

1 July 8, 2021 Via ZOOM Video conference 7:16 pm EDT

2

3 Members present: Bruce Backensto (convener), John Bower, Brian Coombs, Thomas Fisher,
4 Kelly Moore, Tom Pinson, and Keith Wing (moderator).

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6 The commission meeting was called to order by Keith Wing, who gave a brief devotion from
7 Psalm 125. Bruce Backensto convened the commission in prayer.

8

9 The moderator gave some initial remarks and expressed his appreciation for the willingness of
10 the commissioners to serve. Each member then introduced himself briefly.

11

12 *Mr. Backensto moved that Tom Fisher be elected as clerk of this commission, and by common
13 consent, he was appointed to serve in that capacity.*

14

15 The moderator then explained four general guidelines under which this commission should
16 operate, which are: (1) Confidentiality - we will need to guard sensitive information in the course
17 of our work (1 Tim. 5:13), (2) Compassion - we have a duty to offer comfort and compassion to
18 others (2 Cor. 1:3-5), (3) Communication - we will need to be quick to hear and slow to speak
19 (James 1:19 and Col. 4:6) and we will need to practice gracious speech (Col. 4:6) and be able to
20 counsel each other on how to respond as others communicate with us about the matters we
21 address, and (4) Careful Conduct -we will need to conduct ourselves with wisdom in all our
22 interactions (Col. 4:5).

23

24 After making some observations about the matters before us, the moderator indicated that thus
25 far, no objections have been raised regarding the members appointed to this commission. He
26 enumerated the many parties involved with or affected by the situation at Immanuel that led to
27 the formation of this commission. He summarized the report of the Synod Judicial Committee
28 appointed to review Communications 21-16, 21-17, and 21-18 and noted the actions taken by the
29 Synod in response to the committee's report and recommendations. He also shared a summary of
30 the "matter" referred to this commission that had been prepared by Bruce Parnell, moderator of
31 Synod, which is that "The matter covers sexual abuse of a minor against other minors in the
32 Immanuel congregation. But it also includes how the Immanuel Session handled the situation,
33 the response of the GLG [Great Lakes-Gulf Presbytery], and the Session's response to the GLG,
34 and the consideration of ramifications of the Session's actions (see the recommendation of the
35 Presbytery that the Session resign)."

36

37 He further clarified that this reflects the fact that the matters complained of in 21-16, -17, and -18
38 remain "on the table." There was further discussion regarding the possible direction of our
39 commission's work. Mr. Wing noted that there are essentially two possible paths for our
40 commission's work. In the first path we would become directly involved in investigating the
41 details of the matter, in which case it would not be appropriate for us to subsequently manage the
42 process of instituting judicial action as a result of such investigation. We would then need to
43 defer the adjudication of any cases arising from such investigation to the Synod, which will not
44 meet again until Summer 2022. Alternatively, we could appoint others not on this commission
45 as special prosecutors to investigate the matter and present charges to this commission based on
46 their investigations. In this second approach, we could then act as a judicial commission to

1 accept or not accept the charges of the special prosecutors per BoD II,2,2 ("If the court judges
2 the alleged offense censurable, and the proposed evidence sufficient to warrant a trial, and is
3 satisfied that Christ's rule (Matt. 18:15-16) has been followed, it shall put the charge or charges
4 with these details into the form of a written accusation"). The Moderator also encouraged the
5 Commission to proceed with care but also to prevent undue delays as these matters have already
6 been in review for well over a year.

7
8 [Clerk's note: Prior to this meeting, two documents relative to special prosecution were provided
9 to this commission. The first, a letter of 6/22/21 from Shawn Anderson, Jason Camery, and Josh
10 Reshey, was forwarded by the Moderator of Synod. The three men stated their desire to resign
11 as special prosecutors in the Immanuel case, as Synod did not take action on this specific aspect
12 of the matter. They also offered access, at an appropriate time, to an electronic file containing
13 350+ evidentiary documents that they desire to make available to new prosecutors if they are
14 appointed. The second item was a 6/25/21 letter from Kyle Borg, Scott Hunt, and Joseph Friedly
15 in which they ask to be appointed as special prosecutors in the matter before us.]

16
17 We discussed the possible use of the two approaches and there was general agreement that the
18 second "path" described by the moderator is more attractive to us. *It was moved by Mr.*
19 *Backensto and seconded by Mr. Coombs "that this commission nominate and select special*
20 *prosecutors for the purpose of investigating the GLG/Immanuel matters and that this commission*
21 *would manage the judicial process."* We discussed the motion; Keith Wing noted that if we take
22 this approach, given some of the issues raised in Communication 21-16, it would seem
23 appropriate to communicate with the authors of that paper to determine whether, under the new
24 circumstances of Synod's assumption of original jurisdiction, they would find our possible
25 pursuit of judicial process to be objectionable. *The motion carried.*

26
27 We further discussed who might be appropriate to appoint as special prosecutors/investigators. It
28 was noted that at one point during the Synod debate on this matter, a substitute motion was
29 before Synod which said, in part, "that Synod declare any member in good standing of the
30 RPCNA not in the GLG be allowed to serve as prosecutors." That motion was not officially
31 acted on since at that point Synod had not yet assumed original jurisdiction over the Immanuel
32 case. A number of commission members expressed the view that it would be prudent for us to
33 follow the same line (i.e., not to appoint a GLG presbyter as special prosecutor), especially given
34 the serious division within the GLG presbytery over this matter. We will resume our discussion
35 of this matter at the next meeting.

36
37 After further discussion, by common consent we agreed that we would make preliminary
38 nominations at this meeting, but then take some time to reflect and consider additional potential
39 names before finally selecting special prosecutors/investigators. Joseph Friedly and Kyle
40 Borg were nominated. The moderator asked members to come to the next meeting with more
41 names of qualified individuals, and to confirm beforehand that the nominees would be willing to
42 serve in such a role.

43
44 Mr. Wing explained some of the particulars involved in managing the judicial process. He noted
45 that there are a couple of gaps in our typical judicial process. First, our system has no required
46 provision for hearings in which the prosecution and offense each present a summary of the

1 information they intend to present at trial. Second, while the Book of Discipline focuses on the
2 mechanics of the judicial process, we ought to consider whether giving attention to pastoral care
3 may be needed along the way in our work. For example, to what extent should our commission
4 be in communication with the moderators at Immanuel and Lafayette, and the clerk of
5 GLG? Keith plans to remain somewhat in contact with the Synod's moderator, and this would
6 enable us to consult him about what might be appropriate for us to do in this regard. In order for
7 us to serve appropriately as a jury, there will need to be limits on how involved we are in hearing
8 concerns directly. Mr. Wing would like for us to consider these two items further at our next
9 meeting.

10
11 The moderator will communicate with Ken DeJong (provision moderator, Immanuel), Bruce
12 Parnell, and Frank Smith (moderator, GLG) to let them know that we have commenced our
13 work.

14
15 We agreed to schedule our next meeting, to be conducted *via* Zoom videoconference, for 5 pm -
16 6:30 pm EDT, Thursday, July 15th.

17
18 The meeting was adjourned with prayer by Brian Coombs at 8:49 pm.

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20 Respectfully submitted,
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22 Keith M. Wing
23 Moderator
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22 Thomas A. Fisher
23 Clerk
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25
26 July 15, 2021 *Via* ZOOM Video conference 5:03 pm EDT
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28 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher, Kelly Moore,
29 Tom Pinson, and Keith Wing (moderator). The meeting was called to order by Kelly Moore,
30 who gave a meditation on Psalm 46. Keith Wing constituted the commission, leading in prayer.
31

32 The minutes of the July 8, 2021 meeting had been distributed earlier by e-mail. It was MSC to
33 approve the minutes as corrected via e-mail.
34

35 The moderator remarked on a recent conversation with Pastor James Faris, one of the authors of
36 Communication 21-16, in which he sought Mr. Faris' view on the present status of the
37 complaint. Mr. Faris responded that he thought the initial concern of the paper [i.e., the desire to
38 remove the initially-appointed special prosecutors in the Immanuel matter] were addressed by
39 Synod's action. Mr. Faris later added (via e-mail) that from his perspective, "it is quite possible
40 that the [GLG] presbytery may have NOT seen fit to appoint prosecutors in the first place if there
41 had been a balanced report."
42

43 *It was MSC that Kyle Borg and Joseph Friedly be appointed to undertake an investigation of the*
44 *situation at Immanuel RPC [Book of Discipline, Section II, Chapter 1, Par. 2 & 4] with the*
45 *possibility of subsequently becoming special prosecutors if charges result from this work. It was*

1 agreed that we may, in the near future, make further appointments of this kind. The moderator
2 had previously distributed to the commission an initial draft of general guidelines for individuals
3 who are appointed as investigators; the consensus was that these are suitable with a few
4 adjustments. He will be sending an updated draft that incorporates comments made. The
5 moderator and Mr. Backensto will be contacting Mr. Borg and Mr. Friedly following final
6 revision of the guidelines.

7
8 In his discussion with Mr. Faris, the moderator was informed that the shepherding elders
9 appointed by GLG presbytery are not the same men who have been appointed as provisional
10 members of the Immanuel session. Mr. Wing noted that there may be further pastoral
11 considerations that we will need to discuss or review and asked the commission to think about
12 such matters and bring feedback to our next meeting.

13
14 We discussed communications received from others on this matter; the Moderator received some
15 documents from the clerk of GLG presbytery that he decided not to forward at this time to avoid
16 drawing the commission into the details of the case prematurely. Similarly, the clerk had
17 received some input from Nathaniel Pockras regarding historical precedent for disciplinary cases
18 and this will also be held for future discussion.

19
20 Mr. Wing opened the floor to further items of discussion. He asked members to send their
21 vacation schedules to Mr. Backensto by 7/19 to help us schedule our next meeting. As there was
22 no further business to address, it was agreed by common consent to adjourn. The meeting was
23 adjourned at 6:09 pm, with John Bower leading in prayer.

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25 Respectfully submitted,

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27 Keith M. Wing
28 Moderator

27 Thomas A. Fisher
28 Clerk

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32 July 29, 2021

Via conference phone call

3:04 pm EDT

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34 Members present: Bruce Backensto, John Bower, Thomas Fisher, Kelly Moore, Tom Pinson,
35 and Keith Wing (moderator). Brian Coombs was on vacation and so was excused. The
36 moderator noted that a quorum was present. He made a brief reference to Deuteronomy 13:12ff,
37 which describes a situation in which an allegation is made, creating the need to conduct an
38 investigation to search out whether the allegation is true. Although the present circumstances are
39 quite different, this is the kind of work that needs to be done by investigators in the matter before
40 us. Bruce Backensto constituted the commission meeting with prayer.

41
42 The meeting had been called for the purpose of considering the appointment of additional
43 investigators, a possibility discussed at our last meeting. Commission members have identified

1 two additional men who are willing to serve. The moderator asked whether there were any
2 objections to proceeding with this meeting and it was agreed by common consent to do so.

3
4 The moderator provided an update from Mr. Borg, who has made inquiries of several parties. He
5 reports that thus far he has received over 1500 pages of written information and 40 hours of
6 recorded material pertaining to this matter. Mr. Wing opened the floor to nominations for
7 additional investigators. It was moved and seconded to nominate Stan Copeland as an
8 investigator.

9
10 The commission discussed what would constitute an optimal number of investigators and the
11 moderator expressed his openness to having more than three. There was further discussion
12 regarding the best way forward. A friendly amendment adding Peter Smith to the original
13 motion was offered, and accepted by the seconder. *The resulting motion, that Stan Copeland
14 and Peter Smith be appointed as investigators, was approved without dissent.* We agreed by
15 common consent that the investigators should do their work with a quorum requirement of three
16 members.

17
18 The moderator agreed to communicate these appointments to Bruce Parnell (Synod moderator),
19 Adam Kuehner (clerk of GLG presbytery), Frank Smith (moderator of the Great Lakes-Gulf
20 presbytery and GLG Ad Interim Commission), Richard Blankenship (clerk of GLG Ad interim
21 Commission), Ken De Jong (provisional moderator, Immanuel RPC), Jason Camery (moderator
22 of the GLG Immanuel Judicial Commission), Joseph Friedly, and Kyle Borg (previously-
23 appointed investigators). He will also provide all the investigators with the guidelines and
24 quorum requirement that we have established.

25
26 Our next meeting has already been scheduled for August 12th, 7:15 p.m. EDT, via Zoom
27 teleconference.

28
29 We agreed by common consent to adjourn and Mr. Wing led in prayer for our work and for the
30 parties involved, adjourning this meeting of the Commission at 3:35 pm.

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33 Respectfully submitted,

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35 Keith M. Wing
36 Moderator

35 Thomas A. Fisher
36 Clerk

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40 August 12, 2021

Via conference phone call

7:14 pm EDT

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42 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher, Kelly Moore,
43 Tom Pinson, and Keith Wing (moderator).

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1 Mr. Pinson gave a brief meditation from James 3:17-18, observing that our commission's work
2 requires the wisdom from above, described in these verses. Mr. Coombs then led in
3 prayer, constituting the commission meeting.

4
5 We addressed the minutes of July 15th and 29th, which had been previously distributed and
6 commented on. By common consent, the most recent revisions were approved.

7
8 Mr. Moore reported on his contact with Mr. Joseph Friedly regarding the work of the
9 investigators. Mr. Moore conveyed to us some questions that the investigators have for the
10 commission. We agreed that Mr. Wing and Mr. Bower will develop some initial responses to the
11 investigators for our consideration at the next meeting. There is a possibility that the events that
12 took place at IRPC may make their way into the news; we agreed that any commission member
13 who is contacted by the news media should not share any information on this matter at this time.

14
15 We took up the correspondence that the commission received from IRPC regarding Mr. Borg's
16 appointment as an investigator. Mr. Fisher and Mr. Backensto provided some observations
17 regarding proposed points that should be communicated to the IRPC petitioners and to Mr. Borg.
18 After further input from other members, Messrs. Fisher and Backensto were asked to prepare
19 draft responses along the lines discussed for the group's review.

20
21 We turned to the resolutions received by the commission from the recent IRPC congregational
22 meeting. Mr. Pinson shared some lines of response that he and Mr. Moore had developed, and
23 after further input, they were assigned the task of preparing a draft response for our
24 consideration, to be conveyed to the congregation through its provisional moderator, Mr. De
25 Jong.

26
27 Mr. Wing introduced a brief discussion regarding the prior work of the GLG Immanuel Judicial
28 Commission. We agreed that it may be appropriate, once the matter of allegations against IRPC
29 session members has been properly dealt with, for this commission to address, in some way,
30 events subsequent to the point at which the GLG presbytery became involved in the Immanuel
31 situation.

32
33 The moderator raised the conceptual question of when, where, and how we should receive the
34 report of the investigators. We have not made any final decisions about that process, but should
35 give some thought to the best way of proceeding. It was observed that we need to be praying for
36 the Holy Spirit to direct us to the best path forward once the investigators have formed their
37 conclusions. Mr. Wing suggested that at some future point it would be appropriate for us to
38 remind the churches that they must be on guard against the Evil One, who always is seeking to
39 attack prospering churches.

40
41 The moderator asked whether there were any other matters requiring our attention; hearing none,
42 we agreed to schedule our next meeting for Monday, August 23rd at 7:15 EDT, via Zoom
43 teleconference.

44
45 By common consent we agreed to adjourn and Mr. Fisher led in prayer for our work and for the
46 many people involved in this matter, adjourning this meeting of the Commission at 8:33 pm.

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3 Respectfully submitted,

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5 Keith M. Wing
6 Moderator

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8 Thomas A. Fisher
9 Clerk

10 August 23, 2021 *Via Zoom teleconference* 7:17 pm EDT

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12 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher, Kelly Moore,
13 Tom Pinson, and Keith Wing (moderator).

14
15 Mr. Wing called the meeting to order and led in a brief meditation from John 14:25-27,
16 reminding us of the essential ministry of the Holy Spirit as He enables us to carry out our
17 responsibilities as a commission. Mr. Moore then constituted the commission meeting in prayer.

18
19 We took up the minutes of August 12th and they were approved by common consent. The main
20 purpose of this meeting was to review drafts of several items of correspondence from the
21 commission to others. There were four communications that had been prepared by commission
22 members, as assigned in the August 12th meeting. Today we also received a communication
23 from the GLG Shepherding Committee and agreed to discuss it as well.

24
25 The first item was a draft letter to some members of Immanuel RPC who had sent us a letter of
26 concern and a subsequent letter of apology (from some signers of the first letter). The second
27 item was a draft to Mr. Kyle Borg, whose appointment had been questioned in the
28 aforementioned IRPC letter. The commission approved both drafts with some typographical
29 corrections, subject to final review by the moderator and clerk, who will send them later this
30 week. Also, we approved a letter responding to three petitions from the Immanuel RP
31 congregation. The first and third items will be conveyed through Mr. De Jong.

32
33 We then discussed the communication from the GLG Shepherding committee, which informed
34 us that the committee had responded to the investigators' request by sharing some information
35 from its work, but had excluded some items (such as personal e-mails between themselves and
36 individual members of the IRPC session). The shepherding committee did not feel that certain
37 items it had received from individuals in a pastoral context were within their prerogative to
38 share. They invited the investigators to contact the individuals directly. Our moderator was able
39 to discuss this communication with Mr. Roberts, the chair of the Shepherding committee, and
40 was satisfied that we ought to trust the committee's judgment on the appropriateness of what was
41 shared. The commission concurred with this conclusion.

42
43 Last, we took up a draft response to questions received from the investigators. There was a
44 profitable discussion of adjustments to the wording of some of the particular points made, and a

1 few typographical corrections were offered. We agreed to send this item as our reply to the
2 investigators, subject to final review by the moderator and clerk.

3
4 By common consent we agreed to adjourn and Mr. Pinson led us in prayer, adjourning this
5 meeting of the Commission at 8:22 pm.

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7 Respectfully submitted,
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9 Keith M. Wing
10 Moderator

Thomas A. Fisher
Clerk

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13 October 7, 2021 *Via Zoom teleconference* 8:17 pm EDT

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15 Members present: Bruce Backensto, Brian Coombs, Thomas Fisher, Kelly Moore, Tom Pinson,
16 and Keith Wing (moderator). Mr. Bower was unable to participate during most of the meeting
17 due to difficulties with his internet connection.

18
19 The meeting was called to order with Mr. Backensto leading in a brief meditation on 2
20 Corinthians 5, in which Paul speaks of the ministry of reconciliation; Mr. Backensto constituted
21 the commission meeting in prayer.

22
23 We took up the minutes of August 23rd and they were approved by common consent.

24
25 Mr. Moore gave a report from the investigation team (via Mr. Friedly), updating us in general
26 terms on their work to date.

27
28 We discussed whether we as a Commission might seek someone to provide us with legal process
29 advice in the event that we must conduct a trial; several names were mentioned. We also
30 discussed whether it might be possible for us to make use of a facilitator who would handle the
31 moderation of objections and other procedural rulings. One possibility discussed was that the
32 current moderator of Synod might act in that capacity. No decision is needed yet, but we will
33 give this further thought. We moved to the question of what our preferred logistics would be for
34 the commission to meet with the investigators to hear their final report and be able to ask
35 appropriate questions for clarification. There was a preference expressed for at least the most
36 critical participants to meet in person, with others attending electronically if needed. We agreed
37 that the most effective approach would be for the commission to receive preparatory material
38 from the investigators in advance of the meeting.

39
40 We took up a discussion of an e-mail received from Mr. De Jong, Interim Moderator of
41 Immanuel RPC, asking whether the commission believes it is assuming jurisdiction over the
42 actual cases of abuse that took place at IRPC. Given the continuing presence of a local session at
43 IRPC, we concurred with Mr. De Jong that presently the responsibility for ongoing handling of
44 abuse cases remains with that session. Our moderator will draft a reply to this effect.
45

1 We considered what communications might be needed soon as various parties will need to be
2 kept in the loop. The moderator also noted some of the things that we should be anticipating in
3 the next few weeks as we draw closer to hearing from the investigators. The moderator invited
4 commissioners to forward any questions they may have to him. Mr. Bower was briefly able to
5 join the meeting around 9:30 pm. Members were asked to provide Mr. Backensto with our
6 availability during the week of October 11th so that he can schedule our next meeting.

7
8 By common consent, we agreed to adjourn and Mr. Moore led us in prayer, adjourning the
9 meeting at 9:37 pm.

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11 Respectfully submitted,
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13 Keith M. Wing

14 Moderator

13 Thomas A. Fisher

14 Clerk

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18 October 12, 2021

Via Zoom teleconference

5:16 pm EDT

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21 Members present: Bruce Backensto, Brian Coombs, Thomas Fisher, Kelly Moore, Tom Pinson,
22 and Keith Wing (moderator). Mr. Bower was unable to participate at the outset of the meeting
23 due to a prior travel commitment.

24
25 The meeting was called to order with Mr. Wing leading in a brief meditation on Psalm 23, giving
26 particular attention to the phrase, "he restores my soul." Mr. Fisher constituted the meeting of
27 the commission in prayer. We took up the minutes of the meeting of October 7, 2021, and they
28 were approved by common consent.

29
30 Mr. Moore gave a update from the investigation team. The team is targeting October 21 as the
31 completion date for its report. Mr. Borg is preparing Part 1 of the report, Mr. Friedly is
32 preparing part 2, Mr. Smith is writing the appendix of the report, and Mr. Copeland continues to
33 participate in their work. They have asked for confirmation from us that, in the event that they
34 choose to bring charges using evidence from other sources, they would be the accusers. We
35 noted that the BoD refers to "accusers" in a variety of ways. If the investigators bring charges,
36 they would become accusers in one sense, but more specifically, when the constitution speaks of
37 "facing" an accuser, it has in view the person giving testimony (e.g. BoD II.2.7). They have
38 asked whether an affidavit or police report would be accepted as evidence. Without any
39 background information it is premature to offer any specific direction on this question. Mr.
40 Moore will convey these understandings to Mr. Friedly. Mr. Friedly has indicated that the report
41 will be written in a manner such that it can be distributed to individuals other than the
42 commission, including the accused. We have not yet decided how the investigation report
43 should be distributed.
44

1 Mr. Bower was able to join the meeting by audio at 5:45 pm.

2

3 As the investigators have indicated that they currently expect to pursue some charges of
4 wrongdoing, the commission discussed the matter of when the investigators become accusers in
5 the sense used by BoD II.2.1 and 2. In the course of a helpful discussion, once again we
6 concluded that this would take place only when (and if) we, as a court, receive and formalize
7 such charges from them per BoD II.2.2.

8

9 We discussed what should happen at the time that we receive the report, as well as the question
10 of whether a live meeting is needed for our discussion of the report with the investigators. We
11 expect that if charges are received and approved by the commission, the accusers would provide
12 a list of witnesses to be summoned, and after communicating with the accused, we would receive
13 a list of their witnesses, who would also need to be summoned. We discussed the question of
14 whether a pre-trial hearing that takes place in the presence of the accused would be possible or
15 permitted. We discussed the possibility that, upon receiving an accusation, we might choose to
16 consider a lesser censure (admonition or rebuke), perhaps even without instituting the trial
17 process in one or more instances, especially if the facts are not in dispute.

18

19 We resumed discussion of the possible use of an outside counsel for the commission and further
20 names were mentioned as potential sources of help.

21

22 Mr. Wing reported on his October 8th consultation with Mr. Bruce Parnell, Moderator of Synod,
23 regarding what we might report to the denomination regarding the progress of our work. We
24 also discussed the possible presence of alternates for any trial itself, as well as the
25 appropriateness of conducting some parts of any trial in executive session. Mr. Wing discussed
26 with Mr. Parnell the likely need during any trial for video or audio technicians, a court reporter,
27 and/or someone to manage witnesses coming or going into the hearing(s).

28

29 We discussed having a meeting, after the investigative committee's report is received, to collect
30 our first impressions of the report and discuss steps for a path forward. Possible dates for that
31 discussion will be coordinated by Mr. Backensto. We agreed to try to hold open November 1
32 and/or 2 as possible times for meetings with the investigators, if deemed necessary.

33

34 The moderator noted that he and Mr. Coombs have been working on a "script" for any trial itself
35 to help guide us. He will have this reviewed by a few other individuals to help confirm that our
36 plans adhere to our Book of Discipline. He noted that we should think about when we should
37 give a general update on our work to the presbyteries and how much information should be
38 released.

39

40 Mr. Bower has been preparing some thoughts for us on Biblical principles pertaining to possibly
41 receiving a charge against an elder, and we will plan to wait until the investigation report has
42 been received to review those, if appropriate.

43

44 The moderator gave an opportunity for further questions to be discussed if desired, and none
45 were raised. By common consent, we agreed to adjourn and Mr. Coombs led in prayer,
46 adjourning the meeting at 6:52 pm.

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Respectfully submitted,

Keith M. Wing
Moderator

Thomas A. Fisher
Clerk

October 25, 2021

Via Zoom teleconference

8:00 pm EDT

Members present: John Bower, Brian Coombs, Thomas Fisher, Kelly Moore, Tom Pinson, and Keith Wing (moderator). Mr. Backensto, who was traveling, was not able to join initially.

Mr. Bower called the meeting to order with a brief meditation from 1 Timothy 5:19-21, noting the seriousness and importance of following Biblical guidelines when receiving accusations made against an elder.

Mr. Moore led in prayer, constituting the meeting of the commission. We took up the minutes of the meeting of October 12, 2021, which had been distributed and corrected via email, and they were approved by common consent.

The moderator confirmed that the members of the commission had received and read the investigation team report and the team's formal statements of accusation, which they propose to make against Mr. Olivetti and the other members of the Immanuel RPC session.

The Moderator referred to a proposed process (distributed previously) for acting on the report, reminding us first of the essential need for confidentiality in the matters before us. We are at this stage seeking only to determine (1) whether the charges proposed are censurable, (2) whether the charges conform to the requirements of our Constitution, and (3) whether the rule of Christ has been followed in the relevant situations.

We confirmed that the investigators' report has not, at this time, been shared with the IRPC Session. We went through the report section by section. There were a number of questions pertaining to the place of civil court documents and our ability to provide potential parties access to cross-examination of sources cited therein, as well as the degree to which these documents pertain to the charges which may be made against members of the IRPC Session.

Mr. Backensto joined the meeting by phone around 9:10 pm.

We discussed a number of matters connected with whether repentance (on the part of the elders of IRPC) has taken place.

A number of commissioners expressed concern that the proposed formal accusations currently before us lack sufficient specificity to meet the requirements of our Book of Discipline.

1 Due to the lateness of the hour, the Moderator asked members to submit any further input about
2 the report and the accusations to him in writing. We discussed thoughts about the path ahead,
3 including the possibility of meeting as a commission with the investigators in person or by
4 Zoom.

5
6 We agreed to meet by Zoom at 6-8 pm EDT on both November 1st (commission meeting) and
7 2nd (meeting with investigators). The moderator summarized possible paths ahead for our work
8 and will share that list with the rest of the commission via email.

9 By common consent, we agreed to adjourn and Mr. Pinson led in prayer, adjourning the meeting
10 at 10:04 pm.

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12 Respectfully submitted,
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14 Keith M. Wing
15 Moderator
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Thomas A. Fisher
Clerk
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18 November 1, 2021

Via Zoom teleconference

6:03 pm EDT

19
20 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher, Kelly Moore,
21 Tom Pinson, and Keith Wing (moderator). Mr. Coombs called the meeting to order with a brief
22 meditation from Psalm 122:5, noting the reality that the Lord is pleased not only to dwell with
23 men, but also to use mere men to accomplish his holy purposes.

24
25 Mr. Pinson led in prayer, constituting the meeting of the commission. We took up the minutes of
26 the meeting of October 25, 2021, which had been distributed via email, and they were approved
27 by common consent.

28
29 The Moderator referred to a previously-distributed list of possible paths ahead (i.e., options for
30 responding to accusations brought to us by the investigators). We do not yet need to decide
31 which path to pursue, but we should be thinking about the possibilities. The Moderator asked if
32 there were any suggestions for additional options and none were offered.
33

34 The Moderator noted that in our first reading of the investigators' material, we had many
35 observations and comments. We will treat their report as preliminary, and we plan to
36 communicate our remarks to the investigators tomorrow. It will be their prerogative to determine
37 whether they will adjust or modify their report or accusations, and we will not provide any
38 subsequent feedback once they have determined what their final report and accusations should
39 contain. We aren't seeking a response from the investigators tomorrow, but if time permits we
40 may engage with responses they may have.
41

42 There was some discussion about whether, if charges are received and approved, there is a way
43 to give any accused persons the freedom, if they desire, to concede or repent of any specific
44 items in the accusations (Mathew 5:25). Is this something that could be done prior to the

1 initiation of the trial, or must we wait until the trial itself? We perceive that there would be value
2 in allowing that to happen prior to trial if anyone desires to do so.

3
4 We had some discussion regarding whether we would be willing to permit the accusers to offer
5 their thoughts as to what censures they believe would be appropriate if a given case is allowed to
6 proceed (and guilt is proved). The comments made tended not to favor receiving such input.

7
8 We turned to a discussion of the critical issues and topics summarized and grouped together for
9 us by the moderator in his 10/27/21 e-mail. We'll need to focus on the most important topics and
10 the key points that need to be reviewed/addressed with the investigative team when we meet on
11 11/2. With regard to the Shepherding Committee and its work, we believe we need to gather
12 more information on what was or was not actually accomplished by them in their effort to pursue
13 repentance and reconciliation.

14
15 There was discussion of the need to do all that we can to ensure that the trial process is viable,
16 that is, that the process is not permitted to become so unwieldy that it cannot be carried out
17 successfully. The investigators' preliminary witness list includes almost 60 witnesses, and the
18 defense may call additional witnesses. Are all of these persons needed to establish the facts of
19 the accusations? Can all of the witnesses be brought together in one place for one or more trials
20 of reasonable duration, or else deposed in settings that allow for cross-examination (BoD II.2.7
21 and 8)? If a judicial process does move forward, we should try to avoid proceeding in a way that
22 invites failure due to logistical impasses.

23
24 Our Moderator will be contacting the Moderator of Synod to ask whether it would be possible
25 for one or more of the alternate commissioners to become observers of any potential judicial
26 process fairly soon. By common consent, we agree that this would be wise, and our moderator
27 will convey this to Mr. Parnell. It would be the prerogative of the commission to seat an alternate
28 member if, for any reason, a current member becomes unable to continue taking part in the
29 commission's work once a judicial process has commenced. If the number of alternates needed is
30 insufficient, it would likely be up to the Moderator to appoint other alternates, but if a quorum
31 (five members) cannot be maintained the proceedings would have to be suspended and referred
32 to the Synod.

33
34 We discussed whether our judicial decisions ought to be determined by a simple majority or
35 whether we might determine that some actions should have to pass by some degree of super-
36 majority, such as 2/3. For intrinsically important matters (e.g., approving the examinations of
37 ministerial candidates, electing church officers, making changes to the DCG), we often require a
38 vote that is greater than a simple majority. Are there decisions that we might need to make that
39 ought to require a more substantial threshold? No final decision was made, but we agreed that
40 this question will need to be answered.

41
42 We reviewed the Moderator's proposed report to the Great-Lakes Gulf Presbytery; comments
43 had been given via e-mail and we agreed by common consent to transmit this progress report to
44 them. If charges are actually approved, we will need to determine what additional information to
45 convey to the Presbytery. We discussed some of the anticipated logistics that will need to be
46 considered if matters proceed to the conduct of one or more trials. This included questions of

1 when trials could take place, as well as whether defendants would be permitted to be present for
2 all proceedings.

3
4 We revisited the question of whether, in anticipation of the possibility that we will conduct one
5 or more trials, we should seek legal advice about process, for our own information. This would
6 not be a person who takes part in the proceedings but might be someone who helps us understand
7 how these processes normally work. Another question raised was whether the investigators
8 believe that any of their actions to this date would be regarded by any potential accused persons
9 as constituting a "gross irregularity."

10
11 Commission members agreed to send information to Mr. Backensto regarding their availability
12 for possible meetings in the next couple of weeks.

13
14 By common consent, we agreed to adjourn and Mr. Fisher led in prayer, adjourning the meeting
15 at 7:41 pm.

16
17 Respectfully submitted,

18

19 Keith M. Wing
20 Moderator

Thomas A. Fisher
Clerk

21

22

23

24 November 2, 2021 *Via Zoom teleconference* 6:03 pm EDT

25

26 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher, Kelly Moore,
27 Tom Pinson, and Keith Wing (moderator). Also present were three of the four members of the
28 investigation team: Kyle Borg, Stan Copeland, and Joseph Friedly. Peter Smith, the fourth
29 member, had a work commitment that required him to join later. Mr. Wing called the meeting to
30 order with a brief meditation from 1 Peter 4:7-11, reflecting on the ways in which Paul's
31 admonitions apply to the commission's tasks and encouraging us to remember that our work is
32 being done for the glory of Christ. He then led in prayer, constituting this commission meeting.

33

34 The moderator acknowledged the work of the investigative team and thanked them for the work
35 they have already done. The purpose of this meeting was for the commission to meet with the
36 team, having received their initial report and their proposal to file charges against several
37 individuals. There were various items in the report that the commission had comments or
38 questions about and this was an opportunity to seek clarification.

39

40 The moderator emphasized that any decision to alter or not alter these documents in the
41 preparation of the final versions is entirely up to the investigative team. Both the commissioners
42 and the investigators took care to avoid discussing evidence or other information that could
43 compromise the commissioners' ability to be objective in any judicial proceeding that may arise
44 from this point forward.

1
2 Mr. Smith was able to join the meeting around 7 pm.

3
4 We agreed that we would wait for the investigative team to issue its final report before
5 scheduling our next commission meeting.

6
7 By common consent, we agreed to adjourn and Mr. Moore led in prayer, adjourning the meeting
8 at 7:51 pm.

9
10 Respectfully submitted,

11
12 Keith M. Wing
13 Moderator

14 Thomas A. Fisher
15 Clerk

16
17 November 10, 2021 *Via Zoom teleconference* 6:30 pm EDT

18
19 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher, Kelly Moore,
20 Tom Pinson, and Keith Wing (moderator). Mr. Fisher called the meeting to order with a brief
21 meditation from Acts 20:17-28, noting that Paul's admonition to the Ephesian elders applies to us
22 in our judicial task, which is also shepherding work. Mr. Wing then led in prayer, constituting
23 this commission meeting.

24
25 The minutes of November 1st and 2nd, previously distributed, were approved by common
26 consent.

27
28 In light of the fact that the investigators have made allegations of wrongdoing against various
29 individuals, the commission took up a discussion of whether we should specify a voting margin
30 greater than a simple majority for decisions pertaining to receiving charges against any accused
31 persons and pertaining to other judicial determinations. Mr. Coombs previously distributed a
32 helpful review of the circumstances under which our Constitution requires decisions to be made
33 by two-thirds majority vote as well as implying principles by which a two-thirds voting threshold
34 may be used instead of a simple majority vote. Our sense is that if we set a voting threshold for
35 censure that is greater than a majority, any subsequent action of the Commission to lift such
36 censure would also need to be removed using the same voting threshold. The moderator noted
37 any special threshold that we enact would apply only to actions taken by this Commission;
38 actions of the Synod that pertain to any Commission action would be governed by the Synod's
39 discretion regarding voting thresholds. We discussed the question of which Commission actions
40 should require a higher threshold.

41
42 *It was moved and seconded that we enact the following voting thresholds for our work:*

43 (a) Regarding a decision to accept accusations/charges made against an accused person - by a
44 simple majority of those voting

1 (b) Regarding the guilt of an accused person at the conclusion of a trial - by a minimum of 2/3 of
2 those voting

3 (c) Regarding the imposition of censure against a party judged to be guilty - by a minimum of
4 2/3 of those voting

5
6 It was further clarified that, for example, since 2/3 of 7 is equal to 4 and 2/3, a 2/3 minimum
7 threshold for a vote of the full commission would require a minimum of five votes.

8 This motion was approved unanimously.
9

10 The moderator noted that we may address this evening the question of how we respond to the
11 accusations proposed by the investigators. He explained that we would vote on the questions of
12 whether the accusations made conform to the requirements of the Constitution, whether the
13 charges or accusations are censurable, and whether we believe that the rule of Christ has been
14 followed. He recounted the further steps that would ensue in the event that we decide to receive
15 an accusation.
16

17 The moderator asked whether there were any questions about the form of the accusations as they
18 exist in the documents most recently presented to the commission by the investigators. They
19 have added some new content to the original report and accusations. A question was raised
20 regarding whether, based on the information that has been provided to us, Mr. Zachary
21 Blackwood and Mr. Nate Pfeiffer should be included in formal charges, since both men resigned
22 according to the directive of the GLG Immanuel Commission, with the implied understanding
23 that resigning was an act of repentance. The investigators' report indicates that Mr. Blackwood
24 is in a different situation from the other elders of the IRPC session. We also discussed at some
25 length the question of whether the charges, as presented, are sufficiently specific. Since the
26 Commission has sought to keep from receiving too much disclosure of the facts of the case, we
27 acknowledge the possibility that Mr. Blackwood and/or Mr. Pfeiffer may have repented of the
28 things that are charged. However, we cannot know that for certain at this point without entering
29 too deeply into the facts of the case. It seems that at this time if we conclude that the charges
30 made against the IRPC elders meet the requirements of the Book of Discipline, we ought to
31 proceed with charges in order to determine whether these men have repented of the specific
32 charges made by the investigators. We may find that one or both men should be dismissed at the
33 beginning of the trial if we determine at that point (or before) that they have repented (per Book
34 of Discipline I.3.3 and II.3.5).
35

36 We revisited the question of whether a pre-trial hearing ought to be held, and we agree that it is
37 still a possibility. The moderator shared some details of his discussion with attorney Bob Keenan
38 about the contours of the judicial process. The moderator reminded us that it is within our power
39 to re-craft the wording of the accusations, if needed, and propose such adjustments to the
40 investigators to see if they would be willing to make such modifications to their accusations.
41

42 *It was moved and seconded that the Commission declares that the accusations received from the*
43 *investigators and made against Jared Olivetti (signed and dated November 4, 2021) conform to*
44 *the requirements of the Book of Discipline (BoD II.2.1), that the accusations, if proved, are*
45 *censurable, that the proposed evidence is sufficient to warrant a trial, and that, to the best of our*

1 *understanding, we are satisfied that Christ's rule has been satisfied.* It was further clarified that
2 the charges received include pages 1 – 11 of the “Formal Accusation of Sin | Mr. Jared Olivetti.”

