix the penalty.

**44.70** If the Grand Lodge reverses a judgment of a Lodge and orders a new trial, failure or refusal of such Lodge to conduct such trial within a reasonable time thereafter, or to request the appointment of a Trial Commission shall subject such Lodge and the Officers thereof to Masonic discipline.

**44.71** When a case has been decided on appeal by the Grand Lodge, the Grand Secretary shall certify the result to the parties in interest, as early as practicable.

#### **Rulings and Decisions**

When Grand Lodge assumes jurisdiction over a penal case then any appeal to reopen the case must come before Grand Lodge. (1951 Proc. 26)

**REINSTATEMENT****Constitutional Provisions**

In cases of an appeal from a suspension or expulsion, if the Grand Lodge acquits the accused, or reverses the decision of the Lodge or Special Trial Commission below, or when the Grand Lodge confirms the decision of the Particular Lodge or Special Trial Commission and subsequently restores the party to the rights and benefits of Masonry, the action of the Grand Lodge does not in either case restore the party to membership in the Lodge from which he is suspended or expelled without the unanimous consent of the Lodge, as in cases of a ballot for membership. In all cases of definite suspension, the member returns to his membership upon the expiration of the term of suspension. (2016) (Art. V, Sec. 3)

**Regulations**

**44.72** A petition for reinstatement from an indefinite suspension may be filed with the Secretary and voted upon at a Stated Communication after being presented at a previous Stated Communication, but the membership must have due notice; *provided*, if such petition is rejected, the Petitioner may not petition the Lodge for reinstatement until after one (1) year from the date of such rejection.

**44.73** A member of a Lodge suspended for a definite time becomes a member in good standing again at the expiration of that time without action of the Lodge.

**44.74** When, after inflicting the penalty of suspension or expulsion for unmasonic conduct, the Lodge becomes dormant or defunct, the penalty can be removed only by the Grand Lodge, or Grand Master, upon the recommendation of some Regular Lodge.

**44.75** Grand Lodge has inherent power to reinstate an expelled or suspended member upon petition of such member without necessity of action by a Particular Lodge and may exercise such power after review of all circumstances relating thereto and report of appropriate committee thereon and may entertain and grant petition of a Particular Lodge for reinstatement of a member or former member of the Lodge expelled

by the Grand Lodge after investigation and report of appropriate committee thereon.

**44.76** When the Grand Lodge, either in the exercise of its original jurisdiction or on appeal, imposes or affirms a penalty of indefinite suspension or of expulsion, no action in respect to reinstatement shall be taken by a Particular Lodge without express written permission or consent of the Grand Lodge or its authority.

#### **Grand Lodge Trials**

**44.77** Grand Lodge has exclusive original Penal Jurisdiction over elected Grand Lodge Officers for life, and over Masters and Wardens of the Particular Lodges and District Deputy Grand Masters and subordinate Grand Lodge Officers while in office and continuing jurisdiction after expiration of term of office as to offenses committed while in office. The Particular Lodges have Penal Jurisdiction over all other Masons as set forth in Regulation 44.12. (1986)

Trial of above named Officers, except the Grand Master who shall not be subject to trial while in office but shall be subject to trial after expiration of his term in office shall be by following procedures:

- (1) Charges may be filed by not less than seven (7) Master Masons in good standing in Florida Lodges, which charges shall be substantially in form prescribed in Regulation 44.25 and shall be filed with the Grand Master.
- (2) The Grand Master shall review the charges, and if they be in proper form and state an offense against Masonic Law he shall cause them to be served in the manner prescribed in Regulation 44.28.
- (3) The Grand Master shall forthwith enter order appointing a Trial Commission of five (5) Master Masons, two (2) of whom shall be past elected Grand Lodge Officers, one (1) of whom shall be designated as Chairman, which order shall be served upon the accused at the same time as service of charges.
- (4) Thereafter the Chairman shall enter such orders respecting filing of answer, taking of testimony, and

other similar matters as shall be appropriate, a copy of which orders shall be delivered to the accused and the Grand Master, and which orders shall direct all proceedings in substantial compliance with provisions of this Chapter relating to trials by Trial Commission.

- (5) The Trial Commission shall enter such judgment as it deems appropriate, deliver copy thereof to the accused and deliver all records, papers, and documents to the Grand Master together with statement of expenses incident to the trial.
- (6) The Grand Master shall review the record of the trial and shall enter such orders as he shall deem appropriate, including but not limited to affirming the judgment, suspending operation of the judgment or directing other and further proceedings, all of which proceedings and orders shall be reviewed by the Jurisprudence Committee and report and recommendations made thereon to the Grand Lodge for final action.

#### RULE OF CONSTRUCTION

**44.78** All provisions of this code shall be construed, to be directory only and not mandatory, and time shall not be considered of essence as to those provisions relating to time for performance of any act or actions but shall be construed to require or permit such performance within reasonable time except when failure to take such actions shall be shown to be prejudicial to the accused or the Lodge and substantial compliance with provisions hereof shall be deemed sufficient compliance; *provided* that requirements as to form and specificity of charges, service of charges upon the accused, time for filing answer or objections by the accused, notice of hearings and taking of testimony, trial, and time for and manner of request for trial by Trial Commission and for appeal shall be strictly construed.