3
4 Before taking a vote, the Moderator asked Mr. Moore to pray for our vote. The moderator
5 reminded us that this vote does not determine guilt, but only entails a decision to institute the
6 formal judicial process. The motion passed by 6 to 1. The commission agreed that it would be
7 very desirable to have a framing of the charges that could be unanimously approved. If possible,
8 we will consider a reformulation of the charges at our meeting tomorrow.

9
10 It was agreed, by common consent, to extend the adjournment time of the meeting to 9 pm.

11
12 The moderator provided an update of activity related to the matters before us in the recent GLG
13 Presbytery meeting.

14
15 Mr. Wing and Mr. Moore gave a brief update on a recent discussion with Mr. Friedly. The
16 investigative committee has indicated that in the event of a trial, with regard to witnesses that
17 they wish to have summoned, they would be content to summon witnesses labeled as “priority”
18 witnesses initially, and only summon other witnesses if some of those initially summoned cannot
19 attend a trial. The investigators indicated that they would have no objection to holding a pre-trial
20 hearing.

21
22 We took up the matter of beginning to have some of the alternate commissioners observe the
23 process if we approach holding a trial. Among the alternate commissioners previously named by
24 the Moderator of Synod, it was noted that Mr. Bob Lyon is a ruling elder serving on the
25 Winchester session with Mr. Borg [it was confirmed that Mr. Moore does not serve on the
26 session with Mr. Friedly]. We agreed that asking Mr. Lyon to serve on the commission could be
27 regarded as problematic, as, in the event of a trial, Mr. Borg would likely be one of the
28 prosecutors. The remaining alternates are Mr. Micah Ramsey and Mr. Andrew Silva; we have
29 confirmed that both men are willing to serve. *It was moved and seconded that we ask Mr.*
30 *Ramsey and Mr. Silva to begin joining the meetings of this commission in a non-voting, non-*
31 *consultative role at a time to be determined by the moderator.* The motion passed
32 unanimously. The clerk and moderator will inform these gentlemen of this action and Mr.
33 Backensto will notify the Moderator of Synod, Mr. Bruce Parnell.

34
35 The next meeting of this commission was set for tomorrow, via Zoom, at 7:30 – 9:30 pm.

36
37 Mr. Bower adjourned the meeting with prayer at 9:01 pm.

38
39 Respectfully submitted,

40
41 Keith M. Wing
42 Moderator

41 Thomas A. Fisher
42 Clerk

1 November 11, 2021 *Via Zoom teleconference* 7:33 pm EDT

2

3 Members present: John Bower, Brian Coombs, Thomas Fisher, Kelly Moore, Tom Pinson, and
4 Keith Wing (moderator). Mr. Backensto, who is traveling, was delayed in joining. Mr. Wing
5 called the meeting to order with a brief meditation from Ezekiel 33:1-6, reminding us that
6 Ezekiel's injunction applies to our responsibility to warn others in the situations appropriate to
7 our circumstances. Mr. Coombs then led in prayer, constituting this commission meeting. Mr.
8 Backensto joined the meeting around 7:36 pm.

9

10 As discussed at the 11/10/21 meeting, the commission is open to modifying the text of the
11 charges that we voted on with regard to Mr. Olivetti. The question raised centers around
12 endeavoring to state the charges, as much as possible, in accord with the Book of Discipline's
13 directives. What we present to an accused person as charges should be written such that both the
14 prosecution and the defense can respond to specific charges. Mr. Bower provided the
15 commission with a description of the modifications that would be needed, in his judgment, to
16 accomplish greater conformity to the requirements of the Book of Discipline.

17

18 *It was moved and seconded (by members who voted with the majority) that we reconsider the*
19 *motion taken yesterday to accept the charges made against Mr. Olivetti and signed by the*
20 *investigative committee on November 4, 2021. The motion to reconsider passed unanimously.*

21

22 *It was then moved and seconded that the commission lay the motion (regarding adoption of*
23 *charges against Mr. Olivetti) on the table until such time as the commission can consider a*
24 *suitable revision of the charges against Mr. Olivetti. This was approved by common consent.*

25

26 The discussion turned to questions of possible trial logistics, in the event that we decide in the
27 near future to proceed to hold one or more trials. We considered possible timetables for such
28 trials.

29

30 We discussed the possibility of holding pre-trial hearings. It does not seem essential to have all
31 commission members physically present for the pre-trial hearings, so some members could
32 participate by Zoom. In reviewing individual schedules, the dates of November 30th and
33 December 3rd appear suitable. We would need to locate a potential venue for the hearings; we
34 discussed some of the possibilities. Regarding possible trials, we discussed allowing 4-5 days
35 each for one or two trials and considered the possibility of trials taking place sometime in
36 January. After reflection, we agreed to "pencil in" the weeks of the 10th and 17th of January in
37 their entirety as potential trial times.

38

39 We discussed how notification of any accused persons should be carried out; it was proposed
40 that this would best be done first by phone, then followed by sending the required documents via
41 e-mail and certified mail. The moderator shared with us some preliminary notes on preparations
42 that will be needed prior to the conduct of any trials; he agreed to distribute this to us for
43 comments and input.

44

45 We noted that there is no need to appoint special prosecutors, as the investigators are willing to
46 become accusers.

1
2 We returned briefly to discuss proposed revisions to the charges against Mr. Olivetti, noting that
3 we are not crossing into a role as accusers, but seeking to attain better clarity and organization in
4 the statement of the received accusations; we consider our proposed changes as structural, not
5 substantive. The clerk agreed to distribute a draft revision of the charges against Mr. Olivetti,
6 modified along the lines of Mr. Bower's suggestions, to the members of the commission. The
7 moderator anticipates discussing the proposed re-drafting at some point with Mr. Borg.

8
9 We discussed tentative plans to meet again via Zoom on Wednesday, November 17th. It was
10 agreed, by common consent, to adjourn the meeting. Mr. Pinson adjourned the meeting in prayer
11 at 9:10 pm.

12
13 Respectfully submitted,

14
15 Keith M. Wing

16 Moderator

15 Thomas A. Fisher

16 Clerk

17
18
19
20 November 15, 2021

Via Zoom teleconference

7:00 pm EST

21
22 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
23 Moore, Tom Pinson, and Keith Wing (moderator). Mr. Backensto called the meeting to order
24 with a brief meditation from 2 Corinthians 6:1-13, applying it to the work before us. Mr. Moore
25 then led in prayer, constituting the meeting.

26
27 The minutes of the meetings of November 10th and 11th, previously distributed, were approved
28 by common consent.

29
30 It was moved and seconded that we remove from the table the motion regarding the adoption of
31 charges against Mr. Jared Olivetti (previously laid on the table at the November 11th meeting);
32 this was approved by common consent. It was moved and seconded to lay this motion on the
33 table again, to entertain the following substitute motion:

34
35 *that the Commission declares that the accusations received from the investigators, made against*
36 *Jared Olivetti, and signed and dated November 12, 2021, conform to the requirements of the*
37 *Book of Discipline (BoD II.2.1); that the accusations, if proved, are censurable; that the*
38 *proposed evidence is sufficient to warrant a trial; and that, to the best of our understanding, we*
39 *are satisfied that Christ's rule has been satisfied.*

40
41 After discussion, the commission voted unanimously to lay the previous motion on the table and
42 entertain this substitute. The commission took up the substitute motion and following discussion,
43 the clerk read the motion in its entirety. Mr. Bower then led the commission in prayer prior to its
44 vote. The motion passed unanimously.

45

1 The moderator then opened the floor for a motion pertaining to the accusation received from the
2 investigators against the ruling elders of IRPC. It was then moved and seconded

3
4 *that the Commission declares that the accusations received from the investigators, made against*
5 *Zachary Blackwood, David Carr, Ben Larson, Keith Magill, and Nate Pfeiffer, and signed and*
6 *dated November 12, 2021, conform to the requirements of the Book of Discipline (BoD II.2.1);*
7 *that the accusations, if proved, are censurable; that the proposed evidence is sufficient to*
8 *warrant a trial; and that, to the best of our understanding, we are satisfied that Christ's rule has*
9 *been satisfied.*

10
11 After further discussion, the Moderator led in prayer prior to the vote. This motion passed
12 unanimously.

13
14 The moderator noted that at this point there should be no further steps taken with regard to
15 advancing the judicial process except to fix the time and place of the trials and summon those
16 who are to appear (BoD II.2.3).

17
18 *It was moved and seconded that we conduct two pretrial hearings, one for the case against Mr.*
19 *Olivetti and one for the case against the IRPC ruling elders, on Tuesday, November 30th in*
20 *Lafayette, Indiana, at which both defense and prosecution would be present, with the*
21 *understanding that this schedule is subject to the availability of the accused, their defense*
22 *counsel, and the accusers, at the proposed time and place. It was noted that it might be*
23 *necessary for some participants in the pretrial hearing to take part via videoconference. The*
24 *moderator shared a tentative list detailing what would be carried out in the pretrial hearings.*
25 *After some discussion, the motion passed unanimously.*

26
27 We agreed by common consent to hold our next meeting on Monday, November 22nd at 7 pm
28 EST.

29
30 *It was moved and seconded to set the week of January 10th for a trial of Mr. Olivetti and the*
31 *week of January 17th for a trial of the Immanuel RPC ruling elders (both trials to be held in*
32 *Lafayette, Indiana), likely commencing the opening session for each trial on the respective*
33 *Mondays at 6 pm; these dates would again be subject to confirmation with the key*
34 *participants. Following discussion, the motion was approved unanimously.*

35
36 The moderator discussed some of the logistics of communicating with the parties who have been
37 accused; the moderator and clerk will work together with the goal of having the required
38 documents ready to be sent by overnight mail on this Thursday (November 18).

39
40 The moderator will call Mr. De Jong tomorrow to tell him confidentially of the commission's
41 actions, in order to seek his counsel in identifying other parties who should be notified once the
42 persons accused have been informed.

43
44 It was agreed by common consent to set Tuesday evenings at 7 pm EST as our standing meeting
45 time starting December 7th.

46

1 The scheduled time for adjournment arrived, and Mr. Fisher adjourned the meeting in prayer at
2 9:00 pm.

3
4 Respectfully submitted,
5

6 Keith M. Wing

7 Moderator

8 Thomas A. Fisher

9 Clerk

10

11 November 22, 2021

12 *Via Zoom teleconference*

13 7:00 pm EST

14

15 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
16 Moore, Tom Pinson, and Keith Wing (moderator). Also attending were Mr. Andrew Silva and
17 Mr. Micah Ramsey, our alternate commissioners, who are present in a non-voting, non-
18 consultative capacity so that they can be acquainted with our discussions and actions if they need
19 to participate in any future judicial proceeding. Mr. Wing called the meeting to order with a
20 brief meditation from Psalm 46, reminding us of the comfort of knowing that the Lord is our
21 refuge and strength. Mr. Fisher then led in prayer, constituting the meeting.

22

23 The moderator introduced Mr. Ramsey and Mr. Silva to the commission and welcomed them to
24 the meeting.

25

26 The minutes of the November 15th meeting, previously distributed, were approved by common
27 consent with minor changes previously circulated by e-mail.

28

29 Mr. Wing gave a brief update on the communication of the formal accusations to the accused
30 parties. Mr. Borg has distributed thumb drives with all of the investigator's evidence to the
31 accused, and these were delivered to them on November 20th. An announcement of the
32 commission's actions was sent to several concerned parties.

33

34 There have been no objections raised to the plan to hold a pre-trial hearing on November
35 30th. The venue we considered using in Lafayette will not be available, but it appears that we
36 can hold the pre-trial hearing at the Purdue Research Park (W. Lafayette), where the IRPC
37 session rents office space. We anticipate that some commission members (and possibly others)
38 will attend the hearing *via* Zoom. Mr. James Faris, one of the defense counsels for Mr. Olivetti,
39 will need to leave the hearing for a memorial service scheduled for that afternoon, and he has
40 asked that his schedule be accommodated. Mr. Olivetti has notified us that in addition to Mr.
41 Faris, he will be represented by three other counsels: Mr. Andrew Falk, Mr. Justin Olson, and
42 Mr. John Westercamp; all four men are members of the RPCNA (BoD II.3.3).

43 We discussed some of the logistics for the pre-trial hearing and reviewed a proposed agenda
44 outline provided by the moderator.

1 We discussed a request from Mr. Faris to meet with the commission for a period of time without
2 the accusers present. We agreed by common consent that the moderator will reply to Mr. Faris
3 by (1) explaining that beyond the report of the investigative team (see below), the commission
4 has not had presentations from the team, and (2) asking him to explain why such a meeting is
5 needed.

6 We reviewed a proposed timeline for the trial proceedings and the possibility of giving the
7 accusers and defense a brief opportunity to present their objectives. We propose giving an
8 opportunity for objections to be raised per Book of Discipline II.3.4 & 5, as well as hearing
9 possible objections to items put forward by the accusers as evidence for the case(s). We would
10 also give each accused person an opportunity to enter a plea if they are prepared to do so at the
11 time of the pre-trial hearing. We discussed the possibility that one or more accused persons may
12 choose not to contest the charges (BoD I.3.4).

13
14 We discussed whether observers might be allowed to be present during the trial proceedings. We
15 would limit attendance to members of the RPCNA, but even with that constraint, we would
16 undoubtedly need further limitations, even in a non-executive trial session. Allowing a small
17 number of victim families to be present would be a possibility and seems desirable, as well as
18 some observers from the related bodies (e.g., Immanuel RPC and the GLG presbytery). Still,
19 there will be logistical limits to the size of the group that can be accommodated.

20
21 We received a white paper from Mr. Keenan concerning the concept of "burden of proof." *It was*
22 *moved and seconded that we adopt, in the proceedings for which we have approved accusations,*
23 *the standard commonly described as "clear and convincing evidence" as the burden of proof that*
24 *we will require the accusers to bear.* Following discussion, the motion was adopted
25 unanimously.

26
27 We discussed what might happen if a defendant expresses a desire to repent; this would require
28 that the charge(s) not be contested. We had a further discussion of this possibility but did not
29 finalize the detailed contours of how we would approach such a situation, as we have no
30 specifics before us.

31
32 We discussed the factors relevant to whether we should require the accused elders to refrain from
33 the exercise of office until final action in their cases has been taken (BoD II.2.9).

34
35 *It was moved and seconded that we inform the prosecution and defense that we anticipate asking*
36 *all of the accused elders (in both cases) to refrain from the exercise of office, commencing on the*
37 *last day of December 2021, until final action in their respective cases has been taken.*

38
39 Following discussion, *it was moved and seconded that we lay the current motion on the table*
40 *until such time as we have considered the request from Mr. Olivetti's defense to delay his trial*
41 *until at least March 2022.* The motion to lay on the table passed unanimously.

42
43 *It was moved and seconded that the trial dates be delayed until the weeks of January 31st and*
44 *February 7th.* Following discussion, this motion passed unanimously.

1
2 *It was moved and seconded that we remove from the table the previous motion to inform the*
3 *prosecution and defense that we anticipate requiring all of the accused to refrain from the*
4 *exercise of office starting December 31st until final action in their respective cases has been*
5 *taken.*

6
7 The moderator passed moderation of the question before us to the clerk so that he could be free
8 to speak to this question. It was noted that the Synod Committee of the day that reviewed this
9 case recommended a similar action, although their recommendation was not debated by Synod,
10 and that imposing this requirement does not presume guilt. It was also noted that the proposed
11 action recognizes the severity of the accusations that have been made and also would allow time
12 for a plan to be made to provide for the proper spiritual care of the Immanuel RPC during a
13 period when four of their regular elders would be refraining from the exercise of their offices.
14 Together with the new trial schedule, this approach is consonant with the BoD's directive that
15 such action should be done "provided there is no unnecessary delay" in the prosecution of a case.

16 Following further discussion, the motion passed unanimously. Mr. Fisher returned moderation
17 of the meeting to Mr. Wing.

18
19 We took up whether the Investigative Team report should be shared with the defense, as
20 requested by Mr. Faris.

21
22 *It was moved and seconded to share the November 4th report of the Investigative Team with the*
23 *accused and their counsel.* This motion passed unanimously; the clerk will send this information
24 to the accused and their counsel.

25
26 We discussed the logistics briefly for the pre-trial hearing. We discussed the possibility of
27 having Mr. Keenan present at the pre-trial hearing and the trial as an observer. By common
28 consent, the commission agreed to invite Mr. Keenan to do this, with the understanding that
29 these will be the proceedings of a purely ecclesiastical court and that Mr. Keenan's counsel will
30 be limited to helping us understand legal details that may arise in the course of the process.

31
32 Our next regular meeting following the pre-trial hearing will be on December 7th at 7 PM.

33
34 By common consent, we agreed to adjourn, and Mr. Coombs led us in prayer, adjourning the
35 meeting at 9:26 pm.

36
37 Respectfully submitted,

38
39 Keith M. Wing
40 Moderator

41 Thomas A. Fisher
42 Clerk

43

1 Mr. Olivetti and his counsel were invited to respond to the charges; Mr. Olson addressed the
2 commission. He expressed their concern that the Commission's present posture of addressing
3 "this matter" has resorted to judicial process prematurely. He explained that they were not
4 prepared to respond because they had insufficient time to digest a large amount of evidence,
5 including 1000+ documents, 58 witnesses, and dozens of hours of recordings, provided to them
6 on 11/20/21. He noted that two new defense team members joined as counsel last week. They
7 feel that the process by which we have come to judicial action was inappropriate in certain ways
8 and believe that there was not sufficient effort made to reconcile matters with the Accused before
9 resorting to trial. They cited, among other concerns, their belief that the requirements of the
10 Book of Discipline (BoD) II.1.1 were not followed.

11
12 Consequently, Mr. Olivetti and his counsel stated that at this time, they were only able to address
13 their objections against proceeding with judicial action (Book of Discipline, II.3.4). The
14 moderator granted permission for him to move to that part of the agenda. Mr. Backensto noted
15 that the commission would welcome the resolution of the matters raised in the charges without
16 having a trial; that is one of the reasons we established the present pre-trial hearing. Mr. Olson
17 replied that the resolution described by Mr. Backensto is complicated by the fact that the public
18 discussion of this case has all been presented from one side of the accusations, which, they
19 believe, has been prejudicial to the Accused.

20
21 Mr. Olson took up the defense's objections to proceeding with a trial; these are based on
22 allegations of gross irregularities (BoD II.3.4) in the process followed by the Commission thus
23 far. The first objection was an allegation that the investigation that resulted in the filing of
24 charges was tainted by bias. Specifically, they allege that because two of the four investigators
25 (now Accusers) volunteered to be special prosecutors before being appointed as investigators,
26 this shows that they had formed conclusions about the guilt of those now accused even before the
27 investigation began. Mr. Olson cited an article published by Mr. Borg in the "Gentle
28 Reformation" blog on the day before the March 2021 meeting of the GLG presbytery [at which
29 the GLG Immanuel Judicial Commission presented its recommendations for addressing the
30 situation]. Mr. Olson asserted that this article proves that Mr. Borg stated publicly that he was
31 frustrated and "angry" with Christian leaders who do not handle allegations of abuse correctly.

32
33 Second, Mr. Olson alleged that the investigators did not do a competent investigation
34 job. Specifically, he claimed that they mishandled some evidence, did not make proper efforts to
35 distinguish between matters actually known by witnesses versus hearsay matters, failed to
36 correctly interpret some public documents used to form their charges, and did not seek out
37 exculpatory evidence that was available to them. Because of this, he argued, some information
38 presented by the investigators misled the Commission. Mr. Olson also accused the investigators
39 of presenting to some persons an unverified allegation, based on an interview with a single
40 witness, as though it were a proven fact. Specifically, he noted that they improperly represented
41 to [REDACTED] an allegation as though it were a fact and asserted that the investigators
42 wrongly sought to pressure the Accused to admit to lying on the basis of testimony from a single
43 witness. He alleged that the investigators spoke only to victim families but did not take
44 statements from other members of IRPC who were sinned against.

45

1 Third, he alleged that the investigative process did not adequately reflect the requirement to
2 resolve specific sins through private means; he noted that the investigators did not meet with any
3 of the accused after the investigators formed their charges, thus denying the Accused an
4 opportunity to indicate whether they wished to repent. As previously stated, they regard this as
5 inconsistent with BoD II.1.1 and Matthew 18.

6
7 Fourth, Mr. Olson questioned whether the accusations against Mr. Olivetti fall under the
8 category of fama clamosa because, although he is accused of sin, he is not accused of scandalous
9 immoral behavior (which, he asserted, is the nature of a fama clamosa).

10
11 Fifth, they alleged that the timeline for pursuing the charges is unduly short, citing what they felt
12 was a lack of adequate time for counsel to prepare for this pre-trial hearing (i.e., 4-5 business
13 days between defendant's receipt of evidence and the hearing) and for the scheduled trial start
14 date of January 31, 2022. They believe that the volume of evidence and the case's complexity
15 warrant giving the defense counsel more preparation time.

16
17 Sixth, they objected that the Commission did not consider the request from a super-majority of
18 the members of Immanuel RPC to the commission that it (1) seek to avoid judicial action and (2)
19 meet with the accused elders before subjecting them to a requirement to refrain from the exercise
20 of office. They allege that the Commission's refusal to consider this request gives the impression
21 of a rush to pursue a judicial path. At this point, Mr. Faris added that while they understand that
22 the Commission was not bound to grant this request, doing so would have been more in keeping
23 with the principles of Matthew 18. Mr. Olson pointed out that some of the Accusers' charges
24 against Mr. Olivetti are matters that have not been stated by anyone before. As such, they cannot
25 by definition be matters of fama clamosa. For alleged offenses discovered privately but not
26 known publicly, they assert that effort should have been made to approach Mr. Olivetti per
27 Matthew 18. Mr. Olson indicated that his remarks to this point summarize the defense's
28 arguments regarding alleged gross irregularities in the judicial process. A written presentation of
29 these objections will be made available to the Commission.

30
31 At this point, he sought to address some supplementary objections of the Accused. He urged that
32 the letter received by the Commission [Clerk's noted: Dated 10/13/21] from Mr. Olivetti but not
33 yet read by the Commission be reviewed at this time, as it contains information and allegations
34 relating to the defense's concerns that the Commission's investigators mishandled or
35 misinterpreted certain court documents which form part of the basis for their accusations.

36
37 Second, he objected that the charges filed against Mr. Olivetti do not meet the specificity
38 required by BoD II.2.1; he asserted that while the charges describe *categories* of alleged sins,
39 they do not specify the *actions* that constitute the sins alleged. Their concern is that the
40 document, as written, is one from which proper stipulations, statements of repentance, etc.,
41 cannot be formed. He questioned how, e.g., the accused can repent specifically of sins that have
42 not been stated specifically. He asserted that a number of sins have been repented of, both
43 publicly and to specific individuals, but that the accusers made no effort to match the charges
44 made against specific matters that have been repented of. The defense concludes that via the
45 present charges, the Commission has adopted a process that requires that an assessment of the

1 accused's sincerity of repentance must be deferred to the conduct of a trial rather than before
2 pursuing trial (allegedly, *contra* BoD II.1.1).

3
4 As a consequence of all of the alleged irregularities summarized on behalf of the Accused, Mr.
5 Olson requested (1) that the present charges be dismissed, (2) that the present Accusers be
6 removed from this case, and (3) that the Commission void the investigation conducted by the
7 Accusers. They assert that the presently-ongoing work of pursuing reconciliation with victims
8 cannot be done under the cloud of these charges and that the conduct of the investigators would
9 be a hindrance to the resolution of this case. He referred to the events addressed in the 10/13/21
10 communication from the Olivettis, asserting that the investigators acted in ways detrimental to
11 the Olivettis and [REDACTED], such that they ought to be removed from this case.

12
13 The moderator noted that thus far, the action just taken has been to hear the objections of the
14 defense, noting that the defense had made no arguments against the principles of the
15 church. While not asking the prosecution to respond to these objections during the hearing, he
16 invited them to respond later. The defense counsel asked that the Commission not render its
17 decision on the objections until after the Commission has been fully briefed in writing, which the
18 Moderator accepted as appropriate. The defense also requested that it be permitted to submit a
19 reply to any written rebuttal submitted by the prosecution. The Moderator indicated that while
20 not inclined to grant that request, he would leave it to the Commission to determine.

21
22 Mr. Olson affirmed that they have no objections to the court's jurisdiction in this case. About the
23 question of whether the offenses charged, if proved, are censurable, they have no objections
24 except those that emanate from their concern that no attempt was made to acknowledge
25 repentance already expressed. They have no challenges at this time to the right of any
26 Commission member, including the alternates, to sit in the court. With regard to a plea, they do
27 not offer a plea at this time, based on their prior objection that the charges lack the specificity
28 required by our standards.

29
30 The moderator affirmed the Accused's right to a trial according to the Constitution of the
31 RPCNA; he noted that the only judicial action of the Commission thus far has been to approve
32 the accusations received and acknowledged the accused's request that the Commission reconsider
33 the charges based on their objections. The accusations have been presented to the Accused, and
34 the trial dates have been communicated. The Moderator noted that while we must proceed
35 according to the dictates of the Book of Discipline, there will be circumstantial and ancillary
36 matters not explicitly detailed in the BoD that will be up to the Commission's judgment. He
37 affirmed the right to hear and cross-examine witnesses by both sides, the right of the Accused to
38 a fair and impartial trial, and the right of prosecution and defense to present evidence. He noted
39 the rights preserved in our standards for appeal or complaint to be made against any action of the
40 Commission.

41
42 The moderator reviewed the proposed trial schedule. He invited comments in response to this,
43 and there were none. He asked whether the defense felt it could provide a list of defense
44 witnesses to the Commission by the target date of December 10th. Mr. Olson replied that it is
45 difficult for them to know how to identify witnesses at this time, given the vagueness of the
46 charges, the volume of evidence, the trial timeline, etc. He was uncertain as to what powers he

1 has to compel witnesses to attend the trial or to answer his questions and noted that the defense
2 had made a document request to which they have not received an answer. The moderator
3 explained the court's power to summon RPCNA witnesses for the defense under penalty of a
4 citation of contempt of court.

5
6 The moderator explained that we expect to conduct the trial in person except in specific cases
7 where witnesses cannot be present. In those instances, we would follow the provisions of the
8 Book of Discipline. There were no objections to conducting the proceedings in person. Mr.
9 Olson indicated that while not objecting at this time, he reserves the right to object to the plan
10 after they have additional time to assimilate the information that has been provided to them. The
11 moderator explained that we plan to find a trial venue in the vicinity of West Lafayette, Indiana;
12 we will seek a location with suitable meeting rooms to accommodate our logistical needs.

13
14 The moderator noted that we need to determine whether some part(s) of the trial should be
15 conducted in executive session; he solicited input from the defense and prosecution on how open
16 the trial forum should be. The defense did not believe that it possessed enough information to
17 give a substantive answer to the question at this time, but expressed concern regarding
18 information that the Indiana trial courts have sealed due to the involvement of a juvenile
19 offender, noting that care should be taken so that no one acts in a manner that would constitute
20 contempt of existing court orders. The defense requests that we obtain legal counsel to ensure
21 that proper precautions will be taken in this regard. The Accusers expressed a desire for a forum
22 that would be primarily open but with protections for sensitive information. The prosecution
23 also asked that they be provided with citations of relevant statutes and rulings that would pertain
24 to the disclosure restrictions that must be honored under Indiana law. Mr. Olson suggested that
25 requiring the Accused to provide specific law citations is likely to draw the prosecution and
26 defense into a protracted debate over particular details of civil law.

27
28 The moderator asked for both sides to respond, to the best of their ability, regarding the venue
29 and whether to permit observers, within a week. He stated that the trial proceedings are likely to
30 be recorded in some form. The prosecution requested that a stenographer be used; the moderator
31 affirmed that this was planned. The moderator noted that it would be helpful and desirable for
32 defense and prosecution to offer stipulation of appropriate facts to aid the court in working
33 efficiently. He also encouraged the counsels to submit input regarding logistics.

34
35 The moderator asked for clarification regarding communication with the defense counsel, and
36 Mr. Olson indicated that Mr. Faris is the lead counsel for the defense. Mr. Borg asked whether
37 *ex parte* communication is now to be avoided; the moderator responded that it is preferable for
38 communications between defense and prosecution to include the Commission unless such
39 communication would include evidential matters that the Commission should not see before trial.
40 He indicated that communications from either side to the Commission should generally be
41 shared with both sides. The moderator stated that if either party believed it had a necessary
42 reason for communicating with the Commission without including the other side, it should state
43 its rationale for doing so in the communication. The Commission reserves the right to judge
44 whether to honor such requests for *ex parte* communication.

45

1 The moderator explained that the burden of proof rests on the accusers and that the commission
2 has adopted the standard commonly known as "clear and convincing" evidence for the
3 adjudication of this case. He also explained the various voting thresholds that the commission
4 has adopted for its work: (1) for ordinary matters, a majority; (2) for approval of accusations, a
5 majority; (3) for determination of guilt, and for the imposition of censures, a threshold of two-
6 thirds. He noted the Commission's decision requiring the Accused to refrain from the exercise of
7 office as of the end of December 2021. He indicated that this had been communicated only to the
8 Accused at present.

9
10 He allowed the defense to respond, and they requested a recess. The commission took a recess at
11 10:53 am and resumed its work at 11:02 am Mr. Olson asked that the Commission reconsider its
12 decision to require the accused to refrain from the exercise of office, and gave two reasons: (1)
13 they asserted that the decision is based in part on inadequate information and alleged
14 investigational inaccuracies, and (2) they asserted that the action increases a false narrative of the
15 culpability of the accused at a time when the Immanuel church is in the midst of efforts to heal
16 and that the appeal of the Immanuel congregation in this regard has been ignored. The Accusers
17 were invited to respond; they indicated that since allegations have been received that pertain to
18 qualification for office, they believe that Mr. Olivetti and the other men should be asked to
19 refrain. Mr. Faris noted that this request is also presented in light of the allegation that Matthew
20 18 has not been followed in some relevant instances. Mr. Borg stated that if the input of the
21 Immanuel church is a factor, the concerns of the victim families that have departed should also
22 be a factor. Mr. Olson responded that the concerns of those families are already reflected in the
23 investigation (while those of the church are not). The Moderator noted that the Commission
24 would take up this request.

25
26 The moderator asked whether there were objections to witnesses proposed by the prosecution
27 and stipulated that the Commission has received the defense objections to the public
28 documents. Mr. Olson replied that they don't have enough information to say more but indicated
29 that they object to the admission of hearsay testimony in these proceedings. The moderator
30 asked for any additional objections. Mr. Olson referred to the defense's request for several types
31 of documents [Clerk's note: e-mail entitled, "In re Immanuel RPC - Request for Documents,"
32 dated 11/23/21]; he explained that they asked for these documents because part of their
33 objections include assertions of gross irregularity in the process and they believe that they need
34 full disclosure of the nature of the communications between the Accusers and the Commission.

35
36 Mr. Friedly requested that defense evidence and witnesses be disclosed; the defense responded
37 that they do not believe they are obliged to disclose their evidence. Mr. Olson asserted that as
38 those presumed innocent until proved guilty, the accused are not normally required to provide
39 evidence of innocence before trial.

40
41 The moderator gave an opportunity for additional statements. Mr. Borg indicated that they have
42 been contacted by some individuals who, on hearing that charges have been formed, have
43 inquired whether they will be called as witnesses. They have not responded to these people yet
44 and would like to know whether they can contact them. The moderator indicated that we would
45 take this question under advisement and let them know when to contact witnesses. Mr. Friedly
46 also asked about how to pastorally care for some witnesses who may find testifying to be

1 traumatic; the moderator noted that in such cases, it would be very beneficial if the defense and
2 prosecution could work together to form a stipulation of facts that would relieve such witnesses
3 from having to appear at the trial.

4
5 Mr. Olson offered closing remarks in which he restated the defense's initial concern that while
6 the Commission was initiated to resolve "these matters," its focus has become directed only
7 towards seeing this case be tried. He asserted that the trial will become a distraction for all
8 involved and that this will not bring the healing or resolution desired. He contended that the
9 present need is not further judicial process but instead having people engage in difficult
10 conversations. He respectfully requested that the Commission take a different path.

11
12 The moderator noted that the Commission is open to proposals from either the defense or the
13 prosecution for an alternate process to resolve this dispute. At this time, the Commission is
14 continuing on the trial course established, which includes the consideration of the defense
15 objections presented. Mr. Olson responded that they would examine the option for alternative
16 resolution but stated that he anticipates that any alternative solution they propose would require
17 that the current Accusers have no part in any alternative path. His rationale for this is that the
18 Accusers are not actual parties harmed by the offenses alleged and that resolution ought to be
19 directed toward those who are such parties. For the sake of the record, the Moderator responded
20 that the Synod directed its Moderator to appoint a Commission, the Synod Moderator, and the
21 Commission appointed an investigative committee. Thus, he asserted that the exclusion of the
22 investigators from the process would need to follow the chain of authority back to resolution by
23 the Synod.

24
25 Mr. Faris, as a follow-up comment, urged the Commission to remember the portion of BoD
26 II.1.1, which states that "Formal process shall not be instituted unless evidence is presented that
27 the means of reconciliation referred to above (Section I, Chap. 2) have been tried. Before such
28 process is instituted, it is proper for the court to seek a solution of the case without formal
29 trial." Mr. Wing replied that it is very difficult for the commission to get involved without
30 getting into the details of the case. Mr. Backensto noted that a trial ought to bring forward the
31 truth, which provides the opportunity for reconciliation.

32
33 Mr. Smith noted that the objectivity of two investigators had been questioned in a document
34 received today and asked whether they should respond. The moderator replied that they are
35 *permitted* to respond but not *required*. The defense inquired about the timing of the
36 prosecution's response to their objections; the moderator indicated that their response would be
37 due before the commission's scheduled December 7th meeting.

38
39 We agreed to adjourn, and Mr. Coombs led us in prayer, adjourning the meeting at 11:47 am.

40
41 Respectfully submitted,

42
43 Keith M. Wing
44 Moderator

43 Thomas A. Fisher
44 Clerk

45

1 was explained that following the Spring GLG presbytery meeting, he resigned, acting in reliance
2 upon statements made by the GLG Immanuel Commission that resignation would permit him to
3 avoid being subjected to judicial charges. This being the case, the question is raised as to why he
4 should be tried now. Mr. Blackwood stated that when the GLG Commission asked them to
5 resign from office as part of their repentance and gave them a short statement to sign, he
6 prepared and signed a more extended statement of repentance, reading it on the floor of
7 presbytery and later, to the congregation. He was told that because he had resigned, he would
8 not be charged. Mr. Borg stated that Mr. Pfeiffer resigned his ordination on or about June
9 11th. Lacking access to his records, Mr. Pfeiffer could neither affirm or deny these details.

10
11 Mr. Olson's second supplementary point had to do with the alleged misuse of public records. He
12 asked for Mr. Larson to be permitted to recount what transpired in his interaction with the
13 investigators in this regard as evidence of the gross irregularities alleged by the Defense. The
14 moderator indicated that this was allowable, indicating that the Prosecution would be allowed to
15 respond. Mr. Borg raised a point of order questioning whether permitting this item would
16 involve the commission in receiving testimony. He asked whether the prosecution would be
17 allowed to object to this request; the Moderator replied that they are not allowed to do so, but are
18 permitted to encourage the Commission to do so. The moderator sought clarification from Mr.
19 Olson as to whether Mr. Larson's remarks would be an elaboration of Mr. Olivetti's letter. Mr.
20 Olson replied that Mr. Olivetti was not a party to the conversation between [REDACTED] and the
21 investigators, so Mr. Larson's remarks would pertain only to what [REDACTED] experienced in the actions
22 of the investigators. Mr. Friedly asked whether the Defense could provide an offer of proof as to
23 what Mr. Larson would be discussing. Mr. Olson referenced the letter sent from [REDACTED] to
24 the investigators (now Prosecutors). Mr. Friedly inquired as to the purport of what Mr. Larson
25 would be saying; Mr. Olson replied that his remarks would pertain to certain false statements
26 made to [REDACTED] by the investigators, which [REDACTED] then disproved. The moderator
27 asked whether elaboration beyond the letter is necessary, as we are willing to review [REDACTED]
28 letter; he expressed reluctance to look into evidence that might be presented at trial. Mr. Pinson
29 also expressed concern about hearing these remarks. Mr. Fisher asked whether, before deciding
30 the matter, the commission might briefly dismiss the parties and have a discussion. Mr. Olson
31 indicated that Mr. Larson could also speak to the emotional harm resulting from this interaction,
32 which he regards as directly related to their request that the present Prosecution be
33 dismissed. Mr. Larson's remarks would therefore inform any decision that the Commission
34 might make regarding the Joint Motion to Dismiss, as well as demonstrate why the relief sought
35 is needed. Mr. Friedly stated that such remarks would be difficult to rebut without getting into
36 the details of matters that might be presented at trial. Non-members of the commission were
37 asked to leave briefly to permit the commission to discuss this question at 2:43 pm. Following
38 the commission's discussion, at 2:54 pm, the parties were re-admitted to the hearing.

39
40 The moderator explained the difficulty of deciding whether or not to hear something without
41 knowing what it will be. He noted that we have received the Joint Motion to dismiss and will
42 consider it; we will also consider the letter from the Olivettis and the written exchange between
43 [REDACTED] and the investigative team and address them in our discussion. We will not allow
44 further testimony today but will permit the Defense to amend the information currently available
45 in Mr. Olivetti's communication and that in [REDACTED] letter. Mr. Olson asked, and it was

1 confirmed, that the Defense has the right to supplement [REDACTED] letter with the substance of
2 what Mr. Larson would have indicated and to supplement Mr. Olivetti's communication.

3
4 Mr. Olson offered further remarks regarding the lack of specificity of the charges against the
5 ruling elders, asserting that they are (for example) ambiguous with regard to what the ruling
6 elders allegedly failed to do. The charges do not indicate who they failed to notify properly as
7 well as to whom they had a duty to give such notice. Similarly, the defense objects that
8 allegations regarding the session's failure to act with adequate urgency are vague as to what
9 activities are being charged as sin. Further, the definition of what constitutes adequate urgency
10 is unknown.

11
12 The Moderator indicated that the written statement in the Joint Motion to dismiss is helpful; he
13 asked if Mr. Olson had any further supplementary information to present, and he did not. The
14 moderator affirmed the rights of the accused according to the RPCNA Constitution and noted
15 that the only action taken to date has been to admit the charges. He affirmed further rights
16 provided to the accused in the Book of Discipline and noted the current date schedule; he invited
17 comments from the parties on the timeline. The moderator noted that at some point we would
18 define a date by which a witness list must be established; he said that it is the responsibility of
19 the Prosecution and Defense to confirm the readiness, willingness, availability, and timing of
20 their respective witnesses; the Commission will be responsible for summoning them according to
21 the guidance of the counsels. Members of the RPCNA can be held in contempt of court if they
22 refuse our summons. Prosecution has not yet been permitted to contact and schedule witnesses;
23 we would like to summon the witnesses for both sides at the same time. Initially, we ask the
24 counsel for each side to identify "priority" witnesses, who will first be summoned, and if the
25 testimony of some is not available, others can be summoned.

26
27 Mr. Olson asked whether, as is customary, the witness list (from both sides) would disclose
28 anything about the purport of the witnesses' anticipated testimony and their qualification for
29 testifying; he indicated that this would be important in terms of being able to schedule rebuttal
30 witnesses where appropriate. The moderator indicated that this is an area where a healthy
31 dialogue between Prosecution and Defense would be beneficial. He also noted that it would be
32 helpful to have both sides stipulate to facts where possible. Mr. Olson confirmed that the
33 Defense is willing to provide this kind of information for its witnesses. In response to an inquiry
34 from Mr. Magill, the moderator indicated that the full schedule for the trial dates has not yet been
35 determined; he expects that there will be future dialogue regarding the schedule.

36
37 The moderator turned to the trial process, noting the expectations that witnesses would normally
38 testify in person, with individuals who cannot do so giving testimony as allowed for in the Book
39 of Discipline, including the right to cross-examine. We intend to hold the trial in the vicinity of
40 West Lafayette, if possible, with consultation with the parties. He noted that there might be a
41 need for some use of executive sessions for sensitive matters. The Prosecution reiterated their
42 desire for sessions that are generally open, with sensitivity as needed. Mr. Borg commented that
43 it would be desirable to avoid offending victim families by excluding them. The moderator
44 invited input from both sides regarding who, other than parties, should be able to attend. He
45 noted that there would need to be time given to both sides agreeing to stipulations of fact. The
46 moderator noted that Mr. Faris is lead counsel for the Defense; communications to the

1 Commission should go to the clerk and the moderator, and Mr. Friedly is the lead
2 Prosecutor. He asked for further questions on this topic.

3
4 Mr. Olson asked whether there would be an opportunity after the prosecution rests its case, for
5 the Defense to offer a motion for a directed verdict in favor of one or more of the accused
6 parties; Mr. Keenan affirmed that this is a common practice in secular courts and can expedite
7 the trial process. Mr. Olson asked that this possibility be considered and the Moderator indicated
8 that this is possible. The moderator explained that the burden of proof rests with the Prosecution
9 and that the Commission has adopted the standard commonly known as "clear and convincing"
10 evidence for the adjudication of this case. He also explained the various voting thresholds that
11 the commission has adopted for its work: (1) for ordinary matters, a majority; (2) for approval of
12 accusations, a majority; (3) for determination of guilt, and for the imposition of censures, a
13 threshold of two-thirds. He noted the Commission's decision requiring the Accused elders to
14 refrain from the exercise of office as of the end of December 2021. He indicated that this has not
15 been communicated with the congregation by the Commission. He invited the Defense to
16 respond. Mr. Olson noted that Joint Motion to Dismiss, if approved, would decide this matter. He
17 stated that it is one thing to suspend a pastor but another to suspend all the resident elders, which
18 would cut the Immanuel session in half. He urged that the Commission take particular attention
19 to the impact of the requirement for these men to refrain. Because of their existing shepherding
20 relationships, having them all refrain from the exercise of office is likely to cause severe harm to
21 the congregation. He urged that the requirement to refrain from office should be considered
22 separately for Mr. Olivetti and the ruling elders.

23
24 Mr. Magill asked whether the reason for requiring this pertained to past actions, or to actions that
25 they are currently engaged in. The moderator noted that way the Book of Discipline frames this
26 is that in our assessment of the accusations, we may ask an officer to refrain from the exercise of
27 office; the severity of the allegations forms the basis of the requirement. He indicated that the
28 date set was an attempt to have a balance between the requirement to refrain and the duration of
29 the period of refraining prior to trial. Mr. Magill asked whether the provisional elders have been
30 consulted; the moderator acknowledged this request and received it as an amendment to the
31 request from this morning that we consider the input of members of the IRPC congregation. Mr.
32 Magill expressed his concern that the congregation would be greatly injured, possibly
33 irreparably, by removing all of the resident elders. The care of a congregation of 200 people will
34 be very difficult for non-resident elders serving other churches. He asked that the Commission
35 consult the provisional elders about this action before consummating it. The moderator indicated
36 that we would take these requests under advisement and noted that we would hope that the
37 duration of this period would not be excessive. Mr. Magill expressed his concern that many new
38 people in the congregation are also new to Presbyterianism and would interpret this action as
39 indicating that the elders cannot be trusted.

40
41 Mr. Wing asked whether there were any objections to witnesses or evidence, and Mr. Olson
42 indicated that at this time, there are not. The moderator noted the previously-stated jurisdictional
43 objection regarding Mr. Pfeiffer. The moderator asked whether there were any other
44 jurisdictional objections; there were none. He asked whether there were objections about the
45 censurability of the charges; Mr. Olson indicated that these apply only with regard to the
46 previously-stated concern about the vagueness of the charges. There were no challenges to the

1 commission members or alternates. The Defense is not ready to enter a plea. Mr. Borg asked
2 when the next time will be that a plea can be entered; Mr. Wing indicated that the trial is the
3 latest date and that he hopes it can be entered before that time. He noted that if no plea is entered,
4 we will assume that the plea is "not guilty."

5
6 Mr. Silva (alternate commissioner) was added to the meeting via Zoom at 3:51 p.m.; the
7 moderator noted that a recording of this hearing would be available to him.

8
9 The moderator noted that there are matters other than the trial that the commission is involved in.
10 He said that the Commission is open to suggestions for a deviation to an alternative process that
11 may be found more suitable; at present, we are proceeding toward a trial. He invited any
12 summary statements or additional requests, noting the request for documents already received
13 from the Defense. Mr. Olson had none. Mr. Borg asked whether Mr. Olivetti's trial would be
14 resolved before the initiation of the trial of the elders. The moderator indicated that this would
15 be our goal. Mr. Blackwood asked what an accused should do if he agrees with parts of the
16 accusation but not with others, noting that this question also relates to the lack of specificity in
17 some of the charges. There are sub-points in these charges that would result in different
18 responses, so is the plea binary, or is it possible to plead guilty to some matters and not others?
19 The Moderator said that we are obligated to make our judgments based on the individual counts.
20 As to repentance, this is where an alternative process might be helpful in comparing matters
21 where repentance has already been expressed with the charges. The moderator suggested that the
22 opposing sides could negotiate this in an alternative process.

23
24 Mr. Friedly commented that this is an area where individual counsel might be more helpful than
25 a combined counsel. Mr. Olson replied that, as a supplement to the notice of gross irregularities
26 of the process, he inquired why, only now are we trying to marry confidential communication
27 with the Shepherding Committee with the charges, and why only now is the prosecution
28 acknowledging that there may be gradations of guilt among members of the session, such that
29 individual counsels would be more appropriate? The moderator indicated that if there are
30 differences in degree, it may be appropriate to have individual counsel, but from the report it
31 appeared that there were differences in degrees of repentance. He also indicated that the
32 Shepherding Committee's reluctance to share some details hampered our ability to discern
33 whether repentance had occurred. In response, Mr. Olson suggested that this was a question that
34 would have been dealt with had Matthew 18 been followed. He noted that it was not the
35 prerogative of the Shepherding Committee to share privileged information, but that if the
36 investigators had sought to find out from the Accused themselves what they were repentant of, it
37 would have been their prerogative to reply. Had the counselors come to those now Accused with
38 their charges, they could have had a conversation about what repentance has taken place. The
39 Moderator acknowledged that while we have missed an opportunity to do this, we have not lost
40 the opportunity to do it. Mr. Olson asked whether, with the present investigators, admissions of
41 repentance would have been used to form accusations of guilt. He stated that the breach of trust
42 committed by the investigators is too deep to permit their continuation in this process. The
43 moderator stated that we receive the objections and admitted that many before us have not been
44 able to achieve reconciliation. Mr. Borg asked, through the moderator, whether the Defense
45 regards any alternative option involving the present Prosecution to be off the table; Mr. Olson
46 affirmed that this was their position. The Moderator stated that the Accusers are in this process

1 and that their investigative work was done on behalf of the Commission, and reiterated the chain
2 of authority by which they were appointed. Mr, Olson asked whether the moderator's statement
3 was, in effect, a denial of the petition received from the Defense. The moderator indicated that it
4 was not but stated that there would need to be a compelling argument in order for the
5 Commission to take a different course.

6
7 Mr. Magill asked whether the commission gave serious consideration to any alternatives to a
8 trial. Mr. Backensto recounted the events leading up to the formation of this commission and
9 noted that we appointed investigators to see whether an investigation would result in accusations
10 against parties who would then go to court for vindication. We prayed that those accused would
11 have an opportunity to respond to the accusations. It will be the responsibility of the Prosecutors
12 to prove guilt based on evidence, and the Accused has the right to show that the evidence has
13 been misrepresented. He indicated that somehow we need to get beyond unhappiness with the
14 process to get to a resolution. He stated that we desire to see this come to some sort of conclusion
15 that honors Christ. The accused and their counsel asked to confer privately and left the room at
16 4:16 pm.

17
18 They returned at 4:27 pm. In the context of the requirement for the elders to refrain from the
19 exercise of office, Mr. Olson expressed a concern that the Commission has not wrestled with the
20 incongruity of charging the session's actions *as a court*, with sin, when they should be charged as
21 individuals. He noted that BoD II.2.9 requires "the accused" to refrain from the exercise of
22 office, but although the session is accused, paragraph 9 only applies to individuals. He asserted
23 that asking a court to refrain from the exercise of office should not apply. The Moderator replied
24 that the accusation is being made against those who were the ruling elders of the session. Mr.
25 Olson asked that this issue be considered: the session acted as a whole; its actions could not be
26 carried out by an individual. Mr. Wing noted that, for example, if the actions of a Commission
27 are appealed, the individuals who make up the court must stand to answer the appeal. He noted
28 that in the absence of identifying individual votes and indicating who voted for what action, it is
29 impossible for the actions of a court to be divorced from the individuals who make up the court.

30
31 The moderator asked for further objections or concerns; none were offered. He invited the
32 commission members to ask questions if desired; none wished to.

33
34 We agreed to adjourn, and Mr. Bower led us in prayer, adjourning the meeting at 4:35 pm.

35
36 Respectfully submitted,

37
38 Keith M. Wing

39 Moderator

37
38 Thomas A. Fisher

39 Clerk

40
41
42 December 7, 2021

Via Zoom teleconference

6:31 pm EST

43
44
45 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
46 Moore, Tom Pinson, and Keith Wing (moderator). Also attending were Mr. Andrew Silva and

1 Mr. Micah Ramsey, our alternate commissioners. Mr. Bower called the meeting to order with a
2 brief meditation from Ephesians 4:1-6, reminding us of the unity we enjoy in Christ and how we
3 may manifest that unity. Mr. Fisher then led in prayer, constituting the meeting.
4

5 The minutes of the November 22nd meeting, previously distributed, were approved by common
6 consent.
7

8 The first item of business on our agenda is an item sought by the defense's request that we
9 reconsider our previous action taken to require all the Accused to refrain from the exercise of
10 office as of December 31st. We agreed, by common consent, that this item is fairly dependent
11 on other matters not yet discussed and that we would relocate consideration of this matter to a
12 later time in this evening's meeting.
13

14 We took up the complaint of the Accused counsel seeking redress because the investigators were
15 (a) biased and (b) did not do their work competently. It was moved and seconded *that we rule*
16 *that the investigators appointed by the commission were not biased and were not operating with*
17 *a presumption of guilt.* We discussed the motion, and it was carried unanimously.
18

19 It was moved and seconded *that we do not sustain the complaint that the investigation was*
20 *incomplete and inaccurate.* Following discussion, the motion was reread; the motion passed.
21

22 We discussed questions around the applicability of Matthew 18 to the investigation of allegations
23 of wrongdoing in the two cases - both whether it applied in any instances before us, and if so,
24 whether it was followed. After some discussion, it was moved and seconded *that we rule that in*
25 *the instance of the investigators' allegation that Mr. Olivetti had hidden information about the*
26 *abuse dates, the investigators should have followed Matthew 18 in speaking to Mr. Olivetti first,*
27 *and that we rule that there was no violation of Matthew 18 in general in the investigation.*
28

29 There was a request to divide the motion (automatically granted). The motion then before us
30 was, *that we rule that in the instance of the investigators' allegation that Mr. Olivetti had hidden*
31 *information about the abuse dates, the investigators should have followed Matthew 18 in*
32 *speaking to Mr. Olivetti first.* After further discussion, it was moved and seconded to lay this
33 motion on the table to be addressed in the context of the planned discussion about the proper use
34 of public documents in the prosecution of this case. This was approved by common consent.
35

36 It was moved and seconded *that we rule that there was no violation of Matthew 18 in general in*
37 *the investigation.* Following further discussion, the motion was again read and was passed
38 unanimously.
39

40 It was moved and seconded *that we remove Mr. Zachary Blackwood and Mr. Nate Pfeiffer from*
41 *the "Accusation of Sin" directed to the 2020 IRPC Session ruling elders.* Following discussion,
42 including a brief review of events surrounding the resignations of Mr. Blackwood and Mr.
43 Pfeiffer, the motion passed unanimously.
44

45 We took up the question of whether the trial timeline is rushed, as alleged by the Defense. Our
46 legal advisor, Mr. Keenan, has stated that the timeline we have set is very short. After some

1 discussion, It was moved and seconded *that we reschedule the trial dates (currently January 31*
2 *and February 7) to the weeks of March 7 and 14.* Following discussion, it was moved and
3 seconded to table this motion, to be taken up later in our discussion; the motion was approved.
4

5 It was moved and seconded *that the Commission upholds the Defense's objection that the*
6 *charges currently formed in the cases against Mr. Olivetti and the IRPC ruling elders do not*
7 *conform to the requirements of Book of Discipline II.2.1 because they lack the specificity*
8 *required there.* Following considerable discussion around the form of the charges and the
9 requirements of the Book of Discipline, the motion failed.
10

11 It was moved and seconded *that in response to the objection that the charges are not sufficiently*
12 *specific, the commission asks that the Prosecution supplement the details in the Accusation of*
13 *Sin with the most central and suitable evidentiary support that the Prosecutors have previously*
14 *supplied to the Commission.* After some discussion, it was moved and seconded that we lay this
15 motion on the table to entertain the following substitute: *That the commission reaffirms that the*
16 *charges as specified meet the requirements of our Book of Discipline.* The motion to lay on the
17 table was approved by common consent, so that the motion to reaffirm that the charges as
18 specified do meet the requirements of our Book of Discipline was before us. After being read
19 once more, the motion carried, 5 to 2.
20

21 It was then moved and seconded that, *in order to help expedite the preparation of the Defense in*
22 *the cases formed against Mr. Olivetti and the IRPC ruling elders, the Commission asks that the*
23 *Prosecution supplement the details in the "Accusation of Sin" with the most central and suitable*
24 *evidentiary support that the Prosecutors have previously supplied to the Commission.* Following
25 a final reading of the motion, it passed unanimously. Mr. Moore agreed to contact the
26 Prosecution lead to convey this request.
27

28 We took up whether civil/public documents should be admitted in the anticipated proceedings. *It*
29 *was moved and seconded that the Commission rules that civil and non-ecclesiastical documents,*
30 *and the testimony related to them, will not generally be admitted as evidence, and that the*
31 *Prosecution and Defense are required to submit such documents to the Commission for its*
32 *judgment as to their admissibility at least 30 days before the scheduled start of the relevant*
33 *trial.* Following further discussion, the motion was approved unanimously.
34

35 It was agreed by common consent to extend the adjournment time to 10 pm.
36

37 We began discussing the fact that some actions of the investigation committee were a source of
38 offense to Olivettis and to [REDACTED]. Recognizing that a proper handling of this topic requires
39 more time than we had left in this meeting, we agreed by common consent to take it up again in
40 our next session.
41

42 We discussed the 11/30 request from the Defense that they be permitted to reply to any response
43 to the "Joint Motion to Dismiss" received from the Prosecution. It was agreed by common
44 consent that *we will share the Prosecution's response with the Defense, but will not entertain a*
45 *further reply to the Prosecution's response from the Defense.*
46

1 We took up the request for relief sought by the Defense in their Joint Motion to Dismiss. It was
2 moved and seconded that *we do not accept the Defense's Motion to (1) grant the Joint Dismissal*
3 *and vacate all Charges against all of the Accused, (2) remove all Accusers from any further*
4 *involvement in these proceedings, and (3) void, vacate, and nullify the entirety of the*
5 *investigation conducted by the Accusers.* We determined that this action should be addressed
6 prior to reconsideration of the requirement for the Accused to refrain from office for a time.
7 After further discussion of the motion, it was read again and passed unanimously.

8
9 It was moved and seconded *that we do not rescind the requirement for Mr. Olivetti and the IRPC*
10 *ruling elders to refrain from the exercise of office, but that we reserve the right to revisit this*
11 *question at a future time.* Discussion ensued.

12
13 The time for adjournment having come, we agreed that we would meet again via Zoom on
14 Saturday, December 11 at 9 AM EST.

15
16 Mr. Backensto led us in prayer, adjourning the meeting at 10:05 pm.

17
18 Respectfully submitted,
19

20 Keith M. Wing
21 Moderator
22

20 Thomas A. Fisher
21 Clerk
22

23
24
25 December 11, 2021

Via Zoom teleconference

9:01 am EST

26
27 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
28 Moore, Tom Pinson, and Keith Wing (moderator). Also attending was Mr. Micah Ramsey, an
29 alternate commissioner; Mr. Andrew Silva could not attend this meeting due to his work. Mr.
30 Wing called the meeting to order with a brief meditation from Psalm 25:4-5, noting our desire to
31 be taught by the Lord. He then led us in prayer, constituting this meeting.

32
33 It was noted that drafts of the minutes for both of the November 30 pre-trial hearings and for the
34 December 7th meeting have been distributed and are still being reviewed for corrections.

35
36 The Moderator noted that the motion on the floor when we last adjourned was

37
38 *that we do not rescind the requirement for Mr. Olivetti and the IRPC ruling elders to refrain*
39 *from the exercise of office, but that we reserve the right to revisit this question at a future*
40 *time.*

41
42 This motion was before us again by common consent. In light of the request made by Mr. Olson
43 at the second 11/30 hearing that we review this requirement separately for Mr. Olivetti and the

1 ruling elders, it was agreed by common consent to divide this question, so the motion before us
2 became

3
4 ***that we do not rescind the requirement for Mr. Olivetti to refrain from the exercise of office,***
5 ***but we reserve the right to revisit this question at a future time.***

6
7 The commission had considerable discussion about the fact that a "requirement to refrain" is
8 applied on the basis of the severity of charges; it is not used with any presumption of guilt. It
9 was also noted that a decision to apply this requirement is somewhat entangled with the question
10 of whether the charges made against Mr. Olivetti are appropriately specific. There was
11 discussion regarding the likely impact on the IRP congregation of requiring an elder to refrain
12 from the exercise of office and whether the impact on the congregation is a proper factor to
13 consider in the decision before us. Following further discussion, the motion failed, 3-4.

14
15 We turned to the rest of the original motion, which pertains to the IRPC ruling elders; the motion
16 was

17
18 ***that we do not rescind the requirement for the IRPC ruling elders to refrain from the exercise***
19 ***of office, but we reserve the right to revisit this question at a future time.***

20
21 There was further discussion about the present shepherding situation at Immanuel with
22 provisional elders and the nature of the accusations made against the ruling elders. The motion
23 failed with six votes against and one vote not cast.

24
25 To be able to vote on an affirmative statement of our action, it was moved and seconded
26 ***that we rescind our original action calling for the IRPC ruling elders to refrain from the***
27 ***exercise of office.***

28
29 The motion was reread and passed with six votes and one abstention. We then moved to address
30 a similar motion concerning Mr. Olivetti. It was moved and seconded
31 ***that we rescind our original action calling for Mr. Jared Olivetti to refrain from the exercise***
32 ***of office.***

33
34 The moderator passed moderation of the discussion to Mr. Fisher to be free to take part in
35 debate. We discussed the potential for further harm to the congregation and the fact that whether
36 the vote carries or fails, our action may produce harm in some quarter or other. It was further
37 noted that we are responsible for weighing all the facts and circumstances and discerning the best
38 choice. The motion was repeated, and it passed 4-3. The gavel was returned to Mr. Wing.

39
40 By common consent, another motion tabled previously was brought before us, namely

41
42 ***that we rule that in the instance of the investigators' allegation that Mr. Olivetti had hidden***
43 ***information about the abuse dates, the investigators should have followed Matthew 18 in***
44 ***speaking to Mr. Olivetti first.***

45

1 The commission discussed this question extensively, debating whether we have sufficient
2 information regarding the investigators' actions and clear evidence that the investigators acted
3 improperly. There was also a concern expressed that we should not take such an action without a
4 better understanding of the events referred to in the letters received from [REDACTED], the
5 Olivetti, and the investigators. After further discussion, it was moved and seconded that we lay
6 this motion on the table to entertain the following substitute:
7

8 ***that Mr. Pinson, Mr. Moore, and Mr. Fisher (with Mr. Pinson as chair) be appointed a***
9 ***committee, with the responsibility to ascertain further the facts relating to the motion that will***
10 ***be tabled if the vote to lay on the table passes.***

11 The motion to lay on the table passed; following discussion, the motion passed, 6-1.

12
13 We agreed to extend the adjournment time to 11 am by common consent.

14
15 Mr. Backensto shared some information regarding the availability of the commission members
16 for new trial dates if these are adopted.

17
18 It was moved and seconded to remove from the table the motion

19
20 ***that we reschedule the trial dates (currently January 31 and February 7) to the weeks of***
21 ***March 7 and 14.***

22
23 After discussion, a motion was made and seconded to lay this motion on the table to entertain the
24 following substitute:

25
26 ***that we reschedule the trial dates (currently January 31 and February 7) to the weeks of***
27 ***February 7 for the IRPC ruling elders' trial and March 14 for the trial for Mr. Olivetti.***

28
29 The motion to lay on the table passed unanimously; the new motion was before us and the
30 Moderator repeated it. Following further discussion, the motion passed 6-1.

31
32 We took up a discussion of the request ["In re Immanuel RPC - Request for Documents," e-mail
33 dated 11/23/21] received from Mr. Olson that we give the Defense an extensive list of
34 Commission minutes and communications. Mr. Fisher proposed a list of documents that pertain
35 to communications between the Commission and the investigators, leading up to the delivery of
36 the Accusations of Sin. There was discussion on the best way to respond to the request such that
37 we would not be disclosing to the Defense any matters relating to our deliberative process, as
38 this would be improper.

39
40 It was moved and seconded that

41
42 ***the Clerk and Moderator, using the Clerk's proposed list as a starting point, are directed to***
43 ***develop a list of documents that reflect the commission's official actions and/or directions***
44 ***given concerning the investigation committee, and that they share these documents with the***
45 ***Defense and the Prosecution.***

46

1 Following discussion, the motion passed unanimously.

2

3 The Moderator indicated that he has communicated to Mr. Faris that he is developing a summary
4 of all of the actions taken in response to their Joint Motion and their other objections. Mr. Wing
5 has begun a draft that includes a brief rationale for actions taken; he indicated that if a draft of
6 today's minutes can be distributed this afternoon, he will send us his proposed draft of the action
7 summary document on Monday. Commissioners are asked to provide their comments promptly
8 so that on Tuesday evening, we can approve a final document for forwarding to both counsels.

9

10 It was then moved and seconded

11 *that the clerk is directed to forward courtesy copies of the pre-trial hearing minutes and video*
12 *recordings to both Prosecution and Defense, with the directive that both sides are not to share*
13 *these items beyond the Prosecution and the Accused and their Counsel, and we further direct*
14 *that if there is a desire to share one of these items to any other parties, this should not be done*
15 *without the permission of this Commission.*

16

17 During the discussion, it was agreed that if this passes, the clerk will send these items on
18 physical thumb drives to the lead counsels for each side [Clerk's note: the Draft minutes will be
19 sent]. The motion passed unanimously. Having passed the time for adjournment, we agreed to
20 meet again via Zoom at our next regular meeting on Tuesday, December 14 at 6:30 PM EST.

21

22 Mr. Pinson led us in prayer, adjourning the meeting at 11:23 am.

23

24 Respectfully submitted,

25

26 Keith M. Wing

27 Moderator

28

26 Thomas A. Fisher

27 Clerk

28

29

30 December 14, 2021

30 *Via Zoom teleconference*

30 6:31 pm EST

31

32 Members present: John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly Moore, Tom
33 Pinson, and Keith Wing (moderator). Mr. Backensto was delayed in joining us. Also attending
34 were Mr. Andrew Silva and Mr. Micah Ramsey, our alternate commissioners. Mr. Coombs
35 called the meeting to order with a brief meditation from 1 Chronicles 5:18-26, reminding
36 us that in the midst of spiritual warfare, we take comfort in God giving us victory in connection
37 with our prayer, trust, and faithfulness. Mr. Wing led in prayer, constituting the meeting.

38

39 The minutes of the first November 30th pre-trial hearing (for Mr. Olivetti), previously distributed
40 and with corrections received via e-mail, were approved by common consent. The minutes of
41 the second pre-trial hearing (for the IRPC ruling elders) were similarly approved by common
42 consent. The minutes of the December 7th and December 11th meetings were also approved by
43 common consent.

44

1 The moderator previously circulated to the Commission his draft communication to the
2 Prosecution and Defense counsels documenting our responses to objections raised in the pre-trial
3 hearings. He sent the final version out to the lead counsels this afternoon. He has offered to
4 speak with the lead counsels if they desire to do so; Mr. Friedly has already expressed a desire to
5 talk to us about three matters: (1) our decision to rescind the requirement for the elders to refrain
6 from the exercise of office, (2) the limitations placed on the admission of certain kinds of
7 evidentiary documents, and (3) the new trial dates. Mr. Faris has not yet replied. The purpose of
8 such discussions is for us to be made aware of any strong responses from either side.

9
10 The moderator raised whether this is an appropriate time for us to communicate further with the
11 denomination about our actions. He noted that we named two men as accused persons in our
12 previous communication who have since been removed from the accusation. We left the matter
13 open for future discussion.

14
15 We took up Mr. Faris's December 6th communication to us petitioning us to do three things: (1)
16 dismiss the accusers, charges, and investigation (already declined), (2) sponsor independent
17 professional investigation of "these matters," and (3) facilitate an independent and
18 professionally-mediated resolution of outstanding disputes. We discussed whether this proposal
19 is within the scope of our remit and what resources might be available to us if such a route were
20 to be pursued. The proposal's scope is very broad, though we think some sort of mediation ought
21 to be possible. We discussed some organizations that could be appropriate resources for
22 mediation but took no action.

23
24 We discussed whether we should give a response to Mr. Faris' "Response to SJC Concerns
25 Regarding Motion," received December 6th. We agreed that a brief reply would be appropriate.

26
27 Mr. Backensto joined the meeting at 7:05 pm.

28
29 We discussed whether we should require the defense to disclose its list of evidence in advance of
30 the trial. There is no direct statement addressing this question in the Book of Discipline, and
31 guidance from civil courts is not binding on our process. The moderator noted that having both
32 sides do this might help facilitate the process of stipulation from both sides. One question raised
33 was, would the Defense at least be willing to share evidence that is open to stipulation? The
34 Moderator will pursue discussion with the Defense on this point and seek further advice from
35 Mr. Keenan.

36
37 We turned to questions about trial logistics and the desirability of having the prosecution and
38 defense agree on stipulation of fact to reduce the burden of material that will need to be
39 presented at trial. At the pre-trial hearing, neither side made offers to initiate this kind of
40 agreement. We also noted the need to eventually settle questions about trial logistics (how open,
41 use of executive session, etc.); the two sides have not given much input. It was noted that
42 perhaps we should contact Mr. de Jong and Mr. Neiss for their insights on this question.

43
44 We further discussed the extent and degree of the repentance of the accused men in light of the
45 current accusations; the moderator asked whether some initiative from us might be appropriate in
46 gaining information about this before trial. In the absence of the Defense offering evidence of

1 repentance, it seems as though the question would remain to be determined at trial. The
2 moderator asked whether it would be appropriate for us to circle back to the Shepherding
3 Committee on this question or whether doing this would draw us too much into the facts of the
4 case before trial. Some aspect of this question is present on the Green Team's (Mr. Wing, Mr.
5 Fisher, Mr. Bower, and Mr. Coombs) to-do list.
6

7 We discussed questions about when the accused must enter their pleas; is it determined by the
8 point at which judgment is given regarding their objections or by the point at which the trial is
9 being initiated? Ordinarily, it is entered before the start of the trial. The discussion also turned to
10 mediation options and the potential consequences of pursuing mediation. Presumably, the
11 outcome of a mediation process would be presented to the court for a decision as to the next step
12 of the process, including possible censure. There was further discussion about how to initiate a
13 mediation process possibly. The moderator will explore this question further with Mr. Keenan.
14

15 Mr. Pinson gave a brief report from the subcommittee investigating the conflict between Mr.
16 Olivetti and the investigators. Mr. Coombs elaborated on his understanding that he initially
17 hoped that the subcommittee would examine the correspondence to understand the situation and
18 that subsequent conversation with Mr. Olivetti or Mr. Friedly, either separately or together, may
19 be appropriate.
20

21 We further discussed questions regarding the degree of openness of the trial, given the inherently
22 sensitive nature of the events surrounding the accusations. The Prosecution raised concerns
23 about victim families being afraid to give testimony in a public trial, and it seems that both sides
24 ought to be willing to stipulate some undisputed facts to relieve the burden of requiring this
25 testimony. We would prefer not to have a meeting that would involve inviting some persons and
26 excluding others. We could hold the trial in an open session with the option to move into
27 executive session for sensitive matters as needed. We also discussed possibly permitting some
28 witnesses to give their testimony by Zoom so that they would not need to come to the hearing
29 location.
30

31 We moved to questions of trial venue and date. It was noted that if the defense and prosecution
32 are not concerned about having potential appeals heard by the 2022 Synod (vs. deferral to the
33 2023 Synod), we would be much less constrained as to trial dates.
34

35 There was discussion about the possibility of hearing from the counsels on both sides on their
36 willingness to take part in a mediation that would potentially avoid a trial. Mr. Jonathan Parnell
37 of the Topeka congregation was mentioned as a possible resource for mediation. After
38 considerable discussion, the moderator asked Mr. Backensto and Mr. Coombs to develop, by no
39 later than January 4th, a notional description of what a mediated process would look like. If
40 possible, it would be helpful to have a status report at our next meeting.
41

42 In light of the possibility that the trial dates we most recently chose will not work for all parties,
43 the moderator and the convener will get together to examine the alternative scenarios that may
44 arise.
45

1 Mr. Moore expressed concern about whether it is appropriate for Commission members to have
2 contact with presbyters from the Great-Lakes Gulf presbytery at this point in our process. The
3 moderator noted that all of our communications must be appropriately "fenced," i.e., nothing
4 about our work can be revealed, and our impartiality must be preserved by avoiding exposure to
5 information on the cases. Also, there should be accountability, i.e., we should ideally have at
6 least one other member of the Commission present during such communications or failing that,
7 we should disclose such contacts to the rest of the commission.

8
9 The time for adjournment having come, we agreed to meet again via Zoom on Tuesday,
10 December 21 at 6:30 PM EST.

11
12 Mr. Moore led us in prayer, adjourning the meeting at 8:57 pm.

13
14 Respectfully submitted,

15
16 Keith M. Wing
17 Moderator

18
19 Thomas A. Fisher
20 Clerk

21 December 21, 2021

22 *Via Zoom teleconference*

23 6:31 pm EST

24 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
25 Moore, Tom Pinson, and Keith Wing (moderator). Also attending were Mr. Andrew Silva and
26 Mr. Micah Ramsey, our alternate commissioners. Mr. Backensto called the meeting to order
27 with a brief meditation from Isaiah 1:1- 20, in which the Lord calls on us to do justice and end
28 oppression. Mr. Backensto then led in prayer, constituting the meeting.

29 The minutes of the December 14th meeting were approved by common consent.

30
31 We began with some review of various responses to the commission's actions received from the
32 Defense and Prosecution. The Moderator noted that the Prosecution has objected to our decision
33 to rescind the requirement for Mr. Olivetti to refrain from the exercise of office. We will take up
34 their objections at our next scheduled meeting on January 4th, 2022. The Prosecution also raised
35 objections/questions to our ruling regarding the need for civil or non-ecclesiastical documents to
36 be approved for admission before the trial. The Prosecution has submitted the evidentiary
37 documents they wish to use in the trial. They have provided a summary of how they intend to
38 use the documents and indicated that they do not intend to refer to allegations contained in the
39 documents but rather wish to use the documents to establish facts about the delinquent sexual
40 acts to which the minor offender pled guilty. The moderator and Mr. Moore also had a phone
41 call with Mr. Friedly in which he explained the Prosecution's intentions regarding the use of this
42 evidence if it is admitted. The moderator noted that these facts are excellent candidates for
43 stipulation.
44

1 The moderator indicated that review of the documents submitted is optional. Our questions for
2 the Prosecutors should focus on what they seek to establish through the use of these
3 documents. The moderator reported that the Prosecution has no objection to our sharing these
4 documents and the e-mail from Mr. Borg with the Defense.

5
6 We received a response from the Defense to our summary of actions. Mr. Faris asks us to
7 expedite the forwarding of the documents describing guidance and instruction given to the
8 investigators by the commission; the final list of these is on this meeting's agenda. He also asks
9 for the evidentiary support documents that are to be provided by the Prosecution. Mr. Wing
10 reports that the Prosecution has a document that is more abbreviated and focused than the
11 original, but it could be misleading to the Defense since the Accusers are still free to refer to
12 other documents. The moderator recommended that the Prosecutors send their original
13 evidentiary document. The moderator agreed to identify which documents from the Prosecution
14 need to be forwarded by the clerk.

15
16 The Defense made a further request that, in light of ongoing civil litigation involving IRPC
17 related to the matters before us, the commission issue a stay of "all ecclesiastical proceedings"
18 until all civil legal matters are resolved. There was discussion of what this would involve. Mr.
19 Keenan has advised that one advantage of this approach would be that a great deal of factual
20 matter would be established through the record of a civil case, but negatively, a civil process
21 could easily take 2 -3 years for resolution. it was moved and seconded

22
23 ***that we continue our present course of action and thus deny the Defense's request for a stay of***
24 ***the ecclesiastical proceedings until all civil legal matters are resolved.***

25
26 It was noted that there may be other civil cases arising, which would delay the process even
27 further. Information and findings from the course of the anticipated ecclesiastical trials might
28 weaken IRPC's defense during a civil case. However, the GLG presbytery commission's findings
29 are likely to do this irrespective of our work. Following further discussion, the motion passed
30 unanimously. The moderator and clerk will communicate this action to Mr. Faris.

31
32 As a consequence of our action removing Mr. Pfeiffer and Mr. Blackwood from the Accusation
33 of sin, the Prosecution has provided us with amended charges against the IRPC ruling elders. It
34 was moved and seconded

35
36 ***that the Commission declares that the amended accusations received from the investigators,***
37 ***made against David Carr, Ben Larson, and Keith Magill, and signed and dated November 12,***
38 ***2021, conform to the requirements of the Book of Discipline (BoD II.2.1); that the***
39 ***accusations, if proved, are censurable; that the proposed evidence is sufficient to warrant a***
40 ***trial; and that, to the best of our understanding, we are satisfied that Christ's rule has been***
41 ***satisfied.***

42
43 It was noted that no objections were received from the Prosecution regarding amending this
44 change. This motion passed unanimously. The amended accusation needs to be sent to the
45 accused elders. We also still need to issue an official trial summons to each of the Accused, as
46 this has yet to be transmitted and is a required document in the process outlined in the Book of

1 Discipline. The issuing of summons does not displace any potential alternative path of
2 resolution. It was moved and seconded

3
4 **to issue a summons to Mr. Olivetti to appear for a trial at 6:00 pm on March 7th and to**
5 **issue summonses to Mr. Carr, Mr. Larson, and Mr. Magill to appear at a trial commencing**
6 **on March 28th at 6:00 pm; in each instance, the trial location is yet to be determined but**
7 **will be communicated to the Accused in a timely fashion. Further, the amended charges are**
8 **to be sent to each of the ruling elders.**

9
10 We discussed how this action relates to the possibility of an alternative resolution process. The
11 motion passed unanimously.

12
13 The moderator noted that we have not communicated with the denomination since we announced
14 the planned January trial date; we agreed that we would take further communication up again at
15 our January 4th meeting.

16
17 The moderator and clerk presented a list of documents that pertain to the interaction between the
18 commission and the investigative committee; this is our response to the Defense request for such
19 documents. The proposed documents are:

20 (6/25/21) - Letter from Borg, et al. offering service as prosecutors
21 (7/16/21) - General Guidelines for SJC Appointed Investigators
22 (7/19/21) - Summary Rationale for SJC Appointment of Investigators
23 (7/23/21) - Additional Guidance for SJC Commissioners and Investigators
24 (8/11/21) - Status Report with Questions from Investigators to SJC
25 (8/24/21) - SJC responses to Investigator Questions
26 (9/17/21) - SJC Responses to Additional Questions received 9/13/21
27 (10/20/21) - First Version of Investigative Report to SJC
28 (10/20/21) - First draft of Accusation against Jared Olivetti
29 (10/20/21) - First draft of Accusation against IRPC Ruling elders
30 (11/04/21) - Second draft of Accusation against Jared Olivetti
31 (11/04/21) - Second draft of Accusation against IRPC Ruling elders
32 (11/4/21) - Rationale for accusations provided to SJC by Mr. Friedly
33 (11/12/21) - Rationale on the Form of Charges from Accusers

34
35 It was agreed by common consent to direct the Clerk to forward these documents to Mr. Faris
36 with a courtesy copy to Mr. Friedly. The Moderator noted that inasmuch as all of these
37 documents are historical at this point, we are not desirous of having a debate about their contents.
38 The documents are being provided to disclose the commission's official actions and instructions
39 given concerning the investigative committee. Following discussion, it was agreed by common
40 consent to provide these documents to Mr. Faris, with a courtesy copy to Mr. Friedly. [Clerk's
41 note: the password for the password-protected documents will be sent to Mr. Faris separately by
42 text message].

43
44 We took up a discussion of milestones and deadlines, including dates for entry of pleas, matters
45 relating to summoning and contacting witnesses, venue, and degree of openness for the trial
46 format.

1
2 By common consent, we adopted the moderator's proposed timeline for milestones, with the
3 understanding that some dates may be changed as needed. Mr. Wing invited members to provide
4 further input if needed.

5
6 The moderator opened the question of whether we might authorize Mr. Keenan to contact both
7 the Prosecution and Defense to open a dialogue about their openness to a mediated process. This
8 is a very preliminary step in a possible mediation process. It was agreed that the Moderator will
9 ask Mr. Keenan to initiate this, with the understanding that at our January 4th meeting, we will
10 discuss the notional description of a mediated process that Mr. Backensto and Mr. Coombs are
11 developing. If possible, it would be helpful if the preliminary contacts between Mr. Keenan and
12 the counsels can be completed before our January 4th meeting.

13
14 We discussed giving a clear directive to the Prosecution and Defense regarding establishing a
15 general pattern of open communications, i.e., the avoidance of *ex parte* communication. The
16 moderator sought the commission's approval to develop, with the clerk, guidelines for copying
17 all parties in most instances, using single points of communication for the Defense (Mr. Faris)
18 and the Prosecution (Mr. Friedly). This approach was accepted by common consent; the
19 moderator and clerk will develop suitable guidelines for the counsels.

20
21 We discussed briefly the need to have Prosecution and Defense meet for the purpose of
22 stipulating of facts. It was moved and seconded that,

23
24 ***In the case of the Synod of the RPCNA against Mr. Olivetti, the Synod Judicial Commission***
25 ***hereby directs the Prosecution and Defense to conduct a good faith dialogue seeking***
26 ***agreement regarding stipulation of facts (evidence) and/or witnesses. If the parties are able to***
27 ***enter into a stipulation of facts, neither party will have to prove those facts. The stipulation***
28 ***will be presented to the SJC, who will be required to accept them as undisputed evidence in the***
29 ***case. The SJC requests that the parties seek to conclude this effort by February 11, 2022 and***
30 ***report the results to the SJC.***

31
32 Following discussion, the motion passed unanimously. It was then moved and seconded that

33
34 ***In the case of the Synod of the RPCNA against Mr. Carr, Mr. Larson, and Mr. Magill, the***
35 ***Synod Judicial Commission hereby directs the Prosecution and Defense to conduct a good***
36 ***faith dialogue seeking agreement regarding stipulation of facts (evidence) and/or witnesses. If***
37 ***the parties are able to enter into a stipulation of facts, neither party will have to prove those***
38 ***facts. The stipulation will be presented to the SJC, who will be required to accept them as***
39 ***undisputed evidence in the case. The SJC requests that the parties seek to conclude this effort***
40 ***by February 11, 2022 and report the results to the SJC.***

41
42 This motion also passed unanimously.

43
44 Mr. Pinson gave a brief report from the subcommittee that is investigating the conflict between
45 Mr. Olivetti and the investigators and the resulting complaint from Mr. Olivetti. The
46 subcommittee reviewed all of the documents available to it in the matter and also asked for and

1 obtained from Mr. Friedly a timeline summarizing the timing of their meetings with [REDACTED],
2 the Olivettis, and the IRPC elders, as well as a brief summary of their interactions with each
3 party. The committee did not conclude that there was a clear breach by the investigators of the
4 requirements of Matthew 18. It seems that Mr. Olivetti was aware of the affidavit that the
5 investigators found (its existence was not a surprise to him, as it was to [REDACTED]), but was
6 offended by the way the investigator used the affidavit. The subcommittee believes that the
7 commission owes a response to the Olivettis, and will work on a draft for consideration by the
8 commission.

9
10 The Moderator proposed several topics for discussion at our next meeting on January 4th,
11 2022. The moderator invited members to send him their input or items to be added to the agenda
12 for the next meeting.

13
14 We briefly discussed the Prosecution's desire to submit certain civil documents as evidence. It
15 may be that we call for a conference with the two counsels to make it possible to clarify how
16 specific documents should be handled; this also may be affected by any stipulation of facts to
17 which the parties agree. We also discussed the question of hearsay evidence and our likely need
18 to become better acquainted with the rules of when hearsay evidence can be accepted. Mr.
19 Coombs and Mr. Backensto will send their summary of the notional description of a mediative
20 process to the Commission prior to the January 4th meeting.

21
22 The time for adjournment having come, we agreed to meet again via Zoom on Tuesday, January
23 4 at 6:30 PM EST.

24
25 Mr. Fisher led us in prayer, adjourning the meeting at 8:14 pm.

26
27 Respectfully submitted,

28
29 Keith M. Wing
30 Moderator

31 Thomas A. Fisher
32 Clerk

33 January 4, 2022

Via Zoom teleconference

6:30 pm EST

34
35 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
36 Moore, Tom Pinson, and Keith Wing (moderator). Also attending were Mr. Andrew Silva and
37 Mr. Micah Ramsey, our alternate commissioners. Mr. Pinson called the meeting to order with
38 a brief meditation in which he drew together the teaching of Proverbs 6, James 4, Colossians
39 3, and Matthew 5 and 18, regarding accomplishing peace and reconciliation when there has
40 been an offense and the hope that the Lord will enable us to promote peace in the Great Lakes
41 Gulf presbytery. Mr. Moore then led in prayer, constituting the commission's meeting.

42
43 The moderator briefly reflected on some of the work that we have been able to do in six
44 months. He noted that there are collateral issues that we'll need to turn to after the current

1 proceedings have run their course. We have been blessed with a good working relationship
2 and progress in the work that has been done so far.

3
4 Mr. Coombs gave a brief review of the draft that he and Mr. Backensto have prepared
5 regarding a notional description of what a mediation process would entail. The moderator
6 reminded us of the two communications that we have received from Mr. Keenan regarding
7 mediation and the initial responses from Prosecution and Defense counsels regarding the
8 possibility of mediation. He reviewed the different possible approaches that could be taken in
9 a mediation process.

10
11 Following some discussion of the options for action, with reference to the document
12 received it was moved and seconded

13
14 ***to pursue the process of mediation described in Item II ("Principles toward Resolution") as***
15 ***a request for Mr. Keenan to act as the facilitator of a mediation process between the***
16 ***Accusers and Accused, following the general process of III.3 with the understanding that***
17 ***this would begin as a mediated process, rather than as binding arbitration. In the event that***
18 ***we subsequently find that the mediation process ought to move toward arbitration, the***
19 ***arbitration would be carried out under the commission's direction.***

20
21 This motion was adopted by unanimous vote. The Moderator will communicate this action
22 to Mr. Keenan.

23
24 The discussion turned to a white paper received from Mr. Wing and Mr. Backensto regarding
25 reasons for immediately enacting a requirement for Mr. Olivetti to refrain from the exercise
26 of office pending final action in his case. The Prosecution has petitioned the Commission to
27 take such an action but has not objected to the Commission's decision to lift the requirement
28 for the IRPC ruling elders to refrain from the exercise of office. The Moderator gave Mr.
29 Fisher the opportunity to offer his thoughts on the paper, and he did so. Mr. Wing then
30 passed the gavel to the clerk in order to speak to the matters contained in the paper and
31 explain his reasons for offering the proposal. Mr. Wing and Mr. Backensto (each of whom
32 voted on 12/11/21 to lift therequirement for Mr. Olivetti to refrain from the exercise of
33 office) presented a motion

34
35 ***to enact, effective immediately, a requirement that Mr. Jared Olivetti refrain from the***
36 ***exercise of office until final action has been taken in his case (Book of Discipline II.2.9).***

37
38 Having been brought to us by two members of the court, this was received as moved and
39 seconded. In the debate that followed, there were considerable concerns expressed regarding
40 the negative effect on the peace and unity of the church arising from permitting Mr. Olivetti to
41 continue preaching and administering the sacraments during a time when the present charges
42 against him are being prosecuted. The requirement to refrain is not a disciplinary action, nor
43 does it reflect a judgment regarding Mr. Olivetti's guilt or innocence. There was discussion
44 regarding whether this motion should be treated as a reconsideration of the action taken on
45 12/11; it was agreed that this was not necessary. Following further discussion, Mr. Backensto
46 was asked to lead the commission in prayer before taking the vote, and he did so. Following a

1 final reading of the motion, it was approved 5-1-1. Mr. Wing will notify Mr. Faris and Mr. de
2 Jong.

3
4 The minutes of the December 21st meeting were approved by common consent.

5
6 The moderator took up the questions raised by the Prosecution regarding our ruling that civil
7 documents must be submitted to the Commission for approval before being admitted as
8 evidence in the trial process. He noted the possibility of using a pre-trial conference between
9 the SJC and the counsels on both sides to hear responses from both sides prior to rendering a
10 decision on which documents shall be admitted. The moderator asked the commission for
11 suggestions on the best path forward regarding documents submitted by Prosecution for
12 admission into evidence. It was then moved and seconded

13
14 ***that the commission directs its clerk to forward to the Defense (1) the civil documents***
15 ***submitted by the Prosecution as evidence for the trials, (2) the cover letter from Mr. Friedly***
16 ***accompanying these documents, which describes the purport of the evidence and the***
17 ***Prosecution's intended use of the documents and related testimony, and (3) Mr. Borg's***
18 ***appeal letter of 12/15/21, and to request a reply from the Defense as to whether it has***
19 ***objections to the admission of any of these documents.***

20
21 There was considerable discussion of the motion; several members expressed an interest
22 in seeing this action as a first step in having both sides agree (hopefully) to stipulations of
23 fact arising from these documents. The motion passed unanimously.

24
25 The moderator noted that we received input from Mr. de Jong and Mr. Niess on the use of
26 executive sessions in the planned trials and the question of who should be allowed to attend
27 the trials. He solicited suggestions for names of others from whom we should seek counsel on
28 these questions. The moderator had previously distributed a summary of some of the options
29 before us for the trial process, ranging from conducting an entire trial under an executive
30 session to having a trial that is completely open to members of the RPCNA. A further
31 suggestion was received regarding the possibility of providing live streams of any open trials
32 sessions to a couple of locations (probably the Lafayette/West Lafayette congregations), thus
33 relieving some of the logistical burdens of the trial itself. One option would include inviting
34 elders as observers from Synod, the GLG presbytery, and the two congregations. This led to
35 questions about whether other presbyters present would be granted privileges of the floor, and
36 some concern was expressed as to whether allowing this would be unwieldy. The moderator
37 asked for volunteers to develop a proposal addressing questions of who should be admitted
38 and how the logistical concerns noted should be addressed. Mr. Backensto and Mr. Coombs
39 volunteered and were appointed to bring a proposal on this matter to the commission by
40 January 25th.

41
42 Mr. Pinson presented an update from the subcommittee appointed to review the complaint
43 from Mr. Olivetti. The committee had drafted a communication to Mr. Olivetti explaining that
44 the SJC has examined the documents related to the matter and that, at this point, we do not
45 believe the investigators sinned against him. A proposed letter drafted by the committee was
46 distributed to the SJC, and as it comes from three commission members, it was received as a

1 motion. Thus it was moved and seconded

2
3 ***that the letter drafted by the subcommittee be sent to Mr. Olivetti by the clerk on***
4 ***the commission's behalf.***

5
6 The motion was approved unanimously.

7
8 Mr. Backensto reported on his efforts to secure someone to manage the process of video
9 recording the trials. He contacted Nick Wang, who is presently doing marketing work for the
10 RP Seminary. Nick is a member of the Immanuel congregation, so although he is willing to do
11 it, there was a question of whether anyone might regard this as presenting a conflict of interest.
12 Due to his current visa status (he is from China), there are questions about the mechanics of
13 compensating him that would need to be addressed. It was also noted that Nick might not fully
14 understand the possible social complications that could ensue if he takes this role. Mr. Fisher
15 agreed to follow up with Mr. Wang to confirm that there is no difficulty in this regard, after
16 which he will contact Mr. Backensto to let him know the outcome. We could then confirm
17 that there are no objections from the other parties to Mr. Wang's participation in the trial in
18 this role.

19
20 The moderator asked whether there were any objections to his giving an update to the
21 denomination on the status of our work; there were none. We agreed that it would be
22 premature to mention mediation, but other matters like trial dates and the change in persons
23 charged would be mentioned. Mr. Wing also agreed to include some admonition to the
24 denomination regarding taking proper care in repeating rumors related to this matter;
25 Ephesians 4:29 was noted as a helpful Scripture in this regard.

26
27 The moderator noted that he and Mr. Keenan would work on guidelines regarding hearsay
28 testimony. The clerk and moderator are working on communications to the counsels
29 regarding (1) minimizing *ex parte* communications and (2) pursuing agreement on
30 stipulations of fact.

31
32 Mr. Backensto confirmed that our next scheduled meeting date is Tuesday, January 11th,
33 via Zoom.

34
35 It was agreed by common consent to adjourn our meeting. Mr. Bower led us in
36 prayer, adjourning the meeting at 8:51 pm.

37
38 Respectfully submitted,

39
40 Keith M. Wing
41 Moderator

42
43 Thomas A. Fisher
44 Clerk

1 January 11, 2022 Via Zoom teleconference 6:31 pm EST

2
3

4 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
5 Moore, Tom Pinson, and Keith Wing (moderator). Also attending were Mr. Andrew Silva and
6 Mr. Micah Ramsey, our alternate commissioners. Mr. Wing called the meeting to order with a
7 brief meditation from Nehemiah 6:1-9, noting our need for the Lord to strengthen our hands, just
8 as he strengthened Nehemiah's. He then led us in prayer, constituting this meeting of the
9 commission.

10

11 The minutes of the January 4th meeting were approved by common consent.

12

13 After our last message to the denomination, the commission received many responses and
14 inquiries from individuals in the Great Lakes-Gulf presbytery. The moderator reviewed these
15 items briefly. He noted that there have continued to be "leaks" to the IndyStar of information
16 sent from the commission out to the denomination; this has led to increased suspicion within
17 IRPC as to how the information is getting to the press, including one insinuation that the
18 commission is responsible for leaking information. We discussed whether we should respond
19 directly to these inquiries, given that they are not coming to us through the courts of the church.
20 Some communications seek answers to specific questions about our actions. One communication
21 from several members of IRPC sought for us to become involved in rebuking people who have
22 been posting about this matter on social media.

23

24 Mr. Wing received a report that Mr. Olivetti taught an adult class on this past Lord's Day (Mr.
25 Backensto confirmed that he received a similar report). Mr. Wing contacted Mr. de Jong, interim
26 moderator of IRPC, and confirmed that there had been a misunderstanding regarding the
27 requirement for Mr. Olivetti to refrain from the exercise of his office. The Immanuel session had
28 assumed that since some of their adult classes are taught by non-elders, it would be acceptable
29 for Mr. Olivetti to teach the class. Mr. Wing emphasized to him our intent that Mr. Olivetti
30 should refrain from preaching and teaching, and Mr. de Jong has confirmed this understanding.

31

32 We discussed whether we should engage with individuals who have written to us, since getting
33 involved in debates would consume considerable time and divert us from the matters already
34 before us. It was noted that complaints against our actions should be directed to the Synod.

35

36 ***It was moved and seconded that we communicate with the congregations of the Great Lakes-***
37 ***Gulf presbytery, reminding them that we are a commission of Synod with a particular***
38 ***assignment to deal with matters that have arisen at Immanuel RPC, and noting we are unable***
39 ***to continue to receive and respond directly to complaints. The proper path for complaints***
40 ***against our actions is a petition to the Synod (DCG Chapter 8, Section 12), although initially,***
41 ***we did attempt to respond pastorally to a couple of communications received from within the***
42 ***IRPC congregation. The clerk was given some liberty to word this communication***
43 ***appropriately.***

44

45 This motion was adopted. There was further discussion as to whether we should reply to any of
46 the communications from the IRPC members. As we get farther along, it will become

1 increasingly difficult to respond to comments and inquiries about our work while we are in-
2 process. The moderator asked for volunteers to draft a brief response that could be sent
3 separately to multiple people who have recently contacted us. Mr. Backensto and Mr. Moore
4 agreed to prepare such a response, which we agree should be both pastoral and closed-ended. It
5 was agreed by common consent that the clerk will wait to distribute the communication to the
6 GLG presbytery until after the response to the IRPC members has been sent.

7
8 The moderator had previously distributed a draft timeline for the trial sequence; we agreed to
9 review the timeline and provide input to the moderator before it is distributed to others.

10
11 Mr. Friedly submitted an e-mail to us on 1/5/22 with some questions. His questions about the
12 trial timeline and the degree of openness of the trial are matters that we are still working on;
13 some other items (regarding the use of civil court documents and initiating stipulation of facts)
14 were responded to in a recent communication from the clerk. He also asked whether some
15 couples might be permitted to give testimony "together;" the moderator has asked for further
16 clarification from Mr. Friedly regarding what this would entail.

17
18 Mr. Keenan, our legal advisor, has a mild case of COVID but has continued to work with Mr.
19 Wing. He has initiated dialogues with Mr. Faris and Mr. Friedly on the possibility of pursuing a
20 mediated solution.

21
22 The moderator noted the status of several matters that are "in queue." The Moderator or Clerk
23 need to remind counsel of the following:

24 Defense pleas need to be received by January 21.

25 A list of Defense witnesses needs to be received by January 21 with e-mail & snail-mail
26 contact information included.

27 A list of Prosecution witnesses with contact information is required by January 21.

28
29 The Moderator has asked Mr. Keenan for updates on the mediation dialogue on at least a weekly
30 basis; he noted that if there is a time-urgent question we may need to meet on short notice and, if
31 necessary, might need to meet with only five members if not all can attend.

32
33 The Clerk has sent the civil documents that the Prosecution wishes to use at trial to the Defense
34 and has asked whether they have objections to using any of them. We need to specify a deadline
35 for their response; the clerk proposed January 31st. It was agreed by common consent that a
36 deadline of January 31st will be given to the defense.

37
38 We issued the directive to the counsels on both sides to pursue a good-faith discussion toward
39 stipulation of facts, and we will monitor that process.

40
41 Mr. Wing will work with Mr. Keenan to tailor his guidance regarding hearsay testimony to be
42 relevant to what we are likely to receive as possible testimony; he hopes to have this finalized in
43 a couple of weeks.

44
45 Mr. Backensto and Mr. Coombs indicated that they do not have an update at this time regarding
46 their work on the degree of "openness" of the trial hearings.

1
2 The Moderator suggested that we use our next meeting (January 18th) for Green and Blue team
3 meetings, unless there is a need to meet as a full commission. By the 21st, we anticipate
4 receiving contact information for witnesses, and so during January 22-28, we expect that the
5 clerk and moderator would be working on issuing summons [clerk's note: we will still need to
6 issue the formal summonses to the Accused]
7

8 Mr. Fisher reported that he communicated with Nick Wang regarding his degree of comfort with
9 being involved as video support for the trials and confirmed that he does not have any concerns
10 about being involved.
11

12 The Moderator asked whether Mr. Fisher (who is also serving on the Synod committee working
13 to develop advice to Synod regarding the use of video participation in trials) could share
14 anything about the direction that committee's recommendations are taking. Mr. Fisher explained
15 that while its report is not finalized, at present, the general direction of the committee's
16 conclusions is that video testimony appears permissible under our Book of Discipline,
17 particularly when using it enables a witness to be cross-examined. He noted that the committee
18 would be stressing that testimony by video should not be done merely for the sake of
19 convenience but should be permitted when circumstances make in-person testimony problematic.
20

21 Mr. Backensto asked whether the Commission should develop a standard response to media
22 inquiries; the moderator indicated that with regard to the commission's work, this is an
23 ecclesiastical matter and we would not give a response. The Moderator of Synod and the IRPC
24 session will need to develop their own approaches to this problem. It was noted that the counsels
25 on both sides need to be careful not to communicate information to the Commission that might
26 prejudice its work.
27

28 The Moderator indicated that he would share with the rest of the commission the communication
29 he received from Mr. de Jong regarding clarification that Mr. Olivetti will no longer teach the
30 IRPC adult class while being required to refrain from the duties of his office.
31

32 The moderator mentioned having the color teams convene next week; we agreed that if the
33 commission's docket next week is relatively light, this would be an acceptable plan.

34 Team Green (Convened by Mr. Wing; includes Bower, Fisher, and Coombs) - Mr. Ramsay to
35 observe

36 Team Blue (Convened by Mr. Backensto; includes Moore and Pinson) - Mr. Silva to observe
37 Zoom logistics: if we meet simultaneously, Mr. Fisher can share his Zoom meeting access with
38 Mr. Backensto.
39

40 We agreed by common consent to adjourn our meeting. Mr. Coombs led us in prayer, adjourning
41 the meeting at 8:19 pm.
42

43 Respectfully submitted,
44

45 Keith M. Wing
46 Moderator

45 Thomas A. Fisher
46 Clerk

1 January 18, 2022 *Via Zoom teleconference* 6:31 pm EST

2
3

4 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
5 Moore, Tom Pinson, and Keith Wing (moderator). Also attending was Mr. Micah Ramsey, one
6 of our alternate commissioners. Mr. Fisher called the meeting to order with a brief meditation
7 from Hebrews 3:1-6, reminding us that Christ's faithfulness enables us to pursue a heavenly
8 resolution to the matters before us. Mr. Backensto led us in prayer, constituting the
9 commission's meeting.

10

11 The minutes of the January 11th meeting were approved by common consent.

12

13 The moderator noted that on 1/14/22, we received a letter from Mr. Faris and Mr. Olson
14 indicating that they were withdrawing as the ecclesiastical counsels for Mr. Olivetti, Mr. Carr,
15 Mr. Larson, and Mr. Magill; no reason was specified. The next day, we received a letter from
16 these four men indicating that they had tendered their resignations, with slightly different
17 details. The three ruling elders tendered their resignations (which were accepted) to the IRPC
18 session, to take effect as of January 17th; Mr. Carr and Mr. Magill indicated that they are
19 permanently resigning and retiring as ruling elders.

20

21 Mr. Olivetti's resignation was tendered to the GLG AIC with the required two-week notice
22 period in view, with an effective date of 1/29. According to DCG 3.II.E.5.b, his resignation must
23 give two weeks' notice, with the opportunity for the congregation to register objections to the
24 presbytery before dissolving the pastoral relationship. We discussed the situation surrounding
25 these resignations, which came as a surprise. In the context of preliminary contacts about a
26 mediation process, the Defense had asked what would happen if the elders resigned, but we had
27 assumed that this was a question asked in the context of a mediated outcome. The moderator
28 noted that the letter included some allegations/complaints against the commission itself.

29

30 We discussed briefly the status of the remaining IRPC session, which would seem to now be
31 three provisional elders and one recently elected local elder. We have received word indirectly
32 that the resignations were announced to the IRPC congregation this past Lord's Day. Our
33 understanding is that the resignation of the ruling elders means that these men would need to be
34 re-elected by a congregation in order to serve in office again (DCG 3.I.E.5.b). Thus Mr.
35 Olivetti's resignation is pending action by the GLG presbytery, and the resignations of the other
36 three men have been accepted by their session. The moderator noted that the fact that these men
37 have resigned does not, in itself, change the status of the accusations that are pending against
38 them. There was further discussion to the effect that it would be proper for us at some point to
39 confirm the official status of these men, although that is not urgent.

40

41 It was moved and seconded that

42

43 *the SJC views the sudden and unexpected resignations of the elders of IRPC as an*
44 *independent act separate from the charter given the SJC from the 2021 Synod to address "this*
45 *matter." While the resignations change the dynamics and may impact future decisions and/or*

1 *actions of the SJC, the resignations do not alter or bring closure to the ongoing judicial*
2 *process of the SJC.*

3
4 Following considerable discussion and a final reading of the motion, it was approved
5 unanimously.

6
7 The moderator noted that there are a number of prior actions already in-process that had been
8 communicated previously to the Defense counsel; these now need to be communicated to the
9 defendants. Now that there is no joint defense counsel, we will need to communicate with each
10 of the defendants regarding these details. Included among these are

- 11
12 (1) the discussion about mediation that had been initiated by Mr. Keenan (to the best of our
13 understanding, this was somewhat rebuffed on 1/10 by the Defense counsel, so the mediation
14 framework that we approved on 1/4 may not have been conveyed to the Accused)
15 (2) a good-faith discussion of the stipulation of facts with the Prosecution
16 (3) request for a response from the defendants to the Prosecution's request for approval of the use
17 of certain public documents in the trials
18 (4) list of Defense witnesses, along with all contact information
19 (5) entry of pleas of the defendants

20
21 It was noted that we should strongly urge the defendants to obtain new counsel and that we ask
22 them (individually) to confirm whether or not they wish to continue the mediation process that
23 had been initiated (we are unclear regarding what has been communicated to the defendants
24 regarding the status and nature of the mediation). It was agreed by common consent that the
25 moderator and clerk will work to prepare a communication to each of the Accused to make clear
26 to them these items that were in process, along with the deadlines previously given to their
27 counsel.

28
29 The moderator asked whether the present resignations should result in a greater degree of SJC
30 involvement in pastoral matters in the Immanuel congregation. There was general agreement that
31 while we are concerned about the impact of the resignations, we are not in a position to render
32 pastoral care directly to IRPC. Moreover, there was some concern that our present posture in
33 possibly hearing judicial charges against the IRPC elders would create an ethical conflict of
34 interest if we were also to assume active pastoral involvement in the congregation. While it
35 would be appropriate for us in the near future to communicate with the congregation regarding
36 our pastoral concern for them, the general tenor of the discussion was that more direct pastoral
37 involvement in the congregation would not be appropriate.

38
39 The Moderator noted that at this point he has only communicated with the Moderator of Synod
40 following notice of the resignations. The Moderator agreed to reach out to Mr. de Jong to renew
41 communication about the state of the congregation.

42
43 We discussed briefly concerns about the fact that it seems that a lawsuit against the IRPC elders
44 seems to be emanating from members of an RP church. The introduction to our Book of
45 Discipline urges that members should not "go to law" against each other before pursuing the
46 matter in the courts of the church, in keeping with 1 Cor. 6:1-8. It seems in this instance that the

1 responsibility for addressing this most directly would lie with the local session involved (we do
2 not know the specifics of the situation). Although we may wish to draw attention to this as a
3 broader concern in our later work, it was generally agreed that it is not within our remit to deal
4 directly with this situation.

5
6 Following this discussion, it was moved and seconded that

7
8 ***Mr. Backensto, Mr. Fisher, and Mr. Moore be appointed to draft a pastoral response to the***
9 ***grievances levied against the SJC (and the conclusions derived from them) by Mr. Olivetti and***
10 ***the former ruling elders of IRPC in their letter of 1/15/22.***

11
12 The motion passed unanimously.

13
14 Mr. Backensto and Mr. Coombs had distributed a draft of recommendations regarding "Trial
15 Attendance and Participation" for the two proposed trials. There was discussion of these
16 recommendations, which are an attempt to permit some "live" attendance in the trials by
17 representatives of interested parties, plus remote access for the Immanuel and Lafayette
18 congregations.

19
20 We discussed the possible inclusion of guidelines about the circumstances under which portions
21 of the trial might need to be conducted under executive session. There was considerable
22 discussion on the question of how much explicit or sensitive testimony is really required in order
23 for the accusations made to be sufficiently presented at trial. Specifically, since the trial is not
24 being conducted against the delinquent Minor whose actions led up to this case, it's unclear why
25 extensive testimony about his behavior needs to be presented by victim families at trial. The facts
26 needed to be presented should pertain to what was known by the defendants and to what extent
27 they failed to act appropriately on the knowledge that they possessed. We had believed and
28 hoped that stipulations of fact could be agreed upon that would relieve at least some victim
29 families from having to give explicit testimony that might force families who wish to remain
30 anonymous to identify themselves.

31
32 It was suggested that we ask the Prosecution to clarify the extent to which they are seeking to
33 present testimony pertaining specifically to the delinquent Minor, rather than to the accused
34 elders. There were further questions noted regarding the intent of the use of civil documents and
35 caution regarding the extent to which executive session may be needed. The commission is
36 encouraged to review the proposal further and offer modifications if needed, with the goal of
37 adoption at a future meeting no later than January 25.

38
39 Mr. Backensto sought confirmation that he should be seeking a venue that would include a total
40 of about 50 persons, including room for separate seating for both counsels, the commission, and
41 witnesses; this was generally agreed.

42
43 The moderator noted that identifying witnesses and issuing subpoenas will be the next steps. In
44 our communication regarding trial matters, given the abrupt loss of the defense counsel, we
45 should reiterate to the individual defendants the availability of the mediation process.

46

1 We agreed by common consent to adjourn our meeting. Mr. Moore led us in prayer, adjourning
2 the meeting at 8:40 pm.

3
4 Respectfully submitted,

5
6 Keith M. Wing
7 Moderator

8 Thomas A. Fisher
9 Clerk

10 January 25, 2022

11 *Via Zoom teleconference*

12 6:31 pm EST

13 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
14 Moore, Tom Pinson, and Keith Wing (moderator). Also attending were Mr. Micah Ramsey and
15 Mr. Andrew Silva, our alternate commissioners. The Moderator was recently preoccupied with
16 recovery from COVID-19 and caring for his wife, and so had previously asked Mr. Backensto to
17 serve as Moderator *pro tempore* during this meeting. Mr. Backensto, thus functioning, called the
18 meeting to order with a brief meditation from Psalm 85. Mr. Bower led us in prayer, constituting
19 this meeting of the commission.

20 The minutes of the January 18th meeting were approved by common consent.

21
22 We took up the January 21st letter from the four IRPC elders, received in response to our
23 January 20th reply to their letter of resignation. They regarded their resignation as a final
24 attempt at mediation, which seems incongruous to us in light of our attempts to pursue mediation
25 through Mr. Keenan. They questioned Mr. Keenan's account of his January 10th interaction with
26 Mr. Faris and Mr. Olson and denied that their counsel was not ready to discuss mediation at that
27 time. They also state that they are open to mediation only if trials would be completely "off the
28 table" for the duration of any mediation.

29
30 Mr. Backensto suggested that the commission consider one of three options proposed in Mr.
31 Wing's recent memorandum to the SJC: (1) attempt to resume mediation using Mr. Keenan's
32 original stipulations to the two sides, (2) have the SJC conduct a pre-trial meeting to pursue a
33 mediation process (this would need to be done very quickly), or (3) assume that not guilty pleas
34 have been entered, forgo mediation as being unlikely to succeed, and simply proceed to
35 trial. Discussion ensued in which several members expressed a desire to continue to attempt to
36 have mediation proceed if possible. Mr. Keenan had questions for each side: for the prosecution:
37 "If you get a full-blown trial with a verdict against the Defendants, what do you want as the
38 result?," for the defense: "What will you accept as a result if this matter does not go to trial and
39 verdict?" There was some agreement that while the trial schedule should not be halted pre-
40 emptively at this point, if both sides demonstrate good faith in the proceedings, such that
41 mediation appears to be moving with promise, we would consider pushing the trial start date(s)
42 back to allow the mediation process to be completed.

43
44 So regarding pursuing Mr. Keenan's re-engagement in the mediation process, we need to be clear
45 that mediation needs to start as soon as possible.

1
2 It was moved and seconded that

3
4 *we intend to maintain the current trial schedule; moreover, we highly desire that the*
5 *mediation process, which seems to have broken down on January 10th, would be resumed*
6 *fruitfully. We will direct Mr. Keenan to contact Mr. Olivetti and Mr. Friedly for mediation*
7 *regarding matters addressing Mr. Olivetti's trial and to contact Mr. Carr and Mr. Friedly for*
8 *mediation regarding matters addressing the ruling elders' trial, with the understanding that all*
9 *parties need to resume the mediation process with urgency.*

10
11 Section II of the "Notional Description of Mediation Process" prepared by Mr. Coombs and Mr.
12 Backensto was to have been presented to the defense counsel by Mr. Keenan on January 10th;
13 our understanding is that he was not given the opportunity to share that with the defense
14 counsel. It was agreed that this information (section II and its attempted presentation on 1/10)
15 should be shared in our next communication with all four elders. Mr. Fisher and Mr. Wing will
16 communicate with the parties about the need to resume the mediation process if possible. After
17 further discussion, the motion was approved unanimously.

18
19 We are past the date (January 21st) when pleas were to be registered. We discussed how we
20 might need to proceed if a first trial summons is not obeyed (Book of Discipline Section II,
21 Chapter 2, Paragraph 4). The Book of Discipline does not specify how long the time must be
22 extended if a first summons is not obeyed. Because the impending trial dates have been
23 communicated to the defendants well in advance and because commission members would be
24 traveling at considerable expense to conduct a trial, there was discussion around extending the
25 time by a single day. The language of the Book of Discipline leaves it for the court to determine
26 the extension of time that it deems proper. There was considerable discussion of this question.

27
28 It was agreed by common consent that we will enter pleas of "not guilty" for Mr. Carr, Mr.
29 Larson, Mr. Magill, and Mr. Olivetti, to all the charges made against them in their respective
30 trials. This should be conveyed to these men in our next communication with them.

31
32 Regarding the venue for trials, we agreed that a venue suited to 100 people ought to be large
33 enough to allow for 50 people to attend, with sufficient space to create separate areas for the
34 commission, the defense and defendant(s), the prosecution, and a reasonable number of
35 observers. Regarding the use of executive sessions during the trials, it should be possible to have
36 the parties specify which witnesses need to testify in an executive session. Particular portions of
37 time could be allocated specifically for that purpose, and such witnesses can be scheduled
38 accordingly. This would minimize the need for us to move in and out of executive sessions on
39 multiple occasions. There was also some discussion regarding whether matters disclosed under
40 executive session would be subject to disclosure in civil proceedings.

41
42 There was a question as to whether the video stream could be time-delayed; this will be taken up
43 with our video technical consultant.

44

1 Mr. Backensto indicated that he is still working on identifying a suitable location for the
2 trials. The analysis of trial venue options provided by Mr. Coombs and Mr. Backensto, dated
3 12/23/21, contained several recommendations regarding the trials.

4
5 The following motions were proposed, coming from the two commission members:

6
7 ***That any trial conducted by the Commission be of limited attendance to specified RPCNA***
8 ***members, to be determined by the Commission in regard to the people and finalized numbers***
9 ***per section II of the "Recommendations re Trial Attendance and Participation."***

10
11 This motion was approved by a vote of 6-1.

12
13 ***That the attendance numbers for the trials are estimated per the table on page 2 of the***
14 ***"Recommendations re Trial Attendance and Participation" (up to 42 persons plus an as-yet-***
15 ***undefined number of victim family members).***

16 This motion was approved by a vote of 6-0-1.

17
18 ***That the Commission, or an appointed sub-committee, prepare a roster of RPCNA members to***
19 ***be admitted to any trial had, and where it pertains to Presbytery or Synod observers that they***
20 ***notify these respective moderators to choose the decided number of observers, and relay these***
21 ***appointed observers' names to the Commission.***

22 This motion was approved.

23
24 ***That the Commission, or an appointed sub-committee, provide with this prepared roster***
25 ***accompanying terms and responsibilities for appointed and admitted persons to sign at the***
26 ***outset of each day or session in accord with recommendation 1.***

27
28 This motion was approved.

29
30 ***That the Commission allow for Zoom observation at Immanuel RPC and at Lafayette RPC,***
31 ***for their respective active resident communicant members only, under the signed terms and***
32 ***responsibilities prepared and required by the Commission as delineated in recommendations 1***
33 ***and 3.***

34 This motion was approved.

35
36 ***That the Commission allow for Zoom observation for presbyterially- and synodically-***
37 ***appointed elders under the signed terms and responsibilities prepared and required by the***
38 ***Commission as delineated in recommendations 1 and 3.***

39
40 It was agreed by common consent that the actions needed for the last three motions will be
41 assigned to the appropriate color team.

42
43 There was some discussion of whether there would be synod or presbytery appointees who
44 would be attending by Zoom. There was also discussion about whether it would be normal for
45 such persons to be present for executive sessions, whereas the Zoom feed would need to be

1 turned off during an executive session. By common consent, *this recommendation was tabled*
2 *until our February 1st meeting.*

3
4 There was a request made that we reiterate to the men scheduled for trial that we urge them to be
5 represented by counsel. This will be included in the next communication with the men.

6
7 Regarding stipulation of facts; the prosecution is close to being ready to offer to stipulate to some
8 facts. In the absence of defense counsel, it seems that the defendants and the prosecution should
9 be directed to engage in good-faith discussion of this matter promptly. It was moved and
10 seconded that

11
12 ***Having heard from the Prosecution that they are ready to enter into good-faith discussion***
13 ***regarding stipulation of facts, we ask both sides that those discussions be completed by***
14 ***February 8th.***

15
16 Following discussion, this was approved unanimously. We recognize that, in theory, the elders
17 may take different positions regarding stipulation of facts, just as they might plead differently to
18 the charges.

19
20 We briefly discussed the letter that was to be drafted as a pastoral response to the grievances
21 expressed in the 1/15/22 resignation letter. The sub-committee (Backensto, Fisher, Moore) will
22 provide possible letters for consideration before the end of the week.

23
24 We reviewed a draft of a letter to those who wrote to the commission following our January 6
25 communication to the denomination. It was moved and seconded that

26
27 ***The Clerk is directed to send this letter to the three parties from IRPC who contacted us.***

28
29 [Clerk's note: Mr. Shipp would not be included in this distribution] It was noted that our
30 communication should explain that our work was delayed by the Moderator's having to deal with
31 COVID-19. The motion was approved. It was noted that, as specified in our 1/11 meeting, a
32 letter to the congregations of the GLG presbytery should also be sent by the Clerk on the SJC's
33 behalf after the letter to the IRPC parties has been sent.

34
35 We agreed by common consent to adjourn our meeting. Mr. Pinson led us in prayer, adjourning
36 the meeting at 8:29 pm.

37
38 Respectfully submitted,

39
40 Keith M. Wing
41 Moderator

42
43 Thomas A. Fisher
44 Clerk

1 February 1, 2022 *Via Zoom teleconference* 6:31 pm EST

2

3 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
4 Moore, Tom Pinson, and Keith Wing (moderator). Also attending were Mr. Micah Ramsey and
5 Mr. Andrew Silva, our alternate commissioners. Our legal consultant, Mr. Rob Keenan, was
6 also present. Mr. Moore called the meeting to order with a brief meditation encompassing
7 Genesis 1:1-3, John 1:1-4, and Revelation 21, reflecting on the truth that God gives his light to
8 humbled sinners. Mr. Wing gave us a brief update on the situation of his wife's health. Mr.
9 Fisher then led the commission in prayer, constituting the meeting.

10

11 The minutes of the January 25th meeting (with corrections previously noted via e-mail) were
12 approved by common consent.

13

14 Mr. Keenan had joined our meeting to provide an update regarding mediation and
15 stipulation. Following a helpful discussion of his recent work, he left the meeting at 7:25 pm.

16

17 At our 1/25/22 meeting, the following motion was tabled:

18

19 ***That the Commission allow for Zoom observation for presbyterially- and synodically-***
20 ***appointed elders under the signed terms and responsibilities prepared and required by the***
21 ***Commission as delineated in recommendations 1 and 3.***

22 It was moved, seconded, and agreed by common consent to remove this motion from the
23 table. It was moved and seconded to amend the motion as follows:

24

25 ***That the Commission allow for Zoom observation for elders appointed by Synod's moderator,***
26 ***selected from the Great Lakes-Gulf presbytery and other presbyteries of Synod, under the***
27 ***signed terms and responsibilities prepared and required by the Commission as delineated in***
28 ***recommendations 1 and 3.***

29

30 The amendment was approved by common consent. The amended motion was approved
31 unanimously.

32

33 We discussed two letters proposed (from the sub-committee of Backensto, Fisher, Moore) to be
34 sent to the four elders in response to the grievances expressed in the resignation letter of January
35 15th. By common consent, the commission approved sending the longer-form letter and agreed
36 that the clerk may make minor adjustments to account for communication received from the
37 elders since 1/15. The moderator asked that any editorial suggestions for the final version of the
38 letter be sent to the clerk by 2/2.

39

40 We took up various questions raised in various communications received from the
41 Prosecution. Mr. Friedly sent an e-mail on 2/1 expressing concerns about how to handle
42 deposition testimony taken from prosecution witnesses if the defendants do not participate in the
43 deposition. Mr. Wing has proposed to Mr. Friedly that if the defense declines to attend a
44 deposition after the opportunity to do so has been extended per Book of Discipline II.2.7 (Page
45 E-11), after 15 minutes' delay from the appointed start time, the particulars of the notice given to
46 the defense should be noted at the beginning of the deposition, and deposition testimony can then

1 proceed. It was pointed out that BoD II.2.7 indicates that such testimony needs to be given to
2 members of the court, and we agreed that such depositions could, in principle, be conducted
3 virtually. The moderator appointed Mr. Moore and Mr. Backensto to receive testimony in such
4 depositions from witnesses who cannot be present at trial, per Book of Discipline II.2.7. The
5 moderator will communicate guidelines for this procedure to Mr. Friedly, the lead Prosecutor,
6 and the defendants.
7

8 The moderator also mentioned that he asked Mr. Friedly to specify which Prosecution witnesses
9 need to have testimony taken ahead of time, which witnesses need to give their testimony in
10 executive session, and which individuals may need accompaniment for emotional support.
11

12 Mr. Borg sent a message today to the clerk and moderator expressing concern for the SJC to
13 define and distribute further guidelines regarding how the evidence disseminated to the defense,
14 and anticipated to be used at trial, will be used, handled, and controlled. The moderator
15 suggested that we draft a directive to any individuals who received the evidence "thumb drives;"
16 this would establish requirements/controls for use and maintenance of the information, including
17 directives not to distribute the material to others. We would also ask recipients of the
18 information to disclose to whom it has already been given, and we will send the same directives
19 to them. Similar signed statements could be obtained from any others who have received the
20 information, and those observing the trial. This should also be worked into the document that is
21 to be signed by individuals present at any trials. It was noted that Indiana is a "one-party
22 recording consent" state, meaning that a conversation may be recorded with the consent of only
23 one party, so the guidelines would need to call for trial attendees not to make recordings. It was
24 moved and seconded
25

26 ***That the moderator and clerk are directed to establish a plan in response to Mr. Borg's letter***
27 ***of February 1st, 2022.***
28

29 The motion passed 6-0-1.
30

31 The moderator appointed Mr. Coombs and Mr. Backensto as a sub-committee to develop terms
32 and responsibilities for trial attendees to sign, in keeping with the motion adopted on 1/25.
33

34 The moderator noted an inquiry from Mr. Friedly (1/25) regarding the conduct of the trial in the
35 absence of Defense participation, depositions, the possible use of impact statements, and civil
36 documents. Mr. Fisher had distributed a brief to the commission regarding some of these matters.
37 The commission's prior actions this evening address the question about depositions. It was noted
38 that in the absence of defendants, the time already allocated to the Prosecution should be
39 sufficient, as they will be presenting their case without opposition. Members offered various
40 remarks; the moderator noted that the commission has not replied to the prosecution regarding
41 the civil court documents submitted because we gave the Defense a January 31 deadline to
42 respond to the Prosecution's request. Mr. Moore let the Prosecution know that we will decide on
43 the civil documents within the next two weeks. It was noted that we have already reminded the
44 defendants of the response deadline. We hope that some evidence contained in the civil
45 documents might be accepted through the stipulation process. By common consent, the Clerk
46 and Moderator were assigned to respond to Mr. Friedly's 1/25 e-mail.

1
2 We discussed the summons process. We have notified the defendants of the trial dates but have
3 not yet issued the formal summonses to them. The venue for the trial is still being determined, so
4 it was suggested that each summons should indicate that the trial will take place in the West
5 Lafayette area, with the further specification that the trial address will be provided as soon as
6 possible (but definitely more than ten days before the date of the trial, as provided in BoD II.2.3).
7 The prosecution has provided a list of witnesses; 19 are common to both trials. There are 23
8 witnesses listed for the Olivetti trial and 24 for the elders' trial. It was agreed by common consent
9 that individuals who are to be summoned to both trials could receive a single notice with
10 information for both trials. The clerk will first attempt to deliver the summonses via e-mail and
11 request confirmation of receipt. Any summons not confirmed as received within 48 hours would
12 be followed with a certified letter. Based on the requirements of BoD II.2.4, what is required is
13 either certification of delivery or transmission by certified mail. The moderator noted that it
14 would not be the SJC's responsibility to coordinate the testimony scheduling for each witness;
15 the Prosecution (or Defense, if applicable) will be responsible for coordinating with the witness
16 as to when they should appear to give their testimony. We have not received any responses from
17 the defendants regarding requests for defense witnesses.

18
19 In their most recent letter (1/21), Mr. Carr, Mr. Larson, Mr. Magill, and Mr. Olivetti stated,
20 "Regarding pleas: we cannot enter a plea to charges which are so ambiguous and broad." We
21 previously indicated to the elders that we would enter a "not guilty" plea in the absence of a plea.
22 It was noted that the defendants might seek to enter a "no contest" plea in the future, but at
23 present we will assume the pleas are "not guilty." Any defendant is free to change his plea up to
24 the commencement of the trial. If no plea is entered or a "not guilty" plea is entered, the court
25 would proceed with a trial (BoD II.3.5, E-13). We are still, at this point, preparing for a trial.

26
27 Regarding civil documents, the moderator noted that Mr. Keenan is pursuing the possibility that
28 some facts in the civil documents can be stipulated. If this is accomplished, to the extent that
29 they are agreed to, the stipulated facts would automatically be allowed. The Moderator continues
30 to work with Mr. Keenan on this process.

31
32 We had asked the Prosecution to identify evidence/witnesses that should be given in executive
33 session. The defendants indicated in their letter of 1/21 a desire for the use of executive session
34 in most of the proceedings, particularly regarding issues involving minors. We do intend to use
35 executive sessions to protect such information but believe that with proper planning, some
36 matters can be grouped together for consideration in executive session while others can be
37 disclosed outside of executive session. If the defense has testimony that specifically needs to be
38 protected in that way, we would like them to identify and specify it; the moderator indicated that
39 he would communicate this request to them again.

40
41 Regarding the conduct of the trial, the moderator asked Mr. Coombs and Mr. Backensto to
42 develop the notification process for informing Synod's Moderator, the GLG presbytery, the
43 IRPC, and RPC Lafayette sessions, and specific congregations, regarding the trial format that we
44 will be following. This should include developing a notification matrix with an eye to the
45 sensitivities of the parties being notified. The moderator noted that identifying venue options is

1 an urgent matter at this point. In addition to the trial room, we will need smaller conference
2 rooms for the SJC, the Prosecution, and the defendants/Defense.

3
4 A question was raised regarding whether a hotel or other venue can provide us with secure
5 internet access; this is a legitimate concern in light of the intense local media scrutiny of IRPC
6 matters and the possibility that someone might seek to "hack" into our internet connections.

7
8 Mr. Fisher has confirmed that Nick Wang is comfortable managing the audio-video technical
9 needs of the trial(s); Mr. Backensto will coordinate with Mr. Wang regarding logistics and our
10 technical needs (including a Zoom stream out and the possibility of remote testimony into the
11 trial). Mr. Backensto offered to see whether his wife could help locate one or more court
12 stenographers for the scheduled trials; if this option does not bear fruit, Mr. Backensto will
13 contact Mr. Pinson, who is willing to help look for stenographic support resources. It may be
14 possible to find contacts through one of the Indiana RP lawyers (e.g., Mr. Olson, Mr. Falk, Mr.
15 Hunt, Mr. Reshey, etc.). The moderator noted that we probably will need a security/bailiff person
16 (or persons) for court access control during the trials.

17
18 The moderator has updated the lists of Team Blue (Backensto, lead; Moore, Pinson, Wing, and
19 Silva observing) and Team Green (Wing, lead; Bower, Coombs, Fisher, and Ramsey observing)
20 action items; he asked that the teams review their respective lists by no later than 2/7 so that at
21 our next commission meeting, each team can give a short review through the list of decisions on
22 the specified items.

23
24 It was noted that we need to implement guidelines to protect the identities of minors during any
25 trials that take place; the Moderator will ask the Prosecution to specify any minors who would be
26 referred to in their planned presentation of the case, and we can make sure that a plan is in place
27 to "code" or otherwise protect those identities from disclosure in the record of the case.

28
29 Regarding travel plans for the week of March 7, Mr. Backensto advised members to make
30 reservations that can be changed with minimal cost. It was noted that if we do proceed to trial
31 and a defendant does not appear, we presently anticipate that the trial would take place as
32 planned, but the moderator noted that we need to discuss this possibility further. There was brief
33 discussion regarding whether a mediated solution would obviate the need to conduct a trial; this
34 will be taken up in a future meeting. It was also noted that we need to consider what records
35 would need to be forwarded to Synod if a case is appealed (e.g., would any parts of an executive
36 session need to be disclosed to Synod?). The time of adjournment having arrived, we agreed that
37 further discussion on this topic will be needed.

38
39 Our next meeting is scheduled for February 8th at 6:30 pm. Mr. Coombs led us in prayer,
40 adjourning the meeting at 9:00 pm.

41
42 Respectfully submitted,

43
44 Keith M. Wing
45 Moderator

46 Thomas A. Fisher
Clerk

1 February 8, 2022 Via Zoom teleconference 6:31 pm EST

2

3 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
4 Moore, Tom Pinson, and Keith Wing (moderator). Also attending were Mr. Micah Ramsey and
5 Mr. Andrew Silva, our alternate commissioners. Our legal consultant, Mr. Rob Keenan, was
6 also present. Mr. Bower called the meeting to order with a brief meditation on Psalm 15, noting
7 that we enter into this work conscious of our desire to have worshipful hearts, coming into the
8 Lord's presence with a desire to preserve the truth and act righteously. Mr. Wing then led the
9 commission in prayer, constituting the meeting.

10

11 The minutes of the February 1st meeting were approved by common consent.

12

13 Mr. Keenan joined our meeting to update us on his discussions with both Prosecution (Mr. Borg
14 as their contact person) and Defense (the four defendants) regarding mediation and
15 stipulation. He reported that the Prosecution has prepared statements of what they regard as
16 stipulations of fact. He explained that the prosecution's statements are assertions of what they
17 believe happened specifically and describe to the defendants what their allegations are. Mr.
18 Keenan also met with the four elders, noting that they have opted to represent themselves in the
19 mediation together rather than individually. The defendants indicated to him their concern that
20 what would be disclosed in the scheduled ecclesiastical trials would damage their defense in
21 pending civil litigation. The pressure of civil litigation leads them to believe they will therefore
22 not participate in the trials that we have scheduled. They restated their previously-voiced
23 allegations regarding the competence of the investigation. Mr. Keenan noted that the elders had
24 not yet received the proposed stipulations of fact at the time of his recent meeting with them. He
25 said that in his discussions with them, he has pointed out that if they do not attend their trials,
26 they will not be able to present the facts that might constitute mitigating circumstances.

27

28 In response to the SJC's February 3rd "reply to grievances" letter to the four elders, Mr. Larson
29 sent on February 6th an email (on behalf of all four men) in which they asked for an opportunity
30 to resolve some miscommunications between themselves and the SJC through a "brotherly
31 dialogue," with the implication that the Prosecution would not be present for such a
32 discussion. While Mr. Keenan was with us, we discussed this request. To some extent, the
33 proposal seems to us to be related to the matter of mediation. While some members expressed
34 reluctance to have such a dialogue in the absence of prosecution representation, the possibility
35 that such a meeting might assist in advancing the mediation process is attractive, especially as
36 time is growing short. After some further discussion, it was moved and seconded

37

38 ***to direct the Moderator and Mr. Keenan to meet with the defendants and Mr. Friedly, with the***
39 ***intent of responding to the defendants' stated desire for a brotherly dialogue and the goal of***
40 ***continuing in the direction of mediation.***

41

42 The motion passed, and Mr. Keenan agreed to seek to schedule a Zoom meeting to this end with
43 the parties indicated.

44

45 We took up a brief discussion of the correspondence that has been received from Mr. Philip
46 Zimmerly, Mr. Olivetti's civil litigation counsel, dated February 7th. He wrote with several

1 requests, including concerns about the admissibility of civil court documents. He noted portions
2 of our Constitution that call for care in disclosing the details of judicial cases and cited portions
3 of Indiana civil law pertaining to the confidentiality of some juvenile proceedings. While
4 respectful of the SJC, he noted past circumstances in the Great Lakes-Gulf presbytery's
5 management of the Immanuel case in which he believed confidentiality was not properly
6 protected. To the best of our understanding, Mr. Zimmerly is not acting as Mr. Olivetti's
7 ecclesiastical counsel but was seeking to respond primarily to certain specific confidentiality
8 concerns. The letter does not seem to require a response from the SJC. Mr. Keenan left the
9 meeting at 7:17 pm.

10
11 We turned to a report from Team Blue. Mr. Backensto reported some inquiries into possible
12 venues, including estimated costs. We believe that our Saturday deliberations would not require
13 the use of a special conference room. He has contacted the Lafayette and West Lafayette
14 churches to see if they are open to having the trial transmitted to their locations via Zoom; he has
15 not had a response so far from either church. There would also be Zoom access for a limited
16 number of observers representing the Synod. Mr. Backensto reported that Nick Wang is looking
17 into borrowing A/V equipment from Immanuel church for use in the trial. Regarding creating a
18 record of the case, the cost of a stenographer for the week would be substantial. Therefore, the
19 team proposes using a video recording plus satellite microphones at multiple locations. A trial
20 transcript could be created via dictation software and verified by a listener. We noted that using
21 a recording (vs. a stenographer) would preclude the ability to read back prior testimony or
22 rulings easily during the proceedings.

23
24 Team Blue recommends that we permit no observers in the courtroom and that only those
25 directly connected to the trial be present. It was moved and seconded

26
27 ***that no observers will be admitted to the trial room.***

28
29 This motion passed unanimously.

30
31 There was some discussion about admitting the spouses of defendants into the trial room; the
32 team felt there were pros and cons to this approach. This would need to be specified as an
33 exception to the general exclusion of observers. The team was inclined not to make an exception
34 for spouses to be present in the trial room.

35
36 Team Blue recommends having two bailiffs at each congregation's Zoom viewing location and
37 one bailiff at the trial location. It was also noted that specific guidance should be given to the
38 bailiffs regarding managing disruptions during the proceedings. The two local sessions will need
39 instructions about limiting attendance to RPCNA members and enforcing other guidelines
40 previously discussed.

41
42 We moved to a discussion of Team Green topics. Drafts of a trial timeline and a trial script
43 conforming to the Book of Discipline were distributed for comments (these should be given to
44 Mr. Wing). Team Green proposed a recommended plan for how we would proceed if, on March
45 7th, Mr. Olivetti does not appear for his trial. We suggest that the commission wait 30 minutes,
46 then dismiss all but the prosecution, convene the court, and set the second trial date for March

1 8th at 7:45 AM. The clerk would finalize a second summons, and it would be delivered to Mr.
2 Olivetti electronically and by hand to his residence (per Book of Discipline II.2.4 - 5, p. E-
3 11). Mr. Olivetti would be notified ahead of time that this is the procedure we intend to follow if
4 he does not appear. The schedule would be adjusted accordingly, and we would plan for the trial
5 to proceed on Tuesday, March 8th. It was
6

7 ***moved and seconded to adopt the proposal of Team Green as our procedure in the event that***
8 ***Mr. Olivetti does not appear for his trial on March 7th.***
9

10 The proposal passed unanimously.
11

12 Team Green is working on guidelines for hearsay evidence, cross-examination, directives for the
13 disposition of documents and electronic records after the trials, and getting coaching guidance
14 for the commission from Mr. Keenan on discerning "clear and convincing" evidence (the
15 standard we have adopted for these trials).
16

17 Mr. Backensto and Mr. Coombs gave further information on notification and communication
18 with IRPC and RPC Lafayette regarding the trial attendance policies (Item A.1,
19 "Recommendations re Trial Attendance & Participation"); the plan anticipates that by February
20 28th, we would receive a finalized list of the names of members who will observe the trial in the
21 two church buildings. That would also be the deadline for a finalized list of RP presbyters whom
22 Synod's Moderator would appoint to observe the trial via Zoom feed. A list of all those allowed
23 to observe the "open" trial sessions was proposed; such observers would sign a policy
24 agreement. Victim families would be able to attend at one of the remote locations (if they are
25 RPCNA members); no witness would be allowed to observe the trial proceedings before giving
26 his or her testimony. There was some discussion about emotional support for some witnesses
27 (i.e., a woman able to sit near them, in the trial room, during executive session testimony); the
28 moderator and clerk should confirm the specifics of this proposal with Mr. Friedly. We agreed
29 that we need feedback from Mr. de Jong and Mr. Neiss on plans for the remote locations before
30 finalizing some of these matters; this will be put on the 2/15 agenda.
31

32 The clerk reported on the issuance of summonses (or "requests" to those who are not RPCNA
33 members) to trial witnesses specified by the Prosecution for the two trials: a total of 45 were
34 issued to 28 persons; all but four individuals have confirmed their receipt of the documents thus
35 far. If any witness fails to respond, the documents will be sent by certified mail. Summonses
36 have been issued to the four elders (Mr. Carr, Mr. Larson, Mr. Magill, and Mr. Olivetti) for their
37 respective trials; to date, all but Mr. Larson have confirmed their receipt.
38

39 The moderator noted that he expects further clarification from Mr. Friedly regarding deposition
40 testimony, emotional support, need for executive session, etc., by next week. In discussion with
41 Mr. Borg and Mr. Friedly today, they clarified to Mr. Wing that the only use that the Prosecution
42 intends to make of the civil documents will be with reference to specific facts acknowledged by
43 all parties (i.e., not disputed) in the original civil trial of the Minor offender. Those items are
44 included in their list of stipulated facts, and they have no intention of referring to the public
45 documents regarding any other facts. They indicated to him that they no longer intend to use
46 public civil documents to present accusations relating to allegations that abuse took place after

1 April 2020. Therefore, the moderator is inclined to recommend that we admit the civil
2 documents for purposes limited to this scope (i.e., to give evidence only to facts acknowledged
3 by all parties in the original civil trial proceedings). There was discussion of various aspects of
4 the civil documents, including whether these documents reliably establish the allegations made
5 against the elders. The moderator's understanding is that the points the prosecution seeks to
6 establish with these documents are matters that the defendants will not contest. The
7 understanding is that our approval of these documents would be limited to matters not in dispute
8 in the court's decisions if we approve the use of these documents. We agreed to defer final
9 action on admitting the civil documents until next week.

10
11 We further discussed the technical and practical considerations around giving a Zoom feed of the
12 trial to the two area churches. On the one hand, the public aspect of the allegations seems to
13 justify permitting observers to watch the non-executive sessions of the trial; on the other, our
14 experience up to this point raises serious concern that anything seen semi-publicly in the Zoom
15 feed will quickly make its way, out of context, into the news media. We are still struggling with
16 the best way to proceed in the face of these opposing realities.

17
18 Mr. David Hanson, who has been summoned as a witness in both trials, wrote to the clerk to
19 express concerns about the publicity surrounding the trial and to ask questions about (1) who
20 would be present for his testimony and (2) how media access to the trial will be controlled. After
21 further discussion, Mr. Wing agreed that he would investigate a concern voiced by Mr. Hanson,
22 and once that is addressed, Mr. Fisher will reply to Mr. Hanson.

23
24 Mr. Wing received an inquiry from Mr. Adam Kuehner, clerk of Great Lakes-Gulf presbytery,
25 regarding upcoming presbytery meetings. He was inquiring as to the question of whether Mr.
26 Olivetti, who per our prior action is required to refrain from the exercise of his office pending
27 trial, would be able to have the privileges normally accorded to him in these meetings. The
28 general sense of the commission members is that the "exercise of office" would include the
29 laying on of hands and the privileges of the floor normally given to RP elders. Mr. Wing will
30 respond to Mr. Kuehner that this is our understanding of the situation, although ultimately, this is
31 a decision that the presbytery itself would need to make.

32
33 We agreed by common consent to adjourn. Our next meeting is scheduled for February 15th at
34 6:30 pm. Mr. Backensto led us in prayer, adjourning the meeting at 8:30 pm.

35
36 Respectfully submitted,

37
38 Keith M. Wing
39 Moderator

40
41 Thomas A. Fisher
42 Clerk

43
44

1 February 15, 2022 *Via Zoom teleconference* 6:30 pm EST

2

3 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
4 Moore, Tom Pinson, and Keith Wing (moderator). Also attending were Mr. Micah Ramsey and
5 Mr. Andrew Silva, our alternate commissioners. Mr. Pinson called our meeting to order with a
6 brief meditation on Psalm 34, reminding us of the blessing of experiencing the goodness of the
7 Lord. Mr. Wing gave us a brief update on his wife's health. Mr. Coombs led us in prayer,
8 constituting the commission meeting.

9

10 The minutes of the February 8th meeting, previously distributed, were approved by common
11 consent.

12

13 Mr. Keenan could not join us this evening, but Mr. Wing provided us with an update on the
14 stipulation and mediation processes. Mr. Keenan and Mr. Wing had a meeting late last week
15 with Mr. Larson (acting as a proxy for all of the elders) and Mr. Friedly; the meeting was
16 pleasant, and the moderator sent us a summary. Mr. Larson indicated a desire for a conference
17 with all of the parties prior to mediation; Mr. Wing and Mr. Keenan indicated that the kind of
18 exchange he described was what the SJC has been trying to initiate with the elders for some time
19 under the mediation framework. They urged Mr. Larson that the elders should take part in the
20 stipulation process in order to commence mediation; he agreed to bring this request to the other
21 men. He also brought up some of the current complications the elders are dealing with; these are
22 the constant media attention and the civil action initiated against them and Immanuel
23 RPC. Their civil counsel has advised them not to acknowledge anything in the ecclesiastical
24 proceedings because of concern that this information could be used to their disadvantage in a
25 civil proceeding. He renewed their request for dialogue. Since that meeting, Mr. Keenan has
26 reported that there has been no engagement from them on the stipulation/mediation process.

27

28 We had initially set 2/11 as the deadline for completion of mediation for the Olivetti trial; in
29 discussion with Mr. Larson, Mr. Wing offered to push that date back to February 25th. If Mr.
30 Keenan could get them engaged, there would be a possibility of avoiding a trial, but real progress
31 would be needed to think that the first trial could be pushed off. Mr. Wing felt this had been
32 adequately communicated to Mr. Larson. Mr. Friedly seemed to indicate a willingness to
33 entertain the possibility that mediation/stipulation could lead to modification or reduction of
34 charges. Today Mr. Keenan reported that there's been no change in stipulation/mediation
35 because the elders remain reluctant to acknowledge anything.

36

37 By common consent, February 25th was set as the deadline to complete the mediated process for
38 the Olivetti trial.

39

40 The church's insurance attorney is urging the defendants not to acknowledge anything and not to
41 participate in an ecclesiastical trial. There was some discussion on whether a settlement
42 agreement or proceedings conducted in executive session would be regarded as discoverable in a
43 civil process. We discussed the question of recording/documenting proceedings that are
44 conducted during executive sessions and the consequences of that approach. Regarding the live-
45 streaming sites, Mr. Backensto reported that Nick Wang has confirmed that time-delayed
46 transmission of the video feed is technically possible. We discussed various other ideas: The

1 feedback from the two churches regarding live streaming has been mixed. Would both sides be
2 willing to waive the right of appeal if the proceedings were conducted entirely in executive
3 session so that perhaps no record would need to be kept? Might it be possible to retain records
4 temporarily, long enough to preserve the right of appeal (an intent to appeal must be filed within
5 30 days of the deliverance of a verdict)? Could we conduct the entire trial in executive session
6 but provide a live stream of the opening and closing statements?
7

8 The elders have renewed a request for a "brotherly dialogue" with the full SJC, but they have not
9 been willing to participate in mediation or stipulation so far. Given this, there was considerable
10 reluctance to the idea of initiating another discussion without movement towards mediation on
11 the part of the elders. It was noted that we understand the brotherly dialogue to be integral to the
12 mediation process. This is still accessible to them if they would participate to some degree. The
13 Moderator was directed, by common consent, to communicate this to the IRPC elders.
14

15 The Moderator explained that there had been a misunderstanding with RPC Lafayette (RPCL)
16 regarding whether individuals in that congregation who have initiated a civil action in the IRPC
17 matter followed 1 Corinthians 6 (BoD Introduction, E-2). Mr. Wing was seeking to understand
18 what had taken place in the situation, but it now appears that Mr. Niess inferred from their
19 conversation that the SJC is considering action against the RPCL session in this matter. This
20 was not in view, and Mr. Wing plans to apologize for the miscommunication. We discussed
21 whether questions around the propriety of the civil action fall within the scope of our work. On
22 the one hand, this civil action has become a considerable impediment in the church's pursuit of
23 discipline, but it was not in view when Synod assumed original jurisdiction. Some felt that we
24 should at least offer brotherly counsel to the Lafayette session to encourage them to examine
25 whether our Book of Discipline was followed. The commission was comfortable having Mr.
26 Wing speak informally with Mr. Neiss to understand the situation better. There was a lack of
27 consensus on the question of whether this issue would be directly included under our remit.
28

29 Mr. Backensto noted that he has written to Mr. Neiss asking for more information about the facts
30 and circumstances related to the litigation.
31

32 [Clerk's note: Mr. Keenan has been put in touch with an attorney who represents the Immanuel
33 church and elders in the previously-mentioned civil matter. Technically it appears that what has
34 been filed is a "writ" to protect the family's right to pursue litigation before a two-year statute of
35 limitations on civil action expires. The RPCNA has an insurance policy that also covers
36 presbytery matters, and Mr. Keenan has been put in touch with the insurance attorney assigned to
37 the case. The Immanuel attorney has also contacted the insurance attorney to discuss a possible
38 agreement to extend the statute of limitations ("tolling agreement") and a joint defense
39 agreement.]
40

41 We returned to discussing some of the interrelated matters noted by Mr. Larson as impediments
42 to their participation in the trial. Mr. Larson has indicated that the media circus, in particular,
43 has made others unwilling to act as their ecclesiastical Defense counsel; they have been turned
44 down by everyone they have approached. We discussed whether this matter ought to affect the
45 process before us? We noted some of the factors that would lead them to withdraw from the

1 process. It has been disappointing that they have preferred the guidance of their civil attorney
2 over ours.

3
4 We moved to the Coombs/Backensto's subcommittee addressing trial logistics. Initially, we had
5 been working with the expectation that this would be a trial that would include both Prosecution
6 and Defense; does the likelihood that the defendants will not participate change anything? The
7 desire to bring peace to the GLG presbytery seems less likely to be fulfilled if the trial includes
8 Prosecution but no Defense. The non-participation of the elders impedes our ability to carry out
9 the judicial process and the mediation process.

10
11 It was moved and seconded that,

12
13 ***we inform the defendants that if they show up for trial, it will be conducted in its entirety in***
14 ***executive session; otherwise, the non-confidential portions would be live-streamed.***

15
16 There was discussion regarding Prosecution input; it was agreed that the prosecution should have
17 input. The main concern about the proceedings being public comes from the defendants. It was
18 noted that the goal of the motion was to make it more attractive for the defendants to participate
19 in the trial.

20
21 It was moved and seconded

22
23 ***that this motion be laid on the table to permit time to determine whether the Prosecution***
24 ***agrees and whether the proposed action is helpful to the defendants.***

25
26 There was further discussion of the possibility that we might live-stream the opening and closing
27 statements only.

28
29 The motion to table was approved unanimously. It was noted that if the motion is taken from the
30 table in the future, related matters probably need to be added.

31
32 The Moderator passed the gavel to Mr. Backensto so that he could offer the following motion,
33 which was seconded:

34
35 ***The SJC will allow limited references to information from official civil and public documents***
36 ***(listed as evidence) directly related to this matter which were legally acquired or properly***
37 ***conveyed from civil authorities. At all times, whether in these documents or any other, the***
38 ***names of all minors will be redacted. If any reference is made to an event involving a minor,***
39 ***an alias that is not identifiable to the individual will be used. The use of these documents and***
40 ***information contained therein will be solely focused on facts established by the civil***
41 ***authorities and agreed by all parties in the civil case. References to allegations of abuse will be***
42 ***allowed if stipulated by the Defense or if there is evidence of prior acknowledgment by the***
43 ***Defense/defendant(s) in an SJC case.***

44
45 There was considerable discussion of the motion. The motion refers to the three documents
46 previously submitted by the prosecutors for admission at trial and shared with the

1 defendants. The goal of admitting these documents is to minimize the Prosecution's need to
2 bring forward witnesses to testify to painful details; these details are available in the civil
3 documents. We discussed the trajectory of our thinking since the pre-trial hearings in
4 considering the admission of civil documents. The question of "prior acknowledgment" was
5 discussed at some length. Mr. Wing's understanding from the Prosecution is that this motion
6 would not, for example, apply to a *contested* point such as the matter of the correspondence
7 between the Olivettis ██████████ and the investigators (reviewed previously by the SJC). Matters
8 already agreed/validated by a defendant would be allowed as evidence under this motion. All of
9 the existing criteria for evidence from the BoD and the commission (e.g., evidentiary standards)
10 would still apply to this evidence.

11
12 The motion was approved 4-1-1 (the Moderator *pro tem* did not vote).

13
14 Mr. Backensto returned the gavel to Mr. Wing.

15
16 We turned to a request from a witness, Mr. David Hanson, who has asked that he be excused
17 from giving testimony because he believes that his testimony is protected as pastoral counsel. It
18 was agreed by common consent that as he is a Prosecution witness, the Clerk should forward his
19 request to the Prosecution for their input.

20
21 The clerk reported that all the witnesses summoned had confirmed receipt of their summonses,
22 and all but one of the defendants has acknowledged his summons. It was noted that the
23 Prosecution had identified several of its witnesses who will need to testify in executive
24 session. For the women, they have asked that we permit a woman to be present during their
25 testimony for emotional support since we will have a room otherwise full of men. There was a
26 question as to why, as we have approved the civil documents for use, there would still be
27 witnesses needing emotional support. The moderator explained that the civil documents will
28 reduce the testimony needed from these witnesses; others not summoned would need to be
29 summoned if the documents were not admitted.

30
31 The emotional support person would need to remain in executive session and be a member of the
32 RPCNA. It was moved and seconded

33
34 ***that we allow the Prosecution to provide an emotional support person to be available in***
35 ***executive sessions; she would need to be a member of the RPCNA.***

36
37 The motion passed unanimously. It was moved and seconded

38
39 ***to direct the Prosecution to submit the name of their designated support person to the SJC***
40 ***prior to trial, with the person for the Olivetti trial being identified by February 28th. The***
41 ***individual would need to sign the same agreement as others.***

42
43 The motion passed unanimously.

44
45 ***It was moved and seconded that the time allotted for the Prosecution's trial presentation will***
46 ***be the same if no Defense is present.***

1
2 The motion passed unanimously.

3
4 It was moved and seconded to extend the adjournment time by 20 minutes; this was adopted
5 without objection.

6
7 The question was raised as to whether, hypothetically, a defendant would be permitted to send
8 counsel to participate in the trial proceedings, even if the defendant did not appear. The intent
9 would be to avoid a trial in which no defense is offered. The moderator asked the members to
10 consider this question, including the constitutional aspects, and discuss it further next week.

11
12 Mr. Backensto provided a venue update; he has contacted Courtyard by Marriott
13 Lafayette. There is a Purdue event on the week of the scheduled Olivetti trial, so there is some
14 urgency in finalizing a booking for hotel rooms and a space large enough to hold the trial; the
15 estimated total cost for the week is \$10-12K. In the event of a need to cancel, we might be able
16 to negotiate to pay only for items that the hotel cannot rebook. Given the urgency of securing a
17 venue and the fact that, at present, we do not see a mediation situation likely to lead to a
18 postponement of the trial, it was moved and seconded

19
20 ***to direct Mr. Backensto to secure arrangements during the week of March 7th for the venue***
21 ***identified.***

22
23 The motion passed.

24
25 Our next meeting is scheduled for February 22nd at 6:30 pm. Mr. Backensto led us in prayer,
26 adjourning the meeting at 9:20 pm.

27
28 Respectfully submitted,

29
30 Keith M. Wing
31 Moderator

30 Thomas A. Fisher
31 Clerk

32

33

34

35

36 February 22, 2022

Via Zoom teleconference

6:30 pm EST

37

38 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
39 Moore, Tom Pinson, and Keith Wing (moderator). Also attending were Mr. Micah Ramsey and
40 Mr. Andrew Silva, our alternate commissioners. Mr. Wing called our meeting to order with a
41 brief meditation on Psalm 145:13-19, reflecting on God's nearness, his faithfulness in bearing us
42 up, his sovereignty, and the everlasting nature of his kingdom. Mr. Bower led us in prayer,
43 constituting this meeting of the commission.

44

45 The minutes of the February 15th meeting were approved by common consent.

1
2 Mr. Keenan could not join us this evening. Mr. Wing gave us an update: both sides have agreed
3 to participate in a mediation dialogue (all defendants and prosecutors will take part), at which no
4 notes will be taken. There may be a summary of points of agreement at the end. They plan to
5 meet later this week. We previously set this Friday, February 25th, as the deadline for
6 mediation. Pastor Wade Mann has agreed to join as an adviser/shepherd to the four elders and as
7 the point of contact for the mediation process. Mr. Wing remains hopeful and prayerful that
8 some progress will be made in the mediation/stipulation process. He asked whether there were
9 any questions about documents recently circulated from Mr. Keenan. He confirmed that he had
10 directed Mr. Keenan to continue to pursue the mediation process for as long as the participants
11 are willing to take part.

12
13 The moderator mentioned a letter sent to the GLG Shepherding committee (and apparently to
14 some other men in the GLG presbytery) for IRPC from the attorney assigned to the
15 denomination by the denomination's liability insurer. It provides instructions not to delete or
16 otherwise destroy any records relating to the IRPC matter. We have not received this
17 communication but may be included in such directives at some future time. The moderator
18 encouraged us to keep copies of any related communications.

19
20 Mr. Wing noted that a ten-page letter had been sent to an unknown list of RPCNA elders [Clerk's
21 note: at least one student under care, listed in the Minutes of Synod as a stated supply, also
22 received it, so it appears to have been distributed via e-mail addresses from Synod
23 Minutes]. The letter is from an anonymous group of members of Immanuel RPC and expresses
24 several complaints, some of which appear inaccurate. It asserts that some mitigating factors in
25 the situation have not been disclosed and expresses objections to actions taken by the GLG
26 Immanuel Commission and the SJC. The moderator asked whether the commission should offer
27 any response to the letter. Comments offered noted the problem of responding to anonymous
28 allegations and the letter's tone of frustration and anger. There was not a sense that we ought to
29 interact with these allegations at this time.

30
31 Our moderator has drafted a letter for distribution to the Synod that notes some of the troubling
32 and divisive actions that have taken place in the wake of this case, including leaks to the media,
33 the spread of gossip in some cases, and especially, the growing suspicion and division among
34 brethren that has developed in recent months. Our general response to the draft is favorable.
35 Some noted that not everyone in the denomination is familiar with the Immanuel situation, and
36 more clarification/context probably needs to be provided so that all recipients can grasp the
37 letter's purpose. There was some interest in making the letter shorter and more focused. Mr.
38 Pinson offered to help Mr. Wing edit the document.

39
40 We took up a discussion of input from the Coombs/Backensto sub-committee on trial
41 logistics. The first item was the possibility of holding the entire trial in executive
42 sessions. There was some revisiting of input from various parties involved with the case.

43
44 We also discussed the logistics associated with bailiffs; we've been encouraged to pursue hiring
45 off-duty police officers as bailiffs for the trial location and the two church locations. The SJC
46 could hire the bailiffs sent to the churches or could have the churches hire them themselves. We

1 discussed the pros and cons of those two approaches; the primary difference would be the matter
2 of who would direct/supervise the bailiffs functioning at the remote locations. It seems easier to
3 have the churches hire and oversee the bailiffs (with reimbursement from the Synod), relying on
4 the local church elders to manage the process of confirming the identity of those who attend the
5 live-streamed sessions; an advantage of having the commission direct the bailiffs is the ability to
6 emphasize the directions that we consider most critical. The moderator recommends that we lay
7 out in detail for the congregations the rules that we would like them to enforce; we encourage
8 them to use bailiffs, but there was an inclination to leave the logistics for each location to the
9 respective elders.

10
11 We discussed a draft announcement intended to be read to the congregations announcing the live
12 streams and the terms of attendance. A suggestion was offered that the announcement should
13 state clearly that the trial will be live-streamed except for sensitive portions conducted in
14 executive sessions. It was suggested that the "Terms and Responsibilities" include an
15 affirmation that attendees will not disclose the trial proceedings to news or internet media. The
16 question of whether a deadly weapons restriction will be included in the terms still seems to be
17 open. Two versions of the terms, one for attendees in a church, and one for those present in the
18 trial room, would cover the need to give location-appropriate instructions regarding who is
19 authorized to remove disorderly persons. We agreed that the sub-committee should proceed with
20 its work, taking into consideration the input provided on the announcement and the terms and
21 responsibilities.

22
23 The moderator relayed correspondence from the Moderator of Synod, who inquired whether it
24 was necessary to limit the number of Synod observers to six men. Not all men assigned will be
25 able to attend all of the sessions, and Mr. Parnell also conveyed the thought that a matter of *fama*
26 *clamosa* should be tried in as open a forum as the specific circumstances permit. Following
27 some discussion, our moderator suggested that we wait until Mr. Parnell can provide a list of
28 men and determine how long it is.

29
30 The moderator provided an opportunity for the motion tabled last week to be removed from the
31 table at this meeting. The moderator noted that he had asked Mr. Larson whether the defendants
32 would be more comfortable taking part in the trial process if the defense portion of the trial could
33 be conducted in executive session; there has been no reply so far. The moderator noted that at
34 present, the action taking place is not a lawsuit but a "civil action." It was filed against
35 Immanuel RPC to force the session into a "process of reconciliation and restitution." It's not
36 clear at this time what the plaintiffs desire, but it appears that they are seeking compensation for
37 expenses arising from alleged wrongdoings. No desire was expressed to remove the motion
38 from the table at this time.

39
40 The moderator noted that we had informed the Prosecution and Defense about the limitations on
41 disclosing any minor identities outside of executive sessions.

42
43 The clerk noted that Mr. Olivetti and all of the witnesses summoned for his trial had
44 acknowledged receipt of their summonses. The clerk has asked the Prosecution whether they
45 have scheduled depositions needed for the Olivetti trial and whether they anticipate any remote
46 "live" testimony to be given for that trial; no response has been received at this time. When we

1 finalize the trial schedule, we will need to inform the remote viewers so that they know the
2 approximate times during which we expect to have open sessions.

3
4 We received a communication from Mr. David Hanson regarding the letter previously noted,
5 sent by the attorney for the denomination's liability insurer. He asks for the commission's
6 guidance concerning the letter. The letter instructs those who have received it not to discuss the
7 "incident" with anyone other than counsel. [Clerk's note: as explained by Mr. Keenan in a recent
8 message, a failure to follow the guidance of the insurer's attorney risks the possibility that the
9 liability insurer will consequently refuse to cover the cost of the claims] The sense of the
10 Commission is that accusers are allowed to call witnesses, and witnesses are directed to tell the
11 whole truth; Mr. Hanson will need to be guided by his own conscience on how he chooses to
12 testify. The clerk will reply for the commission accordingly.

13
14 The clerk had previously circulated a proposed list of directions/instructions that would be sent
15 to witnesses before the trial to make them aware of what will be expected of them and the rules
16 pertaining to their testimony. Members were asked to provide feedback/input on these
17 instructions by the end of February.

18
19 We took up the prosecutors' request for the SJC to consider impact statements from victim
20 families. There was considerable discussion of the place of such statements; they would not
21 seem to relate directly to determining guilt but might be relevant to sentencing. It would be
22 premature to solicit documents that would be relevant only in the event that a guilty verdict is
23 reached; there may or may not be a place for such documents. If the prosecution wishes to have
24 such documents, they may, but they should be careful not to solicit them selectively. We have
25 no objection to the prosecution's gathering such documents, but we cannot indicate whether they
26 will have a place in the proceedings. The consensus is that we are not taking a position on
27 impact statements, and there should be no representation to the families as to how such
28 statements will be used because we do not yet know. The clerk will convey the sense of the
29 commission's response to the prosecutors.

30
31 The clerk noted that he had just received a message from Mr. Bill Roberts stating that he had
32 received the letter from the liability company attorney. Mr. Roberts asked to be excused from
33 giving testimony in the trial of the ruling elders. The clerk was directed to respond along the
34 lines of the response to Mr. Hanson.

35
36 The moderator gave the gavel to Mr. Backensto to discuss a matter. Mr. Wing wished to discuss
37 the fact that his personal situation, given the present frailty of his wife's health, makes it seem
38 unlikely that he will be able to be away for the trial scheduled for the week of March 7th. In that
39 light, he desired for the commission to establish a contingency plan. Following discussion, it
40 was moved and seconded

41
42 ***that in light of the moderator's current situation, Brian Coombs will serve as moderator pro***
43 ***tem in the event that Mr. Wing cannot attend the March 7th trial.***

44
45 The motion was carried by common consent.

46

1 It was moved and seconded

2

3 ***that if it becomes necessary for Mr. Coombs to take up the role of moderator pro tem during***
4 ***the Olivetti trial, Mr. Wing would function in an advisory role to the moderator and would be***
5 ***able to view the trial proceedings via Zoom when his circumstances leave him free to do so.***

6

7 The rationale for this motion is that Mr. Wing has a great store of knowledge of the events
8 leading up to this point and we value having access to his input during the trial. Following
9 discussion, the motion was approved by common consent.

10

11 It was moved and seconded

12

13 ***that in the event that Mr. Wing is unable to attend the March 7th trial, Mr. Micah Ramsey***
14 ***would be seated to serve on the commission as alternate commissioner during the trial.***

15

16 It was clarified that these motions pertain to the March 7th trial itself. We noted that during the
17 executive sessions, a second Zoom meeting could be established to permit Mr. Wing (only) to
18 have access to the proceedings. Following discussion and clarification of details, there were no
19 objections, and the motion was approved by common consent.

20

21 Mr. Backensto returned the gavel to Mr. Wing.

22

23 The moderator inquired whether there were any progress reports from Team Blue or Team
24 Green. Mr. Backensto reported that he had secured information about the cost and availability of
25 a stenographer; his plan is now to hire a stenographer to transcribe the proceedings. A question
26 was raised regarding how quickly the stenographic record becomes available after the
27 proceedings; Mr. Backensto agreed to follow up on this question.

28

29 The moderator previously shared information from Mr. Keenan regarding the rationale for
30 classifying some evidence as "hearsay" and for excluding some categories of hearsay while
31 permitting others. Mr. Wing had culled the information from Mr. Keenan into a brief for the
32 commission on hearsay evidence. We understand that hearsay evidence cannot stand
33 independently but might be regarded as corroborative of more substantive evidence. He asked
34 the commission to review this document and offer comments/suggestions for modifications. In
35 the end, we will have to examine specific testimony on a case-by-case basis.

36

37 The moderator noted that he and the clerk are still working on a policy/directive regarding the
38 disposition of evidence after the trials are over. This may or may not be completed before the
39 first trial.

40

41 We discussed whether internet access would be available for those in the trial room. We also
42 discussed whether the counsels should be instructed to provide paper copies of the evidence for
43 the commission members during the trial. The clerk will ask the counsel what the expected
44 volume of evidence copies will be, i.e., how much of the evidence will be written? The clerk was
45 also asked to obtain further information from the prosecution regarding their intended use of
46 projection during the trial.

1
2 Our next meeting is scheduled for March 1st at 6:30 pm. Mr. Fisher led us in prayer, adjourning
3 the meeting at 8:40 pm.

4
5 Respectfully submitted,

6
7 Keith M. Wing

8 Moderator

9
10 Thomas A. Fisher

11 Clerk

12 February 24, 2022

13 *Via Zoom teleconference*

14 5:00 pm EST

15 Members present: Bruce Backensto, John Bower (Mr. Backensto and Mr. Bower attended by
16 phone), Brian Coombs, Thomas Fisher (clerk), Kelly Moore, Tom Pinson, and Keith Wing
17 (moderator). Also attending were Mr. Micah Ramsey, one of our alternate commissioners, and
18 Mr. Rob Keenan, our legal adviser. Mr. Wing called our meeting to order by reminding us that
19 Jesus Christ is the same yesterday, today, and forever. He led us in prayer, constituting the
20 meeting.

21 The moderator called the meeting to address a time-sensitive matter that arose today as a result
22 of an e-mail received by Mr. Keenan from Emily Edmundson, the attorney assigned by the
23 RPCNA's liability insurer to represent our denomination and the GLG presbytery in a civil
24 matter that has arisen against Immanuel RPC from a victim family. After consulting with the
25 attorneys representing the Immanuel elders and other parties on the RPCNA side of the legal
26 action, Ms. Edmundson wrote to ask that the four elders temporarily "refrain from conducting
27 meetings or discussion in preparation for, or related to, the Ecclesiastical mediation and
28 investigation." She explained that there is a civil mediation scheduled for March 1 -2, after
29 which she is hopeful that the civil matter will be fully resolved. For this reason, she requested a
30 temporary halt of our mediation/stipulation proceedings.

31
32 Our moderator proposed that we have at least three options:

33 (1) Proceed with scheduled mediation tonight and tomorrow despite this request.

34 (2) Postpone our mediation/stipulation process under the expectation that the civil mediation will
35 be completed by March 2nd.

36 (3) Decline to extend the mediation deadline (February 25th) established some time ago and
37 permit the mediation process to cease if the deadline is not met.

38
39 Mr. Keenan provided further clarification for the commission. We believed in early December
40 that the civil matter involving Immanuel was a lawsuit, implying that there was legal action
41 being taken to seek monetary damages. As the situation has become clearer, he understands that
42 the civil matter is a pending pre-litigation insurance claim against Immanuel RPC, initiated by a
43 victim's family. His understanding from Ms. Edmundson and Mr. Tatum (representing IRPC) is
44 that the litigants primarily seek reconciliation rather than financial damages. Ms. Edmundson
45 sent "legal hold" notices to several GLG elders, asking (among other things) that they refrain

1 from discussing Immanuel matters with anyone other than the legal counsel for IRPC, the
2 presbytery, or the Synod. Compliance with this directive would include not participating in a
3 process like ecclesiastical mediation or stipulation of facts.
4

5 In this light, our insurance company's attorney is asking us to delay our mediation/stipulation
6 process until after the completion of the March 1-2 civil mediation. She and Mr. Tatum have a
7 high degree of confidence that it can be resolved by the morning of March 2nd. She confirmed
8 to Mr. Keenan that the lawyers involved had done considerable work to get the pertinent
9 documents out to the mediators prior to the mediation meeting, and they are hopeful of a timely
10 resolution. She is not asking us to postpone either trial. Rather, she is asking that we delay
11 ecclesiastical mediation for long enough that no notes or other items from that activity could
12 become discoverable in the legal process before the civil matter is resolved (hopefully through
13 mediation). The benefit of this for our work is that resolving this family's complaint could serve
14 as a template for further mediation sought in our work. Mr. Keenan had scheduled mediation
15 sessions with the parties tonight and tomorrow morning. While it appears that there might have
16 been some tactical back-and-forth in the defendant's activities concerning the two mediation
17 efforts (civil and ecclesiastical), Mr. Keenan recommends postponing our mediation. He thinks
18 we should respect Ms. Edmundson's request to facilitate gaining peace between the elders and a
19 significant victim family and possibly, attaining simplification of the adjudication of the
20 ecclesiastical cases formed against Mr. Olivetti and the ruling elders.
21

22 After some discussion, it was moved and seconded that
23

24 ***the deadline for completing the mediation/stipulation process for Mr. Olivetti's case is***
25 ***postponed to March 4th at 5 pm.***
26

27 There was considerable discussion, reflecting both our desire to provide every opportunity for
28 mediation to succeed and our frustration that delays from the defendants have seemed to impede
29 the advancement of the ecclesiastical mediation/stipulation process. It was noted that Mr.
30 Olivetti's trial is still scheduled for March 7th; if mediation does not resolve the case, the trial will
31 proceed. Mr. Keenan indicated that we will be informed of the outcome of the civil mediation
32 process when it concludes.
33

34 The motion was approved by a vote of 6 to 1.
35

36 Mr. Keenan was excused from the meeting at 5:40, with the commission's thanks.
37

38 The moderator asked whether there were any matters requiring discussion that could not wait
39 until our next regular meeting. Mr. Backensto reported that he has pursued getting stenographic
40 support for the upcoming trial, but he is finding obstacles to getting such support, and apparently
41 a stenographer will not necessarily produce a full written record within a day. It was agreed by
42 common consent that the use of electronic transcription (with subsequent proofreading) will
43 suffice.
44

45 The time for adjournment having arrived, Mr. Pinson led us in prayer, adjourning the meeting at
46 5:45 pm.

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Respectfully submitted,

Keith M. Wing
Moderator

Thomas A. Fisher
Clerk

March 1, 2022

Via Zoom teleconference

6:30 pm EST

Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly Moore, Tom Pinson, and Keith Wing (moderator). Also attending were Mr. Micah Ramsey and Mr. Andrew Silva, our alternate commissioners, and Mr. Rob Keenan, our legal advisor. Mr. Moore called our meeting to order with a brief meditation from John 16:4-11, reminding us that God is Spirit, which enables us to walk in righteousness and to worship. Mr. Backensto led us in prayer, constituting this meeting of the commission.

The minutes of the February 22nd and 24th meetings, revised via e-mail, were approved by common consent.

Mr. Keenan gave us a brief update on the pre-litigation mediation that took place today (between IRPC and a victim family) via Emily Edmundson, the denomination's insurance lawyer. To his surprise, the focus of today's mediation involved only financial settlement and did not address reconciliation; confidentiality agreements protect the details. She indicated that we could go forward with both mediation and trial. She is working on new "legal hold" letters to be sent to various individuals that will free them to participate in ecclesiastical mediation and trial. Mr. Keenan was disappointed by this outcome as he had hoped the civil mediation might have provided a framework for broader reconciliation. Before speaking with Ms. Edmondson, he talked to Mr. Wade Mann, who has been an advisor (but not ecclesiastical counsel) to Mr. Olivetti in the pre-litigation mediation. Mr. Mann was concerned about why the mediation he was to participate in (this coming Thursday/Friday) was limited to himself and Mr. Olivetti and did not include the other elders. Mr. Keenan explained that this mediation needs to focus on Mr. Olivetti, given the short timeline between now and Mr. Olivetti's trial. Mr. Mann asked whether the other elders could attend, and Mr. Keenan's initial response was no. Mr. Keenan was not able to get an answer as to whether Mr. Olivetti will be attending the ecclesiastical mediation planned for this week. Mr. Mann promised to get an answer to this question for Mr. Keenan.

Mr. Keenan's understanding is that the pre-litigation mediation (civil process) is complete except for minor details. The moderator informed Mr. Keenan that if Mr. Olivetti does not participate in mediation this week, it cannot proceed. The other three elders can be present for the process, but Mr. Olivetti would need to participate if it is to proceed.

A further discussion arose as to whether, during the upcoming trial, it would be permissible for a counsel to represent a defendant without the defendant being present. The moderator expressed the opinion that the defendant must be present in order to be defended by counsel during the

1 trial. There was discussion as to whether the language of Book of Discipline II.3.2 and 3 implies
2 otherwise. In the end, the commission took no action on this question, but it may become a live
3 issue for us in the upcoming trial(s).

4
5 Mr. Keenan noted that there might need to be some direction from the commission if someone
6 other than Mr. Olivetti shows up to act on his behalf in one of the upcoming depositions. We
7 agree that there would need to be, at a minimum, some authorization from Mr. Olivetti if he
8 sends counsel to represent him in a deposition. In response to an inquiry about the progress of
9 stipulation, Mr. Keenan indicated that the stipulated material has been in the hands of the
10 Defense for three weeks and that it would be reasonable to expect that there will be a response at
11 the scheduled meeting on Thursday. Mr. Keenan left the meeting at 7:10 pm, with our thanks.

12
13
14 Mr. Backensto gave an update on several logistical matters. The elders of RPCL are very willing
15 for members of IRPC to attend the live feed being made available to their building under the
16 guidelines that we have defined. They ask that we make it clear that we are the entity issuing the
17 guidelines and terms for viewing the feed. The churches have seen an almost-final copy of the
18 draft terms. Mr. Backensto will ask Nick Wang to set up a Zoom account for the SJC's purpose
19 of live-streaming.

20
21 Mr. Backensto reviewed the plans for the trial venue and the caucus rooms/master suites; we will
22 have the Boilermaker room of the hotel [Clerk's note: according to the hotel website, this is a 783
23 SF meeting room, 29 x 17]. Mrs. Backensto will run the transcription software to process the
24 trial segments to be available for the commission's use. The commission (with Mr. Backensto
25 abstaining) will determine a suitable remuneration for her hours. He is still working on finding a
26 bailiff for the trial room. Members may have breakfast in the hotel, charged to their room, if
27 desired; it can be ordered the night before. Lunch will be provided for the commission and trial
28 parties (not for witnesses). Nick Wang will set up everything he needs for live streaming and
29 recording/transcribing; we do not anticipate that amplification will be required. He will be in the
30 room early on Monday to set up his equipment. Mr. Backensto will remind everyone traveling to
31 the site of the meeting location. Mr. Fisher will be renting a car on Monday afternoon and can
32 give rides in the (early) afternoon to others arriving at Indianapolis airport. The hotel will not
33 allow us to provide break snacks, but Mr. Backensto plans to provide water bottles and snacks in
34 the commission hotel rooms.

35
36 Mr. Coombs reviewed with us the communications to be read to the congregations. We have
37 permission from Mr. Niess to invite members of Immanuel RPC to attend the viewing at RPC
38 Lafayette. The announcement of the live feed would need to be conducted on March 6th, and we
39 might encourage the congregations to distribute the announcement by e-mail before March 6th.
40 By the evening of March 6th we will need the roster to provide to RPC Lafayette to use. The
41 notice will be sent to the moderators of the Immanuel RPC and RPC Lafayette congregations,
42 and the Immanuel information will need to be forwarded to RPC Lafayette. Mr. Backensto will
43 forward the sign-up documents to the moderators of both sessions (to be provided by the clerk);
44 we trust that the moderators will know the best way to inform their people of the plans. We will
45 call to their attention the Terms and Responsibilities.

46

1 There will be a roster for each congregation, individual announcements for the Synod observers,
2 and the clerk will distribute the forms to the Prosecutors for the witnesses, who are managing the
3 scheduling of witnesses. Mr. Backensto will convey to Mr. de Jong and Mr. Neiss the
4 importance that members do not communicate this information outside the church and the
5 importance of making sure that only those registered are admitted to the trial viewing area.
6

7 The clerk gave an update on witnesses; an additional witness has been summoned for Trial ##2
8 and has confirmed receipt of her summons. The clerk forwarded to the SJC an e-mail from a
9 witness who is also part of a victim family, in which she expressed concern regarding the
10 protection of her family's identity during the open portions of the trial and asked whether the SJC
11 could order RPCNA members not to give information to others outside the church. We
12 confirmed that there will be a 60-second delay in the live stream feed and that we should instruct
13 the Defense and Prosecution counsels, as well as the Commission itself, to be on the alert to
14 anything that a witness might say during the open session that reveals information about minors.
15 In that event, the Moderator should be alerted immediately so that he can order the live-stream
16 feed to be "cut" before such information is transmitted. The clerk is directed to convey these
17 plans to the counsels.

18 The witness also asked that we issue a gag order to the RPCNA, which we believe is not within
19 our power. We plan to send the moderator's draft letter to admonish the denomination to exercise
20 care in what is discussed.
21

22 Regarding the use of executive sessions, the moderator expects the Prosecutors are planning to
23 group their executive session witnesses together. The clerk will communicate with the
24 Prosecution to confirm this. Mr. Friedly has confirmed that he is scheduling two depositions, and
25 Mr. Moore and Mr. Backensto have been informed of this.
26

27 Regarding plans for the upcoming trial, as the proceedings will be recorded, we will not plan for
28 the clerk to take complete notes during the trial; he will plan to note details like commencement
29 and adjournment times, rulings made that may be relevant in real-time, official actions or votes,
30 and other items that may require quick access during the trial. This will leave him free to give
31 attention with the other members to hearing the case. It was confirmed that during executive
32 sessions, the recording device will be on to preserve an appeal record. There will need to be
33 separate data files for executive and non-executive sessions, and Mr. Backensto will confirm that
34 need to Nick Wang. The clerk will prepare a second summons for Mr. Olivetti to appear on
35 Tuesday morning, March 8th, in case he does not appear on Monday evening. We confirmed that
36 we do not need a video of the executive session, only audio.
37

38 In communication with the Prosecution, they confirmed that there could be a large amount of
39 printed material as evidence, and the Prosecution is concerned about making copies for the entire
40 SJC. We agreed that we will ask the Prosecution to prepare one copy of all of the written
41 information and to generate a thumb drive containing all of the documents that they present at
42 trial, but only those documents. The Prosecution will need to have overhead projection from their
43 computer, so we need to provide a screen for projection purposes. They plan to use projection to
44 present some evidence to us (properly redacted, as we previously directed). The clerk will
45 communicate with the Prosecution regarding evidence.
46

1 The clerk will be sending out to witnesses the prepared list of instructions, along with the "Terms
2 and Responsibilities" that they will be expected to sign. The witnesses will need to be told the
3 location of the trial. We will direct the Prosecution to tell the witnesses that the trial will be held
4 "in the West Lafayette vicinity," but ask that they withhold the actual trial location until a couple
5 of days before the trial. If possible, we wish to minimize opportunities for the trial location
6 information to slip into the hands of the news media.

7
8 We discussed the portion of the Terms and Responsibilities relating to disclosure. After some
9 discussion, it was agreed that we would modify the terms to limit disclosure until the entire
10 judicial process (including appeals if they take place) has been completed. Thus we would not
11 require a "perpetual silence," but only one that permits the judicial process to proceed without
12 having material "leaked" into various media before adjudication is final. We confirmed that we
13 will not put a firearm restriction into the Terms; if RPCL has a policy on this, they are free to
14 apply it.

15
16 We discussed plans for next week; Mr. Wing will view the proceedings over Zoom. If he needs
17 to communicate with the SJC, he would need to do this via Mrs. Backensto or some other
18 designated person who will be receiving communications for persons inside the trial room. The
19 details for this still need to be finalized.

20
21 Mr. Parnell has named three men who can be Synod observers to the Olivetti trial: George
22 Gregory, Drew Poplin, and Stephen Work; he has identified five to observe the second trial. He
23 had hoped to have more but could not find men who could make such a substantial time
24 commitment. Two men are planning to observe both trials. Mr. Wing will share the contact
25 information for these men with Mr. Fisher, Mr. Coombs, and Mr. Backensto so that needed
26 communication can be done.

27
28 The moderator distributed to the SJC some trial guidelines for cross-examination, as well as
29 some proposed answers to questions raised by the Prosecution. The Prosecution asked what
30 evidence can be used if a witness fails to show up, and in this instance the standard rules
31 regarding the admissibility of evidence would apply. We also noted that in the context of the
32 trial, although members of the commission are likely to have pre-existing social relationships
33 with some of those who will be present, the commissioners and other participants will need to be
34 careful to preserve the formality of the proceedings. The Prosecution has asked whether the
35 evidence from the first trial applies to the second trial; since jurors may be different, and the
36 details of the cases are separate, the moderator's view is that the cases will need to be proved
37 separately in each trial.

38
39 The letter prepared by the moderator to the denomination has been modified with assistance from
40 Mr. Pinson; he is open to suggestions and plans to release it on Thursday.

41
42 We discussed contingency plans for what we will do if a witness fails to appear after being
43 summoned. We agreed that if this happens, we would note the matter for the record, including
44 that we will need to determine their reason for absence to determine a potential plan of action.
45 We discussed whether a "dry run" is required; timing probably prohibits that, but the moderator
46 and the moderator *pro tem* will get together to discuss preparations.

1
2 The moderator sent out a set of suggested guidelines for hearsay evidence. These are not hard
3 and fast but are for our guidance; depending on circumstances, we may need to raise points of
4 order to address improper evidence and would need to make judgments on a case-by-case basis.
5 He also provided some guidance regarding cross-examination; the moderator plans to distribute
6 these documents as guidance for the Defense and Prosecution. Mr. Coombs asked the
7 commission members to study these documents before the trial so that we can assist him during
8 the trial.

9
10 The moderator reported that he has not yet finished developing guidance for the disposition of
11 evidence; it is a daunting task and he anticipates that it may not be complete before the second
12 trial.

13
14 A question arose regarding how witnesses have been evaluated as to whether their testimony
15 needs to be given in executive session. Is there value in giving them the explicit opportunity to
16 ask to testify in executive sessions? We will be notifying witnesses of the limitations regarding
17 testimony given during open sessions. It seems wise to communicate to all the witnesses that
18 testimony in executive session is available if their testimony needs to refer to minors. If an
19 unplanned motion for executive session is received and approved, we would need to move into
20 executive session.

21
22 We agreed that it would be wise to make the hotel aware of the need for discretion regarding the
23 conduct of the trial and to alert them to the possibility that, in an extreme case, the authorities
24 might need to be notified if there is a problem. We should make the hotel aware that unexpected
25 people lingering in the area or inquiring about the meeting should be noted. Mr. Backensto will
26 give attention to this and obtain advice about whether there is a need for us to contact the
27 authorities ahead of time. [Clerk's note: we should make sure that the hotel does not, as is
28 sometimes done, post any helpful signs directing people to the "RPCNA meeting," or anything of
29 that nature]

30
31 The moderator noted that there is a sense in which our upcoming work is a form of "bearing one
32 another's burdens," so that we do not lose sight of the expectation that the Lord will give good
33 order and a good outcome from this work for the glory of Christ and the upholding of the truth.
34 He shared that his wife's health has only shown small improvements, so he expects that Mr.
35 Coombs will need to take up the work of moderator *pro tem* at our planned gathering next week.

36
37 Mr. Pinson led us in prayer, adjourning the meeting at 8:34 pm.

38
39 Respectfully submitted,

40
41 Keith M. Wing
42 Moderator

41 Thomas A. Fisher
42 Clerk

43
44
45
46

1 March 7, 2022 Boilermaker Room, Courtyard by Marriott Lafayette 6:00 pm EST

2

3

Session #1 - Trial of Mr. Jared Olivetti

4

5 Members present: Bruce Backensto, John Bower, Brian Coombs (moderator *pro tem*), Thomas
6 Fisher (clerk), Kelly Moore, Tom Pinson, and Mr. Micah Ramsey (alternate commissioner-
7 seated in place of Keith Wing, who was excused due to a family health matter). Also attending
8 was Mr. Rob Keenan, our legal advisor.

9 Prosecutors present: Kyle Borg, Stan Copeland, Joseph Friedly (lead prosecutor), Pete Smith.

10 Audio/Video technician present: Nick Wang.

11

12 The commission gathered for the trial; Mr. Olivetti did not appear at the appointed time. Mr.
13 Ramsey asked the prosecutors whether witnesses had been offered the opportunity to testify in
14 executive session, and Mr. Friedly confirmed that they had.

15

16 A live-streamed video broadcast of the proceedings was started, to which active resident
17 communicant members of the Immanuel RPC and RPC Lafayette had been invited with the
18 broadcast being viewed at the RPC Lafayette building. There were also three members of
19 Synod, appointed by Synod's Moderator, who were given access to the live-streamed portions of
20 the proceedings.

21

22 Mr. Coombs proposed that we wait for Mr. Olivetti for a time in the hope that he would
23 arrive. He explained that a second summons would need to be issued to him if Mr. Olivetti did
24 not appear at this session. He announced that the commission planned to convene tomorrow at
25 7:45 am, and that if Mr. Olivetti does not appear tomorrow, we would follow the directives of
26 our Book of Discipline II.2.4 (page E-11) and hold the trial in his absence. He explained the
27 planned schedule for tomorrow and reminded those in attendance and watching the live stream
28 that they would need to sign the Commission's terms and responsibilities documents each
29 day. He proposed that those observing the proceedings tonight spend the time in individual
30 prayer or scripture reading, as seems best to each person, while we wait in hopes of Mr. Olivetti's
31 arrival.

32

33 We continued in this manner until about 6:23 PM, at which time Mr. Olivetti had not
34 appeared. Mr. Coombs directed that the live stream be ended. Those present other than the
35 commissioners were dismissed for the evening.

36

37 At 6:43 pm, Mr. Coombs constituted the commission meeting with prayer. Noting that Mr.
38 Olivetti had failed to appear, it was moved and seconded

39

40 **to issue a second summons to Mr. Olivetti to appear for trial, to begin tomorrow morning**
41 **at 7:30 am at the same location.**

42

43 Mr. Olivetti had already been previously notified that in the event that he did not appear this
44 evening, the trial would be re-set to start on 3/8/21 and a second summons would be sent per the
45 Book of Discipline. The motion was adopted by common consent. The commission discussed
46 the means of delivering the second summons. It was noted that we have been able to use the

1 same e-mail address successfully for Mr. Olivetti for several months. There was concern
2 expressed about the possibility that Mr. Olivetti's home may be monitored by the news media,
3 and that leaving a document at his home could result in news media following the deliverer to
4 our location and discovering where the trial is being held. The commission agreed by common
5 consent that the clerk is directed to e-mail a photograph of the second summons to Mr. Olivetti,
6 and Mr. Backensto will phone Mr. Olivetti, so that he knows that the summons e-mail has been
7 sent.

8
9 The commission discussed a revised schedule based on the fact that the trial did not start this
10 evening. The prosecution had communicated a request to add an extra half-hour of testimony to
11 the day's schedule; the commission agreed that this addition should not increase the total
12 testimony time allocated to the Prosecution.

13
14 We took up a discussion of Mr. Olivetti's letter of March 4, in which he expressed various
15 objections to the trial. Mr. Wing had previously reviewed Mr. Olivetti's letter and distributed
16 observations about its contents. He concluded that the matters raised have either been previously
17 responded to or are in some cases simply statements, and shared his comments with the
18 commission on 3/7. The moderator *pro tem* had proposed responding to the letter briefly at the
19 beginning of the trial proceedings. Since all of the reasons cited by Mr. Olivetti had been
20 previously addressed by the Commission, it was determined that there was no reason to address
21 them again.

22
23 Following further discussion, the commission agreed to adjourn. Mr. Micah Ramsey led in
24 prayer, dismissing the meeting at 7:12 pm.

25
26
27 Respectfully submitted,

28
29 Keith M. Wing
30 Moderator

31 Thomas A. Fisher
32 Clerk

33 March 8, 2022 *Boilermaker Room, Courtyard by Marriott Lafayette* 7:56 am EST

34
35 **Session #2 - Trial of Mr. Jared Olivetti**

36
37 Members present: Bruce Backensto, John Bower, Brian Coombs (moderator *pro tem*), Thomas
38 Fisher (clerk), Kelly Moore, Tom Pinson, and Mr. Micah Ramsey (alternate
39 commissioner). Also attending was Mr. Rob Keenan, our legal advisor.
40 Prosecutors present: Kyle Borg, Stan Copeland, Joseph Friedly (lead prosecutor), Peter Smith.
41 Audio/Video technician present: Nick Wang

42
43 The live-stream was started and Mr. Coombs opened the meeting with a meditation on Psalm
44 122. Following this, he asked those present and those watching the live-stream to stand for
45 prayer and led in prayer, constituting the commission in the name of Jesus Christ.

1
2 Mr. Coombs made some explanatory remarks about the meeting and noted that our Moderator,
3 Mr. Wing, was unable to attend due to his wife's health, so that Mr. Coombs had been appointed
4 to serve as Moderator *pro tem*. Mr. Ramsey has been seated in Mr. Wing's absence, and Mr.
5 Ramsey has been present for the commission's meetings since late November.

6
7 The moderator asked the clerk to confirm that the Accusation of Sin and summons to appear had
8 been served to Mr. Olivetti, which was confirmed. The moderator inquired as to whether all of
9 the other witnesses sought had been summoned; the clerk confirmed that all had, noting that
10 requests for witnesses had been received from the Prosecution but not from the Defense. The
11 moderator asked the members of the Prosecution to identify themselves, which they did, and
12 inquired as to whether they had counsel, which they did not. The moderator asked whether the
13 defendant was present; he was not. He noted that Mr. Olivetti has chosen not to appear or be
14 represented by counsel.

15
16 The moderator asked whether all of the witnesses summoned were available today in person or
17 through deposition. The clerk stated that not all witnesses are scheduled to testify today but that
18 all those required today are available, subject to confirmation from the Prosecution. Mr. Friedly
19 confirmed that they expected all of their scheduled witnesses to appear today.

20
21 The moderator explained that remarks during the trial are to be addressed through the moderator
22 and with his permission. He reminded the court of the seriousness of their responsibilities as
23 judges in the Lord's house and their responsibility to dismiss from their minds all prejudice or
24 personal considerations, and to commit themselves to the spiritual welfare of Mr. Olivetti and of
25 the church of Christ, recognizing that they will stand before God Almighty to give an account for
26 the judgments that they render. He explained the seriousness of the charges against Mr. Olivetti.

27
28 The moderator asked the clerk to confirm that the full accusation was delivered to Mr. Olivetti;
29 the clerk confirmed that it was sent to him by e-mail on November 18, 2021 and also by certified
30 mail.

31
32 The moderator explained the command of Christ regarding church discipline and the purposes of
33 church discipline. He assured Mr. Olivetti that he would receive a fair and impartial trial and
34 noted several evidences of this fact. He explained the procedure for the presentation of the case
35 and explained that the standard of evidence applied by the commission in this case will be the
36 standard known as "clear and convincing evidence," which is a higher standard than a
37 "preponderance of evidence." He noted that during the open portions of the trial, the names of
38 minors are not to be mentioned and that Executive Sessions would be used to allow testimony to
39 further ensure this.

40
41 The moderator asked whether the Defense objected to proceeding with trial. He noted that, in
42 response to a pre-trial hearing held on November 30, the commission had previously responded
43 to several Defense objections. He acknowledged a letter from Mr. Olivetti, dated March 4th and
44 received March 5th, in which Mr. Olivetti communicated reasons that he would withdraw from
45 participation in this trial. The moderator overruled the objections raised on the ground that the
46 objections raised had either been answered by the Commission after the pre-trial hearing or

1 subsequently in communications held since that time with Mr. Olivetti. He noted that at this
2 time, Mr. Olivetti would be asked to stand if he were present.

3
4 The Moderator read the Accusation against Mr. Olivetti. During the reading, a commissioner
5 asked for the live-stream to be cut because the Accusation states the nature of the relationship of
6 Mr. Olivetti to the minor Offender [the live stream was then cut]. This raised some discussion
7 as to whether the accusation should be read aloud, although it has been part of the charges
8 against Mr. Olivetti since November 2021. Several points were noted. Some of the charges
9 explicitly have to do with Mr. Olivetti's oversight of his household, so that it would be
10 impossible to reveal the charges against him without mentioning this relationship. The
11 relationship between Mr. Olivetti and the Offender was already disclosed during the 2021
12 Synod. The public nature of the charges was also noted as a reason the Accusation should be
13 read. After some discussion, it was moved and seconded that

14
15 **the second count of the charges against Mr. Olivetti does not violate our policy regarding**
16 **minors.**

17
18 It was also discovered that due to a technical error, the live stream up to this point had not been
19 delayed, so that the broadcast so far was live. Our technician agreed to implement some
20 safeguards for avoiding this error in the future, including monitoring the delay, and we agreed to
21 set the delay at 2 minutes to allow a greater margin of time for catching improper references
22 before they were heard in the live-stream. Following the establishment of the new delay
23 settings, the live stream was resumed.

24
25 The Moderator read the charges against Mr. Olivetti. He asked for Mr. Olivetti's plea; in light
26 Mr. Olivetti's failure to enter a plea, and in keeping with Book of Discipline II.3.5 (E-13) and the
27 principle that the defendant's guilt must be proved if he does not plead guilty, the moderator
28 noted that we must proceed with a trial.

29
30 The moderator called the Prosecution to give its opening argument and Mr. Smith presented their
31 argument. The moderator noted that the defense argument would be presented at this time if
32 defense or counsel were present. He called the Prosecution to begin presenting its case.

33
34 The Prosecution presented a video recording of testimony given by Mr. Scott Hunt, who was
35 unable to be present. Mr. Friedly noted that Mr. Olivetti was given an opportunity to take part in
36 this deposition (per Book of Discipline II.2.7) but did not do so. Also present for the deposition
37 of Mr. Hunt were Mr. Friedly, Mr. Borg, Mr. Backensto, and Mr. Moore. The Prosecution
38 projected documentary evidence referred to by Mr. Hunt during the video. Mr. Backensto
39 administered the oath to Mr. Hunt, who answered affirmatively. Mr. Hunt's testimony was
40 heard. It was noted the Book of Discipline provides (Book of Discipline II.3.12, page E14) that
41 witnesses may be recalled by the court "to clear up some doubtful point in their testimony," but
42 that this assumes all witnesses are present for a one-day trial. Given the fact that witnesses for
43 this trial will not necessarily be present throughout the trial, it was asked whether such questions
44 could be asked following each witnesses' testimony. The moderator ruled that this was
45 permissible. Members of the court asked some clarifying questions about the documents referred
46 to by Mr. Hunt in his testimony. The court took its break at 9:48 am.

1
2 The court reconvened at 10:06 am. The next witness, Mr. Josh Reshey, was asked by the
3 Moderator whether he had signed the required Terms and Responsibilities, and he had done so.
4 [Clerk's note: all subsequent witnesses in the trial, other than those giving recorded depositions,
5 also affirmed their adherence to the Terms and Responsibilities]. Mr. Reshey then affirmed the
6 oath administered by the Moderator. Mr. Reshey gave his testimony. At one point the live
7 stream was stopped at the request of a commissioner who wished to discuss whether we should
8 prohibit mentioning the ages of specific victims, out of concern that this might make it possible
9 to identify some victims. As Mr. Reshey's testimony referred to a civil document that specified
10 ages and did not make reference exclusively to children within the congregation, the moderator
11 ruled that the reference to ages was allowable. His ruling was submitted to the commission,
12 which voted to sustain the ruling. The moderator asked that the live stream be continued. Mr.
13 Reshey's testimony resumed. Questions for clarification of the testimony were asked by
14 members of the court. Mr. Reshey was then dismissed.

15
16 As the next several witnesses were scheduled to testify in Executive Session, it was moved and
17 seconded

18 **that the court enter Executive Session.**

19
20 This was approved and the live stream was cut.

21
22 EXECUTIVE SESSION SUMMARY

23
24 The Prosecution reported that the witness summoned, Mr. "Jones," had not appeared. It was
25 noted that Mr. "Jones" had written the Prosecution and the SJC to say that he would not attend
26 the trial. It was noted for the record that Mr. "Jones" did not appear and that the commission
27 would need to determine at a later date why he had not appeared. In lieu of his testimony, the
28 Prosecution submitted documents written by him and an interview with him recorded by the
29 Great Lakes Gulf Immanuel Judicial Commission. The commission heard this evidence.

30
31 Mr. "Anderson" was admitted to the court and affirmed the witness oath. His testimony was
32 received until 12:05 pm, at which time the moderator declared a recess for lunch until 12:45 pm.
33 At 12:46 pm, the commission reconvened and the Moderator asked Mr. Moore to reconvene us
34 in prayer, which he did. Mr. "Anderson" continued his testimony. After clarification questions
35 from the commission, he was dismissed but permitted to stay to support his wife, who was the
36 next witness. Mrs. "Anderson" was admitted into the room and she affirmed the oath. Mrs.
37 "Anderson" gave her testimony, after which she answered some questions posed for
38 clarification. Mr. and Mrs. "Anderson" were then dismissed.

39
40 The next witness, Mrs. "Williams," asked that one of her elders, Mr. Josh Karshen, be allowed to
41 attend her testimony for emotional support, and permission for this was granted. Mrs.
42 "Williams" gave her testimony and submitted amendments to her testimony to be added to the
43 record, in keeping with Book of Discipline II.3.9 (page E-14). Mrs. "Williams" and Mr. Karshen
44 were then dismissed. The Prosecution presented some items of documentary evidence relevant
45 to Mrs. "Williams" testimony.

46

1 After further discussion, the moderator called for a break at 3:35 pm, to resume at 3:50 pm. At
2 that time, the commission reconvened following prayer by Mr. Pinson.

3
4 The commission then heard recorded testimony taken by Mr. Friedly and Mr. Borg with Mr.
5 Backensto and Mr. Moore present, from Mr. and Mrs. "Miller." In the deposition, Mr.
6 Backensto administered the oath to Mr. and Mrs. "Miller," who each affirmed it. Mr. and Mrs.
7 "Miller" then gave their testimony through the recorded deposition.

8
9 Following this testimony, the prosecutors explained that the next witnesses are not members of
10 the RPCNA but are victim families. This was also a recorded deposition from Mr. and Mrs.
11 "Doe," attended by Mr. Friedly, Mr. Borg, Mr. Backensto, and Mr. Moore. Mr. Backensto
12 administered the oath, which was affirmed by each of them and Mr. and Mrs. "Doe" gave their
13 testimony. Following some clarification of the testimony sought by the commission, the
14 Prosecution called for its next witness, Mr. Zachary Blackwood.

15
16 Mr. Blackwood took the oath and gave his testimony, which included reference to a number of
17 evidentiary documents. A few clarifying questions were asked and Mr. Blackwood was
18 excused.

19
20 It was moved and seconded

21
22 **to extend the time of adjournment by 30 minutes**

23
24 The motion passed. It was moved and seconded

25
26 **that we rise from Executive Session.**

27
28 This motion was approved.

29
30 END EXECUTIVE SESSION

31
32 The live-stream was resumed at 6:06 pm. The Prosecution called Mr. Josh Greiner as the next
33 witness. Mr. Greiner affirmed the oath and gave his testimony. During his testimony, the live
34 feed was cut out of concern about a letter projected on the screen that was not completely
35 redacted. After confirmation that the screen contents could not be read on the live stream, it was
36 resumed. A motion to extend the time 15 minutes was seconded and approved. After further
37 testimony from Mr. Greiner and some questions for clarification of his testimony from the
38 commission, he was dismissed. It was moved, seconded, and approved to extend the time a
39 further ten minutes.

40
41 Following some further discussion, Mr. Coombs adjourned the meeting in prayer at 6:54 pm.

42
43 Respectfully submitted,

44
45 Keith M. Wing
46 Moderator

45 Thomas A. Fisher
46 Clerk

1 March 9, 2022 *Boilermaker Room, Courtyard by Marriott Lafayette* 7:54 am EST

2

3

Session #3 - Trial of Mr. Jared Olivetti

4

5 Members present: Bruce Backensto, John Bower, Brian Coombs (moderator *pro tem*), Thomas
6 Fisher (clerk), Kelly Moore, Tom Pinson, and Mr. Micah Ramsey (alternate
7 commissioner). Also attending was Mr. Rob Keenan, our legal advisor.

8 Prosecutors present: Kyle Borg, Stan Copeland, Joseph Friedly (lead prosecutor), Peter Smith.
9 Audio/Video technician present: Nick Wang.

10

11 The live-stream started and Mr. Backensto opened the meeting with a meditation on Psalm
12 123. Following this he led in prayer, constituting the commission in the name of the Lord Jesus
13 Christ.

14

15 The moderator invited the Prosecutors to resume the presentation of their case, and they called
16 Mr. Keith Evans. Mr. Evans participated in the trial via Zoom, due to a family medical
17 need. The Moderator read the oath and Mr. Evans gave his affirmation. The commission heard
18 Mr. Evans' testimony. At one point, Mr. Evans made reference to a victim family without using
19 an alias, and the live stream was cut before this was streamed. The feed was re-started and Mr.
20 Evan's testimony resumed. Following the Prosecution's questions, the members of the
21 commission asked clarifying questions. Mr. Evans was dismissed and the commission took a
22 break starting at 10 am and the live stream was stopped.

23

24 At 10:15 the commission resumed its meeting and the live stream and the Prosecution called Mr.
25 Adam Niess to testify. Mr. Niess gave his testimony, and members of the commission asked
26 some questions for clarification of his testimony.

27

28 At 11:25, the Prosecution called its next witness, Mr. Jason Camery. Mr. Camery gave his
29 testimony. At one point, the name of a victim family was mentioned and the live stream was
30 halted. After the resumption of the feed, Mr. Camery's testimony continued. At Noon, the
31 commission took a recess for lunch.

32

33 The commission returned at 12:45 pm and Mr. Moore reconvened the meeting with prayer. The
34 live stream resumed and Mr. Camery continued to give his testimony. Following this, members
35 of the commission were permitted to ask questions for clarification. In response to one question,
36 Mr. Camery indicated that a full response would need to be given in Executive Session; it was
37 moved and seconded

38 **that the court enter Executive Session.**

39

40 This was approved and the live stream was stopped.

41

EXECUTIVE SESSION SUMMARY

42 Mr. Camery gave further testimony, which included reference to certain evidentiary documents.
43 It was moved and seconded **that we rise from Executive Session.**

44 The motion was approved.

45 END EXECUTIVE SESSION

46

1 The live-stream was resumed around 2:05 pm. The Prosecution dismissed Mr. Camery and
2 called Mr. Shawn Anderson. Mr. Anderson entered and affirmed the oath given by Mr.
3 Coombs. Mr. Anderson gave his testimony. At 3:00 pm the Moderator called for a break.
4

5 The meeting reconvened at 3:15 pm and questioning of the witness continued. Commission
6 members then asked questions for clarification. At one point, Mr. Anderson indicated that a
7 question asked would require the use of Executive Session. It was moved and seconded
8

9 **that the court enter Executive Session.**

10
11 This was approved and the live stream was stopped around 3:45.
12

13 EXECUTIVE SESSION SUMMARY

14 Mr. Anderson answered the question previously asked and gave testimony that included
15 reference to some documentary evidence. After further testimony, it was moved and seconded
16

17 **that we rise from Executive Session.**

18 This motion was approved.

19 END EXECUTIVE SESSION

20 The live stream resumed around 4 pm. After giving additional testimony, Mr. Anderson was
21 dismissed. The Prosecution called its next witness, Mr. Josh Bright. Mr. Bright gave his assent
22 to the oath and gave testimony. Members of the commission were permitted to ask for
23 clarification of his testimony. Following Mr. Bright's testimony, Mr. Borg explained that the
24 next witness, his wife, had asked that Mr. Bright be permitted to be present for emotional
25 support. This was granted by the Moderator and Mrs. Bright was admitted to the room; she
26 affirmed the oath administered by the Moderator. Mrs. Bright gave her testimony, after which
27 she and Mr. Bright were dismissed.
28

29 The Prosecution called its next witness, Mr. J.J. Nance; he entered and the oath was
30 administered. Mr. Nance gave his testimony. It was moved, seconded, and approved to extend
31 the time by 30 minutes. Permission was given for Mr. Nance to remain in the room as a support
32 person for the next witness, Mrs. Maggy Nance. Mrs. Nance was admitted and affirmed the
33 oath. Mrs. Nance gave her testimony. Members of the permission were permitted to ask
34 questions for clarification, and Mr. and Mrs. Nance were dismissed. The live stream was ended.
35

36 After brief discussion, Mr. Bower adjourned the meeting in prayer at 6:32 pm.
37

38 Respectfully submitted,
39

40 Keith M. Wing

41 Moderator

40 Thomas A. Fisher

41 Clerk
42
43
44
45

1 March 10, 2022 *Boilermaker Room, Courtyard by Marriott Lafayette* 8:00 am EST

2

3

Session #4 - Trial of Mr. Jared Olivetti

4

5 Members present: Bruce Backensto, John Bower, Brian Coombs (moderator *pro tem*), Thomas
6 Fisher (clerk), Kelly Moore, Tom Pinson, and Mr. Micah Ramsey (alternate
7 commissioner). Also attending was Mr. Rob Keenan, our legal advisor.

8 Prosecutors: Kyle Borg, Stan Copeland, Joseph Friedly (lead prosecutor), Peter Smith.

9 Audio/Video technician: Nick Wang

10

11 The live stream started and the Moderator read Psalm 5:3 and called on Mr. Ramsey to give a
12 meditation from God's Word; Mr. Ramsey brought a meditation from Psalm 20. Those
13 assembled stood and sang Psalm 20B. Mr. Ramsey led in prayer, constituting the court.

14

15 The Moderator called for the Prosecution to complete the presentation of its case. Mr. Borg gave
16 a presentation making reference to evidence submitted, some of which had been referred to in
17 testimony given.

18

19 The Moderator noted the portions of the proceedings that would not take place due to Mr.
20 Olivetti's absence. He invited the Prosecution to give its closing statement. Mr. Friedly, Mr.
21 Borg, and Mr. Smith presented the Prosecution's closing statement, and rested its case.

22

23 The Moderator noted that a motion that the parties be removed was in order. It was moved and
24 seconded that the parties be dismissed. There was a discussion regarding time to call the parties
25 back. The motion carried unanimously. The Prosecution provided the commission with the
26 documentary evidence presented in the trial. The video was stopped at 8:58 am.

27

28 After a recess, the commission resumed with prayer by the Moderator for the Lord's guidance in
29 the decision at 9:03 am. There was discussion as to whether Mr. Keenan, our legal advisor,
30 should be present for our deliberations. It was agreed that in order to avoid any question as to
31 the propriety of the process, Mr. Keenan would not remain, but could be recalled if needed to
32 consult him on a specific question. Mr. Keenan left the room around 9:09 am [Clerk's note: Mr.
33 Keenan was not recalled, but the prosecutors were recalled twice during deliberations to enable
34 the commission to find particular items of evidence in the evidence binder].

35

36

37

38 [Clerk's note: At the direction of the commission on May 17, 2022, these minutes have been
39 amended to include below the Formal Accusation of Sin made against Mr. Jared Olivetti]

40

41

42

43

44

45

Formal Accusation of Sin | Mr. Jared Olivetti

We, the undersigned, accuse Mr. Jared Olivetti of the following:

Mr. Jared Olivetti's conduct in relation to the sexual abuse case at Immanuel Reformed Presbyterian Church since at least 2019 to the present, has not safeguarded or maintained the qualifications for the eldership contrary to the biblical requirements of 1 Timothy 3:2, 4, and 7; and Titus 1:6-7 in violation of the 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, and 9th commandments, the Covenant of Communicant Membership #s 4, 5, and 6, Queries for Ordination/Installation #s 8 and 9, and the Covenant of Baptism #s 2 and 4.

FIRST COUNT WITH CIRCUMSTANCES OF COMMISSION

After approximately April of 2020, Mr. Olivetti has not conducted himself in a way that is above reproach in violation of the 2nd, 3rd, 5th, 6th, 7th, and 9th commandments, the Covenant of Communicant Membership #s 4 and 6, and the Queries for Ordination/Installation #s 8 and 9 resulting in distrust and disunity within the church and failing to promote its peace, purity, and progress.

1. Mr. Olivetti participated in conflicts of interest in the sexual abuse case at Immanuel Reformed Presbyterian Church.
 1. *Mr. Olivetti served on the GLG AIC and moderated the meeting where the AIC gave the IRPC Session permission to select and set the parameters for the work of the Advisory Committee under the impression that the GLG Presbytery would be involved in oversight of the sexual abuse case.*
 2. *Mr. Olivetti participated in discussions and decisions about the sexual abuse case at Immanuel Reformed Presbyterian Church after personally committing to and being directed to recuse himself.*
2. Mr. Olivetti tolerated or participated in disadvantaging victims and their families to the advantage of himself and/or the offender.
3. Mr. Olivetti tolerated or participated in partial or misleading communications.
 1. *Mr. Olivetti indicated that Presbytery was serving as a source of oversight and accountability to the IRPC Session's decisions and direction in the case.*
 2. *Mr. Olivetti gave misleading and inaccurate communications about the review, accountability, and enforcement of the "Olivetti Family Safety Plan."*
 3. *Mr. Olivetti indicated that he was fully cooperative with DCS.*
 4. *Mr. Olivetti let stand at a church family meeting that Josh Bright did not give any reasons for his resignation from the diaconate.*
 5. *Mr. Olivetti indicated that he was recused from the discussions and decisions relative to the sexual abuse case at Immanuel Reformed Presbyterian Church.*

4. Mr. Olivetti withheld knowledge of sexual sin and/or allegations of sexual sin hindering adequate provision and protection for others in soul and body and the preservation of their chastity.
5. Mr. Olivetti failed to adequately enforce safety plans hindering provision and protection for others in soul and body and the preservation of their chastity.
6. Members or adherents of Immanuel Reformed Presbyterian Church have resigned office, transferred membership (communicant and baptized), requested removal from membership, or have chosen to worship elsewhere in part as a result of the handling of the sexual abuse case.

SECOND COUNT WITH CIRCUMSTANCES OF COMMISSION

Since at least 2019, Mr. Olivetti has not managed his own household well in violation of the 3rd, 4th, 5th, 6th, 7th, and 9th commandments, the Covenant of Communicant Membership #s 4, 5, and 6, the Queries for Ordination/Installation #8, and the Covenant of Baptism #s 2 and 4 resulting in [REDACTED] not being submissive and open to the charge of insubordination.

1. With predation, [REDACTED] sexually abused approximately 15 victims engaging in [REDACTED] activity inside and outside of the church over a period of years resulting in the conviction of seven counts of Level 3 and Level 4 felonies of child molesting.
2. Mr. Olivetti failed to adequately ensure the observance of the Lord's Day by [REDACTED] who sinfully abused victims on the Lord's Day and at times immediately after worship.
3. Mr. Olivetti failed to adequately enforce safety plans hindering protection and provision for [REDACTED] in soul and body and the preservation of their chastity.
4. Mr. Olivetti acted in ways that were contrary to the temporal and eternal welfare of [REDACTED].
 1. Mr. Olivetti did not appreciate with urgency the full scope of [REDACTED] sin.
 2. Mr. Olivetti prioritized ministry over the needs of [REDACTED].
 3. Mr. Olivetti hindered a full confession of sin on the part of [REDACTED].
 4. Mr. Olivetti hindered reasonable shepherding [REDACTED].
 5. Mr. Olivetti failed to adequately enforce safety plans which spiritually and/or physically endangered [REDACTED].
5. [REDACTED] was legally removed from [REDACTED] for the protection of [REDACTED].

THIRD COUNT WITH CIRCUMSTANCES OF COMMISSION

After approximately April of 2020, Mr. Olivetti has not conducted himself in a way that has protected or maintained a good reputation in violation of the 2nd, 3rd, 5th, 8th, 9th commandments, the Covenant of Communicant Membership #s 4 and 6, and the Queries for Ordination/Installation #8 threatening dishonor on the name of Jesus Christ, the Reformed Presbyterian Church of North America, Immanuel Reformed Presbyterian Church, and himself.

1. Mr. Olivetti's reputation with Faith Biblical Counseling Lafayette was not protected or was harmed through the way Mr. Olivetti has conducted himself in the sexual abuse case at Immanuel Reformed Presbyterian Church.
2. Mr. Olivetti's reputation with members of the Department of Child Services was not protected or was harmed through the way Mr. Olivetti has conducted himself in the sexual abuse case at Immanuel Reformed Presbyterian Church.
3. Mr. Olivetti's reputation with neighbors was not protected or was harmed on account of [REDACTED] sexual sins.
4. Members or adherents of Immanuel Reformed Presbyterian Church have resigned office, transferred membership (communicant and baptized), requested removal from membership, or have chosen to worship elsewhere in part as a result of the handling of the sexual abuse case.
5. Mr. Olivetti's conflict(s) of interest did not safeguard his reputation or the reputation of the session.

Signed,



Kyle Borg

November 12, 2021
Date



Stan Copeland

November 12, 2021
Date



Joseph Friedly

November 12, 2021
Date



Pete Smith

November 12, 2021
Date

1 We then took time for members to offer general impressions of the evidence presented,
2 especially noting matters that members found persuasive or important, as well as anything that
3 seemed as though it might be less than adequately proved.

4
5 After further discussion, we decided to review the accusation using a multi-step process. The
6 commission agreed that first, we would consider each enumerated circumstance of commission,
7 which we understood to be the specifications underlying each count, and vote on it. Then, we
8 would vote on the related count. A count can only be approved if at least one specification is
9 sustained as proved. After voting on each count, we would then vote on the accusation as a
10 whole. As required in the Book of Discipline, we noted that no count can be sustained based on
11 the testimony of a single witness. We also noted our evidentiary standard and requirement for a
12 2/3 vote threshold.

13
14 We began by considering the FIRST COUNT WITH CIRCUMSTANCES OF COMMISSION.

15
16 The first specification is: 1.1 [Mr. Olivetti served on the GLG AIC and moderated the meeting
17 where the AIC gave the IRPC Session permission to select and set the parameters for the work of
18 the Advisory Committee under the impression that the GLG Presbytery would be involved in
19 oversight to the sexual abuse case.]

20 1.1 is not a disputed point; it is related to other accusations under 2 &3. The vote to sustain 1.1
21 was unanimous.

22
23 Specification 1.2 [Mr. Olivetti participated in discussions about the sexual abuse case at
24 Immanuel Reformed Presbyterian Church after personally committing to recuse himself.]
25 The vote to sustain 1.2 was unanimous.

26
27 Taking up Specification 1 [Mr. Olivetti participated in conflicts of interest in the sexual abuse
28 case at Immanuel Reformed Presbyterian Church.], it was sustained unanimously.

29
30 Specification 2 [Mr. Olivetti tolerated or participated in disadvantaging victims and their families
31 to the advantage of himself and/or the offender.] was sustained unanimously.

32
33 Specification 3.1 [Mr. Olivetti indicated that Presbytery was serving as a source of oversight and
34 accountability to the IRPC Session's decisions and direction in the case.]

35 Specification 3.1 was unanimously sustained.

36
37 Specification 3.2 [Mr. Olivetti gave misleading and inaccurate communications about the review,
38 accountability, and enforcement of the "Olivetti Family Safety Plan."]

39 Specification 3.2 was unanimously sustained.

40
41 Specification 3.3 [Mr. Olivetti indicated that he was fully cooperative with DCS.]

42 Specification 3.3 was unanimously sustained.

43
44 Specification 3.4 [Mr. Olivetti let stand at a church family meeting that Josh Bright did not give
45 any reasons for his resignation from the diaconate.]

46 Specification 3.4 was unanimously sustained.

1
2 Specification 3.5 [Mr. Olivetti indicated that he was recused from the discussions and decisions
3 relative to the sexual abuse case at Immanuel Reformed Presbyterian Church.]
4 Specification 3.5 was unanimously sustained.

5
6 Specification 3 [Mr. Olivetti tolerated or participated in partial or misleading communications.]
7 was sustained unanimously.

8
9 Specification 4 [Mr. Olivetti withheld knowledge of sexual sin and/or allegations of sexual sin
10 hindering adequate provision and protection for others in soul and body and the preservation of
11 their chastity.] was sustained unanimously

12
13 Specification 5 [Mr. Olivetti failed to adequately enforce safety plans hindering provision and
14 protection for others in soul and body and the preservation of their chastity.] was sustained
15 unanimously.

16
17 Specification 6 [Members or adherents of Immanuel Reformed Presbyterian Church have
18 resigned office, transferred membership (communicant and baptized), requested removal from
19 membership, or have chosen to worship elsewhere in part as a result of the handling of the sexual
20 abuse case.]

21 Specification 6 was not sustained, by a vote of 0 yes, 5 no, 2 abstaining. [Clerk's note: the
22 specification was generally felt not to be germane to the related count]

23
24 The SJC voted on the FIRST COUNT WITH CIRCUMSTANCES OF COMMISSION: After
25 approximately April of 2020, Mr. Olivetti has not conducted himself in a way that is above
26 reproach in violation of the 2nd, 3rd, 4th, 5th, 6th, 7th, and 9th commandments, the Covenant of
27 Communicant Membership #s 4 and 6, and the Queries for Ordination/Installation #s 8 and
28 9 resulting in distrust and disunity within the church and failing to promote its peace, purity, and
29 progress.

30
31 **The FIRST COUNT WITH CIRCUMSTANCES OF COMMISSION was sustained by a**
32 **unanimous vote; we judge Mr. Olivetti to be guilty of this count.**

33
34 We considered the SECOND COUNT WITH THE CIRCUMSTANCES OF COMMISSION.

35
36 Specification 1 [With predation, [REDACTED] has sexually abused
37 approximately 15 victims engaging in [REDACTED] activity inside and outside of the church
38 over a period of years resulting in the conviction of seven counts of Level 3 and Level 4 felonies
39 of child molesting.] was sustained unanimously.

40
41 Specification 2 [Mr. Olivetti failed to adequately ensure the observance of the Lord's Day by
42 [REDACTED] who sinfully abused victims on the Lord's Day at times immediately after
43 worship.] was sustained unanimously.

44
45 Specification 3 [Mr. Olivetti failed to adequately enforce safety plans hindering protection and
46 provision for [REDACTED] in soul and body and the preservation of their chastity.]

1 Specification 3 was sustained unanimously.

2

3 Specification 4.1 [Mr. Olivetti did not appreciate with urgency the full scope of [REDACTED]
4 sin.]

5 Specification 4.1 was sustained unanimously.

6

7 Specification 4.2 [Mr. Olivetti prioritized ministry over the needs of [REDACTED].]

8 Specification 4.2 was not sustained, by a vote of 2 yes, 5 no.

9

10 Specification 4.3 [Mr. Olivetti hindered a full confession of sin on the part of [REDACTED].]

11 Specification 4.3 was sustained unanimously.

12

13 Specification 4.4 [Mr. Olivetti hindered reasonable shepherding of [REDACTED].]

14 Specification 4.4 was sustained unanimously.

15

16 Specification 4.5 [Mr. Olivetti failed to adequately enforce safety plans which spiritually and/or
17 physically endangered [REDACTED].]

18 Specification 4.5 was sustained unanimously.

19

20 Specification 4 [Mr. Olivetti acted in ways that were contrary to the temporal and eternal welfare
21 of [REDACTED].] was sustained unanimously

22

23 Specification 5 [[REDACTED] was legally removed from [REDACTED] for the protection of
24 [REDACTED].]

25 Specification 5 was sustained by a vote of 6 yes, 0 no, 1 abstaining.

26

27 The SJC voted on the SECOND COUNT WITH CIRCUMSTANCES OF COMMISSION: Since
28 at least 2019, Mr. Olivetti has not managed his own household well in violation of the 3rd, 4th,
29 5th, 6th, 7th, and 9th commandments, the Covenant of Communicant Membership #s 4, 5, and 6,
30 the Queries for Ordination/Installation #8, and the Covenant of Baptism 3s 2 and 4 resulting in
31 [REDACTED] not being submissive and open to the charge of insubordination.

32

33 **The SECOND COUNT WITH CIRCUMSTANCES OF COMMISSION was sustained by a**
34 **unanimous vote; we judge Mr. Olivetti to be guilty of this count.**

35

36 The SJC considered the THIRD COUNT WITH CIRCUMSTANCES OF COMMISSION

37

38 Specification 1 [Mr. Olivetti's reputation with Faith Biblical Counseling Lafayette was not
39 protected or was harmed through the way Mr. Olivetti has conducted himself in the sexual abuse
40 case at Immanuel Reformed Presbyterian Church.] Specification 1 was sustained unanimously.

41

42 Specification 2 [Mr. Olivetti's reputation with members of the Department of Child Services was
43 not protected or was harmed through the way Mr. Olivetti has conducted himself in the sexual
44 abuse case at Immanuel Reformed Presbyterian Church.] Specification 2 was sustained
45 unanimously.

46

1 Specification 3 [Mr. Olivetti's reputation with neighbors was not protected or was harmed on
2 account of [REDACTED] sexual sins.] Specification 3 was unanimously sustained.

3
4 Specification 4 [Members or adherents of Immanuel Reformed Presbyterian Church have
5 resigned office, transferred membership (communicant and baptized), requested removal from
6 membership, or have chosen to worship elsewhere in part as a result of the handling of the sexual
7 abuse case.] Specification 4 was sustained unanimously.

8
9 Specification 5 [Mr. Olivetti's conflict(s) of interest did not safeguard his reputation or the
10 reputation of the session.] Specification 5 was sustained unanimously.

11
12 **The SJC voted on the THIRD COUNT WITH CIRCUMSTANCES OF COMMISSION:**
13 After approximately April of 2020 has not conducted himself in a way that has not protected or
14 maintained a good reputation in violation of the 2nd, 3rd, 5th, 8th, and 9th commandments, the
15 Covenant of Communicant Membership #s 4 and 6, the Queries for Ordination/Installation #8
16 threatening dishonor on the name of Jesus Christ, the Reformed Presbyterian Church of North
17 America, Immanuel Reformed Presbyterian Church, and himself.

18
19 **The THIRD COUNT WITH CIRCUMSTANCES OF COMMISSION was sustained by a**
20 **unanimous vote; we judge Mr. Olivetti to be guilty of this count.**

21
22 **Having sustained all three counts unanimously, we agreed by common consent to vote on**
23 **the censure by a roll call vote. Mr. Backensto led us in prayer before voting.**

24
25 **It was moved and seconded that Mr. Jared Olivetti be deposed from the office of elder in**
26 **the RPCNA with suspension from the privileges of church membership (Book of Discipline**
27 **II.4.1.d).**

28
29 There was a discussion of the appropriateness of this censure versus other alternatives.

30
31 **It was moved and seconded that the censure motion be divided; this was automatically**
32 **granted under our rules.**

33
34 Mr. Fisher led in prayer again for the final vote.

35
36 **The SJC voted unanimously by a roll call vote to depose Mr. Olivetti. The SJC then voted**
37 **unanimously by a roll call vote to suspend Mr. Olivetti from church privileges,**
38 **accompanying the censure of deposition.**

39
40 It was noted that in addition to preparing a letter for Mr. Olivetti, we should prepare some sort of
41 notification specifically for the Immanuel congregation. These should take precedence over the
42 required notifications to the Clerk of Synod and presbyteries. The clerk agreed to draft these.

43
44 The moderator called for a recess and it was agreed that the commission would reconvene the
45 parties at 8 PM this evening. Plans were made to contact Mr. Olivetti by phone and e-mail to

1 urge him to attend the announcement of the decision. The commission began its recess at 4:45
2 pm.

3
4 Respectfully submitted,

5
6
7 Keith M. Wing

8 Moderator

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11
12 Thomas A. Fisher

13 Clerk

14

15

16 March 10, 2022 *Boilermaker Room, Courtyard by Marriott Lafayette* 8:00 pm EST

17

18

19 **Session #5 - Trial of Mr. Jared Olivetti**

20

21 Members present: Bruce Backensto, John Bower, Brian Coombs (moderator *pro tem*), Thomas
22 Fisher (clerk), Kelly Moore, Tom Pinson, and Mr. Micah Ramsey (alternate
23 commissioner). Also attending was Mr. Rob Keenan, our legal advisor.

24 Prosecutors: Kyle Borg, Joseph Friedly (lead prosecutor).

25 Audio/Video technician: Nick Wang.

26

27 The parties having been recalled, the Moderator asked Mr. Moore to open the meeting in prayer;
28 he did so, reconvening the commission in the name of the Lord.

29

30 The Moderator noted that Mr. Olivetti had been asked to attend this gathering for the
31 announcement of the decision [clerk's note: this was done by e-mail and by attempts to reach him
32 by phone] and had not done so. Mr. Coombs declared the following decision:

33

34 “Mr. Olivetti, after hearing the presentations of the Prosecution, now regrettably without your
35 presence and defense after being summoned, considering the evidence, through reflection,
36 discussion, and prayer, this court finds you guilty as charged. The charge being that Mr. Jared
37 Olivetti’s conduct in relation to the sexual abuse case at Immanuel Reformed Presbyterian
38 Church, since at least 2019, to the present, has not safeguarded or maintained the qualifications
39 for the eldership. Contrary to the biblical requirements of First Timothy three, verses two, four
40 and seven, and Titus one, verses six to seven, in violation of the second, third, fourth, fifth, sixth,
41 seventh, eighth, and ninth commandments, the covenant of communicant membership numbers
42 four, five and six, queries for ordination and installation numbers eight and nine, and the
43 covenant of Baptism, numbers two and four. On the first count, we find the defendant guilty: Mr.
44 Olivetti has not conducted himself in a way that is above reproach, resulting in distrust and
45 disunity within the church and failing to promote its peace, purity, and progress. On count
number two, we find the defendant guilty: Mr. Olivetti has not managed his own household well.
On count number three, we find the defendant guilty: Mr. Olivetti has not conducted himself in a
way that has protected or maintained a good reputation, threatening dishonor on the name of
Jesus Christ, the Reformed Presbyterian Church of North America, Immanuel Reformed
Presbyterian Church and himself.”

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The Moderator then declared the censure of deposition and suspension from the privileges of church membership. He noted Mr. Olivetti's rights of complaint and appeal, as well as the similar rights of the Prosecution. He noted that this court will give official notice to the presbyteries (Book of Discipline I.4.1.d, page E-5) of the sentence.

The Moderator asked Mr. Backensto to lead in prayer for Mr. Olivetti; those gathered rose, and Mr. Backensto did so.

At Mr. Friedly's request, the Moderator gave permission for the decision to be shared with the two members of the Prosecution not present, with the understanding that they may not disclose it to others until it has become public. He noted that we would first notify Mr. Olivetti by e-mail, and then following the live stream planned for tomorrow morning, notice will be given to the rest of the church. The prosecutors were dismissed at 8:17 pm.

Noting that we were still in constituted court, the Moderator entertained a motion to end the recording of the session, which was made, seconded, and carried. The recording was stopped; we agreed to briefly discuss the communications needed and end with a season of prayer. Mr. Keenan left the meeting at 8:20 pm.

A letter from the Commission to the Immanuel congregation was approved; the clerk was directed to send this to Mr. de Jong with information about the planned announcement schedule and noting that Mr. Olivetti would soon be notified [Clerk's note: the messages to Mr. Olivetti and Mr. de Jong were sent out on the evening of 3/10] of the trial decision. Plans were discussed for the decision to be read in the live stream scheduled for 8 am on 3/11. The clerk was directed to ask Mr. de Jong that the communication from the SJC not be sent to the congregation until after 8:15 am. Given the difficulties with past leaks, we will leave it to his discretion as to whether to send it by e-mail, but we will ask that, in any case, it be read to the congregation on the Lord's Day.

Following a season of prayer by all for Mr. Olivetti, his family, the Immanuel congregation, and others involved with the case, Mr. Coombs adjourned the meeting with prayer at 8:53 pm.

Respectfully submitted,

Keith M. Wing
Moderator

Thomas A. Fisher
Clerk

1 March 11, 2022 *Boilermaker Room, Courtyard by Marriott Lafayette* 8:00 am EST

2
3

4 Members present: Bruce Backensto, John Bower, Brian Coombs (moderator *pro tem*), Thomas
5 Fisher (clerk), Kelly Moore, Tom Pinson, and Mr. Micah Ramsey (alternate
6 commissioner). Also attending was Mr. Rob Keenan, our legal advisor.

7 Audio/Video technician: Nick Wang

8

9 The live stream started and the Moderator welcomed those watching and asked Mr. Moore to
10 give a meditation on God's Word; Mr. Moore led us in a meditation from Micah 6:8, after which
11 he led us in prayer, constituting the court.

12

13 The Moderator summarized the events that had taken place since the previous live stream and
14 explained that the parties had been recalled to meet at 8 pm the previous evening. He explained
15 that efforts were made to inform Mr. Olivetti by text and phone, but he did not appear and so the
16 trial decision had been announced before the Prosecution only. He recounted the announcement
17 of the decision (noted in the prior minutes).

18

19 The moderator explained briefly that members of the RPCNA have a right to file a complaint
20 with the Synod against the commission's decision if they desire to do so. He reminded those
21 watching the live stream that the Terms and Responsibilities that they signed included a
22 commitment not to discuss the trial proceedings or relay them to any form of media until after
23 any related petitions to Synod have been concluded.

24

25 After offering encouragement and reminders of the Lord's grace, he asked all present to rise and
26 led in prayer, seeking the Lord's blessing and adjourning the court around 8:18 am.

27

28 Respectfully submitted,

29

30 Keith M. Wing

Thomas A. Fisher

31 Moderator

Clerk

32

33

34

35 March 15, 2022 *Via Zoom teleconference* 6:30 pm EST

36

37 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
38 Moore, Tom Pinson, and Keith Wing (moderator). Also attending were Mr. Micah Ramsey and
39 Mr. Andrew Silva, our alternate commissioners. Mr. Wing called our meeting to order with a
40 brief meditation from Hebrews 12:1-2, noting the testimony of the witnesses for Christ and the
41 need for us to run our race with endurance. Christ is the author and finisher of our faith. Mr.
42 Wing then led us in prayer, constituting the meeting.

43

44 It was moved and seconded that

45

1 **we grant privileges of the floor to Mr. Silva and Mr. Ramsey during our meetings from this**
2 **point forward.**

3
4 This was approved unanimously. Since we anticipate that one or both of them may need to
5 participate in the second trial, it could be helpful for them to participate in our discussions, even
6 without the right to vote. At the Olivetti trial, Mr. Ramsey was seated on the Commission in
7 place of Mr. Wing and will have responsibilities related to the results of that trial.

8
9 We approved the minutes of the March 1st meeting by common consent.

10
11 We discussed plans for the preparation of the trial transcript, minutes, and a summary of the
12 decision. Mr. Backensto noted that initial transcripts of the trial will take a couple of weeks to
13 complete. It would be helpful to have a subcommittee of the commission to help with reviewing,
14 editing, and authenticating the transcript. Mr. Backensto, Mr. Coombs, and Mr. Ramsey agreed
15 to take this work up. We also discussed the possibility that we could hire a second trustworthy
16 person to aid with the transcription process; this would require some kind of non-disclosure
17 covenant.

18
19 We discussed the need for the completion of the trial record. This is required to be available for
20 the parties, according to the Book of Discipline, so it may only be necessary to have the full
21 record promptly if one of the parties complains, which has not yet happened. Mr. Olivetti has
22 indicated his intent to complain, but he has not indicated an intent to file an appeal yet.

23
24 We discussed an update from Mr. Keenan; Mr. Mann contacted him about mediation for the
25 three ruling elders last week. Mr. Larson has some business travel that affects his availability,
26 and they are trying to work that out. Mr. Wing's understanding is that there has already been
27 some communication with Mr. Larson regarding what would need to be accomplished in the way
28 of mediation in order to avoid a trial. We discussed communicating with Mr. Mann to help him
29 understand the efforts that we believe have already been made regarding mediation and to help
30 him understand the urgency of mediation if a trial is to be avoided. We agreed by common
31 consent that Mr. Wing and Mr. Moore will prepare a final draft for Mr. Mann.

32
33 We received a request from Mr. Nathan Eshelman, moderator of the GLG presbytery that was
34 further clarified by a note from Mr. Kuehner, their clerk. The presbytery took an action on
35 March 5th asking him to appoint a committee "to investigate concerns of possible slander or libel
36 against Immanuel RPC and its elders, including through the participation of RPCNA members,
37 in recent media reports and make recommendations to presbytery." Mr. Eshelman indicates that
38 he does not believe he can appoint the committee until he has received a copy of the SJC's
39 minutes; Mr. Kuehner's clarification indicates that what they need are the minutes from the
40 March 7 - 11 trial (which had not yet taken place at the time of the presbytery action). In
41 discussion, it was noted we are in the midst of getting our minutes and trial transcript complete
42 (as well as preparing for another trial) and that our responsibility is to prepare a record for the
43 Synod. It was noted that the Book of Discipline indicates that the authenticated record is to be
44 sent to the higher court, not to subordinate courts. Other questions were raised regarding how
45 inquiries of slander can be initiated before someone has spoken. Concern was also expressed
46 regarding the danger that such inquiries, initiated before a trial, might be interpreted by witnesses

1 as an impediment to open testimony. We agreed that we should continue to focus on our existing
2 responsibility and address this in the future.

3
4 We did a brief review of the trial process to see if there were things that could be changed. Mr.
5 Coombs noted that keeping track of time was a challenge and so it was very helpful to have a
6 good timekeeper (Mr. Pinson). We have a sense of how things might be different if there were a
7 defense present. The prosecution was probably less focused because of the lack of a defense.
8 However, the time allocations are set, so we will need to pay careful attention to the planned
9 timeline. We agreed that the testimony needs to be more condensed and focused.

10
11 There were difficulties in keeping those watching the live stream apprised of when the feed
12 would be resumed after the Executive Session. Mr. Wing related a general summary of how the
13 live feed went at RPC Lafayette.

14
15 The clerk was asked for a summary of post-trial communications. The trial decision was sent to
16 Mr. Olivetti via e-mail, as well as later to the Synod Clerk and through him to the presbytery
17 clerks. A letter from the SJC to the Immanuel congregation was also sent to Mr. de Jong. The
18 clerk reported a good exchange that followed with Mr. de Jong. Although there was some initial
19 thought that the clerk might drive up to Immanuel and read the commission's letter to the
20 congregation, Mr. de Jong's eventual counsel was that that would not be advisable so soon after a
21 decision that is extremely painful to the congregation. The clerk reported that material from the
22 announcement to the presbyteries made its way into the Indianapolis Star within 24 hours of its
23 distribution to the Synod Clerk. Mr. Coombs reminded us of the need to remember the need for
24 pastoral care for innocent family members (the Olivetti family). We also discussed the fact that
25 the language of the report of Mr. Olivetti's censure was confusingly worded and needs
26 clarification. Restoration to office and restoration to church membership are not presumed to be
27 simultaneous, but the original problem arose from the way that the form used is written and our
28 failure to realize that at the time of drafting. Mr. Coombs will develop a clarification for Mr.
29 Olivetti, the IRPC Session, and the GLG presbytery.

30
31 Mr. Backensto reported that there are two master copies of the trial recordings, one kept by Mr.
32 Wang and the other being used by Mrs. Backensto as she completes the transcription. Both of
33 them are aware of the need to guard the copies.

34
35 We discussed the need to complete the development of a process of engagement with Mr.
36 Olivetti in the process of seeking to pursue the path of repentance and reconciliation (with regard
37 to office and/or membership). The moderator noted that will need to provide an invitation to
38 engage as soon as reasonably possible, once we are of one mind on what it looks like. We will
39 also need to determine a process for "passing the baton" to the appropriate body as we anticipate
40 the eventual closure of our existence. We will need to bridge from Mr. Olivetti's stated
41 repentance to date and the testimony heard and the accusations we sustained.

42
43 The Moderator asked Mr. Bower and Mr. Ramsey to develop the plan for restoration to
44 privileges of membership and to church office; what needs to happen between the two parts of
45 the censure that we imposed? The Moderator noted that we do need to reach out to Mr. Olivetti
46 soon.

1
2 We took up the fact that Mr. Olivetti refused to be present for his trial, and noted his statement
3 before the trial warning that if he were discussed in the trial outside of executive session, he
4 would "seek what legal option [they] have of redressing the resulting damage." His failure to
5 attend constitutes contempt of court. Mr. Pinson was appointed to prepare a proposal for a
6 suggested response in light of all of these things. With regard to the objections presented in his
7 letter, it appears that many are matters we have answered previously, and other matters were
8 grievances.

9
10 We discussed what response should be given to Mrs. Olivetti (who was technically a co-signer of
11 Mr. Olivetti's letter), as well as to the families of victims. We do need to be sure that they are all
12 receiving pastoral care. The Moderator asked Mr. Backensto to begin working on suitable
13 correspondence to Mrs. Olivetti and to the various families of victims. The latter cannot be sent
14 until after the completion of the second trial, since we anticipate receiving further testimony
15 from victims.

16
17 What communication should there be with Mr. de Jong and the IRPC Session (as well as with the
18 GLG presbytery) when the trials are done? After the second trial is over, what should be done
19 with respect to contact with IRPC? Up to this point, we have felt a need to be somewhat separate
20 to retain objectivity. Will it be possible to have a reciprocal dialogue? When and how would be
21 the right time? We discussed the possibility of some members making contact following the
22 second trial, if it would be an appropriate time. It's difficult to be certain, as we have no idea
23 what the outcome will be of the second trial.

24
25 What communications do we want to give to witnesses after the second trial? This is again
26 something to consider.

27
28 Mr. Wing noted some correspondence with Mr. Dan Dillon, a member of the IRPC congregation
29 who reached out with an inquiry about filing a complaint. Mr. Wing explained to him that while
30 it would not be proper for one of us to counsel him in the preparation of his complaint, he is
31 willing to communicate with him to explain the process.

32
33 We discussed a witness who was summoned to testify at Mr. Olivetti's trial, but did not come. He
34 did write indicating that he would not come to the trial and made some accusations against the
35 process we have pursued. His absence was noted during the trial, and we agreed that we should
36 first confirm that he did in fact fail to appear deliberately.

37
38 Regarding the March 28th trial, Mr. Bower has multiple conflicts with the date. Mr. Silva has
39 tendon surgery tomorrow and will need to find out whether he will be free to travel. Mr. Wing
40 does not know yet whether his wife's health will permit him to be away at that time. Mr. Ramsey
41 expects to be available. We can function as a commission with as few as five members.

42
43 The moderator noted that he plans to send the trial timeline to both parties. We have Synod-
44 appointed observers set up for the second trial, and all of the witnesses (received only from the
45 Prosecution) have confirmed receipt of their summonses.

46

1 We anticipate completion of the trial work on Saturday morning, April 2nd. Mr. Backensto needs
2 to be notified if anyone plans to stay overnight on Saturday.

3
4 Mr. Bower led us in prayer, praying for Mr. Olivetti, his family, and all those involved in the last
5 trial and adjourned the meeting at 8:56 pm.

6
7 Respectfully submitted,

8
9 Keith M. Wing
10 Moderator

11 Thomas A. Fisher
12 Clerk

13
14 March 22, 2022

Via Zoom teleconference

6:30 pm EDT

15
16 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
17 Moore, Tom Pinson, and Keith Wing (moderator). Also attending were Mr. Micah Ramsey and
18 Mr. Andrew Silva, our alternate commissioners. Mr. Ramsey called the meeting to order with a
19 brief meditation from Psalm 100, noting the discouraging nature of our present work and the
20 encouragement that we can give thanks to the Lord, because he is good. Mr. Wing gave us a
21 brief update on his wife's health. Mr. Fisher led us in prayer, constituting the meeting.

22
23 The moderator noted that Mr. Keenan is moderating a mediation discussion between the
24 Prosecution and the ruling elders; he hopes to join our meeting later this evening to give us an
25 update. There are encouragements that they may be ready to move forward with the process, and
26 the defense is open to agreeing on some of the proposed stipulations of fact.

27
28 The minutes of March 15th were approved as corrected via e-mail, by common consent.

29
30 Mr. Backensto gave an update on the transcription progress. The final day being transcribed is
31 Wednesday, March 9th; Mr. Fisher has done an initial review of the transcription of Tuesday,
32 March 8th, and is working on reviewing Monday, Tuesday, Thursday, and Friday's transcripts.
33 He will send his Tuesday edits to Mr. Coombs for review. It was proposed that we wait until all
34 corrections have been made and that last of all, the clerk go through and redact any identifying
35 information that would be inappropriate for disclosure. The edited file has a note in the header
36 that shows that he has edited it, and others who make changes should add their initials. The SJC
37 minutes will not include the transcript as such, but will note actions taken and testimony given.
38 The trial transcript will contain all the testimony but will replace material like discussions of
39 audio/video problems, etc., with a summary of omitted material. The Book of Discipline
40 specifies that "A record of all proceedings shall be carefully kept...It shall include, in particular,
41 the charges and accusations, the plea and the judgment, together with the testimony of the
42 witnesses. A complete, authenticated copy of the entire record shall be available for reference to
43 a higher court, if desired." The Moderator proposed that the Clerk maintain the final
44 transcription documents. We discussed whether we should retain both copies of the recorded trial
45 (Mr. Wang and Mrs. Backensto each have one copy); we will wait a few weeks to see how things
46 develop before deciding whether to delete one copy.

1
2 We discussed requests received from Great Lakes-Gulf Presbytery through Mr. Eshelman
3 (moderator) and Mr. Kuehner (clerk). The two requests are slightly different. Mr. Eshleman's
4 communication indicated that he had been asked to form a three-man committee "to investigate
5 concerns of possible slander or libel against Immanuel RPC and its elders, including through the
6 participation of RPCNA members, in recent media reports and make recommendations to
7 Presbytery." Mr. Eshelman indicated that he believes he cannot form the committee until after
8 the minutes of the commission's investigation have been provided to the presbytery. Mr.
9 Kuehner's message requested that an authenticated copy of the trial record be made available to
10 the GLG presbytery "as a court, so that we may use it to investigate concerns of possible slander
11 or libel against the Immanuel RPC and its elders." Mr. Keenan has noted to the commission that
12 this kind of action would be considered witness harassment if it were done in the context of a
13 civil court, as witnesses are required to tell the truth under oath. The moderator has previously
14 provided a draft response that notes the inappropriateness of a Synod commission being required
15 to submit its records to a lower court before the Synod has received them. Commissioners
16 provided their input and it was agreed by common consent that the Moderator and Mr. Moore
17 will draft a reply to the presbytery and share it with the commission by e-mail before replying.

18
19 Mr. Pinson submitted a proposal for our response to Mr. Olivetti's failure to appear for trial; he
20 proposes that Mr. Olivetti should be censured for contempt of court (Book of Discipline II.2.6, p.
21 E-11). It was moved and seconded

22
23 **that the SJC finds that Mr. Jared Olivetti committed the sin of contempt of court in**
24 **refusing to attend his trial, and that Mr. Olivetti be given a censure of rebuke.**

25
26 The motion was adopted unanimously.

27
28 Mr. Pinson was appointed to draft a statement of rebuke (based on Form 28) for Mr. Olivetti.

29
30 We agreed that the censure should be sent to Mr. Olivetti and to the session of the Immanuel
31 RPC. We will not distribute the rebuke more widely at this time to prevent having it leak into the
32 press. Mr. Olivetti's credentials are no longer held by the presbytery, so there is no immediate
33 need to give notification beyond his session.

34
35 We discussed Mr. Coombs' draft on the statement of censure that was announced after Mr.
36 Olivetti's trial. The wording of the censure of deposition, as taken from Form 31, was confusing
37 for many and Mr. Coombs prepared a clarification addressing that difficulty. Comments were
38 offered from the Commission: we agreed by common consent that Mr. Coombs should draft a
39 final version of the clarification, to be distributed to those who received the original notice of Mr.
40 Olivetti's deposition and suspension.

41
42 We also discussed the points of contact between Mr. Coombs' proposal regarding application of
43 the censure and the draft developed by Mr. Ramsey and Mr. Bower to formulate steps envisioned
44 for Mr. Olivetti's repentance and restoration. The Moderator proposed merging the documents
45 into statements for distribution to two different audiences. One would be a full merger of the two
46 into a single document that would be given to Mr. Olivetti and the IRPC Session; the other

1 would be a more abbreviated version of the desired outcomes. The latter document would not go
2 into all of the details and could be shared more widely. We also discussed sharing the final
3 versions with Mr. de Jong, not to change the conclusions of the proposal, but to have him
4 provide input on its clarity, from the perspective of one who was not involved with its drafting.
5 There was general agreement that this would be helpful, so the authors will work to this end.
6

7 We took up the timeline of past SJC mediation efforts that was drafted for Mr. Wade Mann, who
8 is acting as counsel to the Immanuel ruling elders in the mediation process. The Moderator
9 reported that this was forwarded to Mr. Mann by Mr. Keenan on March 18th.
10

11 Recognizing the possibility that we may have a second trial next week, we reviewed trial
12 logistics. We agreed that we would offer the same live stream option for members of IRPC and
13 RPCL as in the first trial; this means that notices for signup sheets need to be sent for those who
14 wish to watch. It was agreed by common consent that we would follow the same approach; the
15 clerk will forward the necessary signup documents to Mr. Backensto and the Synod observers,
16 and send information to the scheduled witnesses.
17

18 Mr. Backensto noted that he's in the midst of participating in a medical study that requires him to
19 enter information into his cellphone five times a day. Because of this, he sought permission to
20 have his cellphone with him during the next trial. If he has it, he can also communicate with the
21 Synod observers and the live stream bailiff about the trial schedule. This would be helpful, as
22 during the first trial there were times when those viewing had no idea when the live stream
23 would resume, and it isn't practical to have the video technician also be responsible for those
24 communications. It was moved and seconded
25

26 **that the SJC grants permission for Mr. Backensto to keep his cellphone with him during**
27 **the trial for the purposes of his medical study and for communication with the remote**
28 **viewers.**
29

30 The motion was approved by common consent.
31

32 Mr. Wing may not be able to attend the trial in person next week. We discussed whether we
33 could permit Mr. Wing, if his wife's health necessitates it, to attend the trial via Zoom if his
34 circumstances permit. It was moved and seconded that
35

36 **Whereas Mr. Silva is unable to travel due to recent surgery, and Mr. Wing may need to be**
37 **at home to care for his wife, the SJC rules that if Mr. Wing must remain at home next**
38 **week, he may attend the trial of the IRPC ruling elders via Zoom as a commissioner,**
39 **providing that the parties to the case do not object to his participation via Zoom; in this**
40 **event, Mr. Coombs would be appointed to function as moderator *pro tem*.**
41

42 After discussion, the motion passed unanimously.
43

44 Mr. Backensto noted that it would be beneficial to have a second transcriber for the second trial
45 in order to expedite the preparation of the trial record; they are looking for someone to fill this
46 role. The person needs to be a member of the RPCNA. It was noted that we have not yet set a

1 remuneration rate for Mrs. Backensto's work of transcription and logistical support for the trial
2 and that Nick Wang's work needs to be compensated. The Moderator asked that a summary of
3 work provided be given to him to address compensation after the second trial.
4

5 The moderator noted that we have received a notice (March 6, 2022) of Mr. Olivetti's intent to
6 file a complaint against the SJC for (1) convening the trial against him, and (2) making [portions
7 of] the trial public. We were also contacted by Mr. Dan Dillon, a member of IRPC, who is
8 considering filing a complaint and asked to speak with the moderator. The moderator explained
9 to Mr. Dillon that it would be improper for us to be directly involved with the preparation of his
10 complaint but explained the basic complaint requirements to him. The clerk stated that he has not
11 received any other notices of complaints being filed.
12

13 The moderator reported a communication with Mr. de Jong, interim moderator of the IRPC
14 session, in which Mr. de Jong asked for the rationale for Mr. Olivetti's suspension. In discussion,
15 it was noted that the clerk has prepared a draft intended for Mr. Olivetti that summarizes the
16 reasons we found him guilty.
17

18 There was considerable discussion of what information should be disclosed to individuals other
19 than Mr. Olivetti, as well as when it should be disclosed. It was agreed that the clerk and
20 moderator will work on a timeline for a discussion with the IRPC session; that would be a time
21 when the rationale and the process for restoration could be discussed with them. We discussed
22 concerns about disclosing information that could end up leaking outside the proper bounds.
23

24 It was also noted that discussion with Mr. Olivetti is a separate question, and chronologically
25 prior to a discussion with the session. The moderator and clerk took away an action item to work
26 with Mr. de Jong to (1) identify possible dates for these interactions, and (2) propose an agenda
27 to the commission for the topics and information that we would be prepared to share with the
28 IRPC session. We would also propose how much information, and in what form, we should
29 share with them.
30

31 Mr. Keenan joined us around 8:00 pm. He updated us on the progress in the mediation he was
32 involved with today; he met with Prosecution representatives, the ruling elders, and Mr. Mann.
33 Mr. Keenan had previously heard from the ruling elders as to what they would be willing to
34 specify that they have repented of. Mr. Keenan had Mr. Larson summarize the statements of
35 repentance that have been made thus far by the elders, as well as confirm changes made to
36 church policy. He asked the Prosecution whether they would be willing to accept these as
37 sufficient acknowledgment of specific sin, but they were reluctant to approve this approach as an
38 acceptable resolution of the case.
39

40 The moderator has provided a summary that aligns the prosecution's charges into seven general
41 categories. Mr. Keenan directed Mr. Larson to provide a full statement of their repentance by the
42 afternoon of March 23rd and suggested that the Commission consider rendering a partial
43 summary judgment based on these admissions of guilt. We had a considerable discussion of this
44 proposal, as well as the question of whether the commission would have authority to accept such
45 admissions as "guilty" pleas and render a verdict and censure on this basis. If the SJC did take
46 this action and it proved unacceptable to the Prosecutors, they would still have the right of

1 complaint or appeal against our ruling. The moderator noted that if the defendants were to plead
2 guilty to a number of charges, we could, in principle, rule on the question of whether the
3 remaining charges would warrant having a trial. Based on Mr. Keenan's report, there is a
4 possibility that the Prosecution and Defense could agree to a framework for confession that
5 would allow us to rule, and that could be conveyed to the congregation, the session, and the
6 families of victims.

7
8 The moderator will coordinate with Mr. Keenan to consider meeting with the Defense on 3/23
9 along these lines and further discuss the process with the parties. Time is of the essence, so if we
10 continue to approach a mediated agreement, it might involve our meeting with the parties
11 together next week to determine the outcome.

12
13
14 The moderator noted that we have heard from a Mr. Shaw, who has written to identify himself as
15 legal counsel to Mr. David Hanson, one of the witnesses summoned to the trial for the ruling
16 elders. This is not an area addressed by our Book of Discipline, but the moderator noted that at a
17 minimum, this person would need to be a member in good standing of the RPCNA. It was
18 generally agreed that such counsel could not participate in the trial, in the sense of addressing the
19 court, but could be permitted to communicate with his client.

20
21 Regarding a witness who did not honor his summons to the first trial, Mr. Keenan sent some
22 input that the members received; we agreed that we would take this matter up after the second
23 trial.

24
25 There being no other business before us, we agreed by common consent to adjourn. Mr. Wing
26 led us in prayer and adjourned the meeting at 8:54 pm.

27
28 Respectfully submitted,

29
30 Keith M. Wing
31 Moderator

30 Thomas A. Fisher
31 Clerk

32
33
34
35 March 25, 2022

Via Zoom teleconference

7:00 pm EDT

36
37 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
38 Moore, Tom Pinson, and Keith Wing (moderator). Also attending were Mr. Micah Ramsey, one
39 of our alternate commissioners, and Mr. Rob Keenan, our legal advisor. Mr. Wing called the
40 meeting to order with a brief meditation from Psalm 36, emphasizing the refrain, "His mercy
41 endures forever" and noting that it is sometimes harder for us to believe that God's mercy
42 endures today than to believe that it endures forever. He then led us in prayer, constituting our
43 meeting.

44
45 The moderator noted there has been considerable activity in mediation since Monday this
46 week. Mr. Keenan described to us the process and his efforts to move both the Prosecution and

1 the three former IRPC ruling elders beyond point-by-point debate on the stipulation points. He
2 found both sides eventually became more conciliatory and willing to work through finding points
3 of agreement and concession. The defendants developed a document in which they confessed as
4 much of the counts as they feel able to. The document also reiterates prior statements of
5 repentance made by the ruling elders in the matter and includes planned future steps toward
6 reconciliation with the congregation, the victim families, and other aggrieved persons. The two
7 parties are trying to develop a complete statement of the areas where there is agreement as well
8 as where exceptions remain. There was also a mutual agreement to work with Mr. Keenan to
9 produce a harmonized factual narrative of the events in "this matter."

10
11 They presented a draft of this document this afternoon, to be reviewed by the commission. The
12 defense is admitting guilt in most of the accusations. There is a provision for the completion of
13 reconciliation, including a possible hand-off of the commission's work with the ruling elders to
14 another body (commission, presbytery, etc.)

15
16 The moderator provided a summary of the key components of the draft mediation
17 document. The elders provided acknowledgment, in summary form, of transgressions related to
18 the charges that have been made. On some points, they confessed greater detail than the charges
19 provided. There is mutually-agreed (prosecution and defense) language that describes the
20 matters to which they confess. They offered a statement of failure to maintain the integrity of the
21 leadership (as opposed to the "qualifications" of office, which they found problematic in the
22 charges as stated). They express their sadness at the losses suffered by the abuse victims and the
23 fact that their failures worsened the suffering of some of these individuals. They summarized the
24 confessions of sin that they have made to date, and committed to specific steps of
25 reconciliation. Significantly, they agreed to work together to settle on a narrative of what
26 actually happened in "this matter."

27
28 It was noted that we have not, at present, read all of the documents relating to their repentance.

29
30 We discussed some of the details of the document. The moderator noted that depending on how
31 much is acknowledged by the defendants, the remaining "unconfessed" charge details could, in
32 principle, be sufficiently small as not to warrant a trial. Neither side has proposed a censure;
33 both are assuming that the commission will apply a censure in the event that the elders
34 essentially plead guilty to most of the charges. Both sides are waiting to learn what the
35 commission's view would be of the possible censures that could be applied in the event of a
36 mediated outcome.

37
38 We had a discussion of the possible censure that might be imposed if the mediation process
39 proceeds successfully. The discussion spanned a range from rebuke to suspension, possibly for a
40 limited period. There was considerable discussion of the suitability of different censures and the
41 need for time for the men to pursue the steps of reconciliation detailed in the draft.

42
43 The moderator agreed to obtain reactions from both the prosecution and defense regarding
44 possible censures as we have discussed them.

45
46 We agreed to meet again tomorrow at 2 pm EDT.

1
2 We agreed that if mediation continues to progress, we would plan to convene on Monday
3 afternoon in Lafayette. We hope to announce on Monday that we have been engaged in a
4 mediated solution of the case of the IRPC ruling elders, in which case there will be no live
5 stream and we will plan to announce the hoped-for outcome on Tuesday. We may meet
6 informally with the IRPC session on Tuesday. We also discussed the possibility of meeting with
7 Mr. Olivetti on Wednesday morning while we are still gathered in Indiana.

8
9 We noted that due to a scheduling conflict, Mr. Bower cannot be present for next week's
10 meetings. It was moved and seconded that

11
12 **the SJC appoint Mr. Ramsey to serve as alternate commissioner in our meetings planned to**
13 **take place in Lafayette, Indiana next week.**

14
15 This was adopted by common consent.

16
17 We agreed by common consent to adjourn. Mr. Backensto led us in prayer and adjourned the
18 meeting at 8:31 pm.

19
20 Respectfully submitted,

21
22 Keith M. Wing
23 Moderator

24 Thomas A. Fisher
25 Clerk

26
27 March 26, 2022

Via Zoom teleconference

2:00 pm EDT

28
29 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
30 Moore, Tom Pinson, and Keith Wing (moderator). Also attending were Mr. Micah Ramsey and
31 Mr. Andrew Silva, our alternate commissioners. Mr. Wing called the meeting to order with a
32 brief meditation from Revelation 1:4-6. He then led us in prayer, constituting our meeting.

33
34 The moderator noted that we have received a finalized mediation statement approved by both
35 parties; he has spoken to both parties and confirmed their approval.

36
37 Moderator recounted his discussion with the parties regarding possible censure. He noted that
38 Mr. Larson confirmed to him that the ruling elder are not eager to return to active office while
39 they are working on the planned matters of reconciliation. He opened the floor to discussion
40 about censure.

41
42 We discussed the contours of various censures, including the question of indefinite suspension
43 vs. a specified term.

44
45 Mr. Wing passed the gavel to Mr. Fisher in order to be able to offer a proposal regarding a
46 censure. It was moved and seconded that we approve the following statement of censure:

1
2 **You, David Carr, Ben Larson, and Keith Magill, by your confession and acknowledged**
3 **neglect of your Christian duty as an elder and by your own admission of sin, neglecting to**
4 **shepherd the flock of Jesus Christ in a biblical way, and failing to maintain the integrity of**
5 **the eldership, this court of the Church of Christ sadly and solemnly judges, censures, and**
6 **rebukes you for your sin. As further evidence of your true repentance, you are to seek**
7 **reconciliation and restitution with parties sinned against. We encourage you to be more**
8 **watchful, studying to know and to do the will of God. Additionally, the commission hereby**
9 **accepts your self-imposed temporary exclusion from the exercise of ordained office for a**
10 **period of one year in order to demonstrate that satisfactory attempts at reconciliation and**
11 **restitution to any parties sinned against have been made.**

12
13 Mr. Wing explained the proposal and the commission discussed it at length. He noted that the
14 language is drawn from the Book of Discipline, pages E-5 and E-8. There was discussion of
15 whether a rebuke would be an appropriate censure in this case. A motion was offered and
16 seconded to lay this motion on the table in order to entertain the following substitute motion:

17
18 **Whereas you, David Carr, Ben Larson, and Keith Magill, have been found guilty, by your**
19 **own admission, of the sin of neglecting to shepherd the flock of Jesus Christ in a biblical**
20 **way and failing to maintain the integrity of the eldership, this court, in the name of the**
21 **Lord Jesus Christ, sadly and solemnly suspends you from the office of elder, and forbids**
22 **you to perform any of the duties belonging to it. This censure shall continue in effect until**
23 **you have given satisfactory evidence of true repentance and have been restored to good**
24 **standing by this Court.**

25
26 The motion to lay the initial motion on the table in order to entertain the substitute motion was
27 passed by a vote of 5-1.

28
29 We took up a discussion of the substitute motion. The motion is based on Form 30; there was
30 some discussion of the need to harmonize the language taken from the form with the current
31 language of the Book of Discipline, as they are somewhat different. It was also noted that the
32 mediated agreement that we anticipate the parties adopting already specifies the parameters for
33 giving satisfactory evidence of true repentance, whereas this statement might be read to imply
34 that we do not accept their mediated agreement as evidence of true repentance. There were
35 various opinions expressed on the question of whether the term of suspension should be left
36 indefinite, as it is in this motion. There was further discussion about bringing the current motion
37 into closer conformity with the Book of Discipline. The substitute motion was lost by a vote of 0
38 to 5.

39
40 It was moved and seconded that we adopt the following censure:

41
42 **You, David Carr, Ben Larson, and Keith Magill, having been found guilty, by your**
43 **confession and acknowledged neglect of your Christian duty as an elder and by your own**
44 **admission of the sins of neglecting to shepherd the flock of Jesus Christ in a biblical way**
45 **and failing to maintain the integrity of the eldership, this court of the Church of Christ**
46 **sadly and solemnly judges, censures and suspends you from the office of elder for the**

1 **greater of one year or until satisfactory attempts at reconciliation have been made, and**
2 **forbids you to perform any of the duties belonging to it until the court is satisfied with the**
3 **outcome.**

4
5 This version acknowledges, by implication, the existence of the mediated agreement. We
6 discussed the desirability of an indefinite suspension term versus a specified suspension
7 period. There was a desire expressed to connect the duration of the censure to the elders' good-
8 faith efforts at reconciliation, as described more specifically in the mediation document. After
9 further discussion, the motion passed 6-0; the Moderator *pro tem* was asked to cast his vote and
10 made the vote unanimous.

11
12 The gavel was returned to Mr. Wing. Mr. Coombs was excused at 3:46 pm to attend a prior
13 commitment.

14
15 Mr. Backensto was asked to inform Mr. Neiss (on Monday) that the Prosecution, Defense, and
16 Commission have agreed to meet together on Monday evening and that there will not be a live
17 stream on Monday night; we anticipate one on Tuesday morning. There was also an inquiry
18 from Mr. Neiss regarding an individual who is qualified to attend the live stream, but who needs
19 to provide care to a dependent relative who suffers from dementia and is not a member of IRPC
20 or RPCL. Permission is sought for the individual with dementia to attend the live stream under
21 these circumstances. Given that it now appears likely that there will not be a trial during the live
22 stream, the moderator ruled that it is permissible for this individual to bring their relative with
23 them.

24
25 The Prosecutors have asked for advice regarding what to say to witnesses and when. There is
26 only one witness planning to travel; they have been told that they may testify via Zoom if
27 needed. The ruling elders are eager to share the news with their congregation that there is a
28 mediated agreement and have been advised not to do so before we meet. Mr. Backensto will
29 notify the observers and RPCL on Monday afternoon of the plan to have no live stream on
30 Monday. This would enable a general notification to the congregations.

31
32 We agreed to meet on Monday in the Boilermaker Room at the Courtyard by Marriott Lafayette
33 at 4 pm. Mr. Wing is working on a script of events for Monday evening and Tuesday
34 morning. We anticipate meeting with the parties at 6 PM Monday. He will ask for a statement
35 affirming acceptance of the mediated agreement from the Prosecution, for the signing of the
36 mediated agreement by the ruling elders, and will prepare a statement indicating the
37 Commission's acceptance of the agreement. There will be a statement of the censure and a
38 roundtable discussion of the implementation plan for the items in Section 7 of the agreement
39 (parties working together), including the extent of the Commission's involvement in the activities
40 described there. We will convene as a court to pronounce the censure if that has not been done
41 prior to that point.

42
43 We will work together on announcements to be made on Tuesday morning; we will need to
44 consider messages to the live stream observers, the victim families, the families of the
45 defendants, the IRPC session and congregation, the Great Lakes-Gulf presbytery, and the Synod.

46

1 The Moderator anticipates that before concluding on Monday evening with the parties, we would
2 have a brief time of worship to mark the occasion and the closing out of the accusations and the
3 end of the adversarial nature of the relationship between the parties. The moderator invited the
4 commission members to offer input into the plan.

5
6 The moderator has contacted Ken de Jong about the possibility of holding an informal meeting at
7 6 PM on Tuesday evening with the IRPC session. The moderator suggested attempting, after
8 Tuesday morning, to reach out to Mr. Olivetti about the possibility of meeting with him on
9 Tuesday afternoon or Wednesday morning.

10
11 The clerk noted an inquiry from Mr. Zachary Blackwood seeking permission to testify in an
12 executive session during the second trial. The moderator ruled that we should grant him
13 permission, though we are very hopeful now that a trial will not be needed. The clerk will reply
14 to Mr. Blackwood.

15
16 We agreed by common consent to adjourn. Mr. Moore led us in prayer and adjourned the
17 meeting at 4:06 pm.

18
19 Respectfully submitted,

20
21 Keith M. Wing

22 Moderator

21 Thomas A. Fisher

22 Clerk

23
24
25
26
27 March 28, 2022 *Boilermaker Room, Courtyard by Marriott Lafayette* 6:13 pm EDT

28
29 Members present: Bruce Backensto, Brian Coombs, Thomas Fisher (clerk), Kelly Moore, Tom
30 Pinson, Keith Wing (moderator), and Micah Ramsey, our alternate commissioner. Also present
31 were the prosecutors, Kyle Borg, Stan Copeland, Joseph Friedly (lead prosecutor), and Pete
32 Smith, the defendants, David Carr, Ben Larson, and Keith Magill, and Wade Mann, their
33 mediation counsel.

34 Mr. Wing called the meeting to order with a brief meditation from Ecclesiastes 4:9-12. He then
35 led us in prayer, constituting our meeting.

36
37 The moderator noted that Mr. Ramsey has been seated by the Commission today in the place of
38 Mr. Bower, who has teaching commitments this week. He summarized the planned purposes for
39 this meeting between the parties and the commission:

- 40 • To confirm the conclusion of the mediation process
41 • To confirm all of our individual affirmations to the mediated agreement
42 • To review the censure that the SJC has applied in the case
43 • To discuss the way forward including the reconciliation process and ways in which the
44 investigators and Commission may encourage, support, and enable the former ruling
45 elders in that process

- 1 • To discuss relationships between these parties, between us, and to address any grievances
- 2 that may still exist, and determine a way forward to reconcile those
- 3 • To lay aside the adversarial judicial process and commit ourselves to demonstrating the
- 4 unity of the brethren in the pursuit of peace in Christ's church.
- 5 • General discussion for topics that anyone here may wish to raise

6 The moderator reviewed the steps that brought us to this point, beginning with the commission's
7 appointment by the Moderator of Synod: The SJC sought to engage the parties in a mediation
8 process beginning in late December 2021. There were verbal indications that both the
9 Prosecution and Defense were willing to engage in an alternate dispute resolution process. The
10 SJC established a framework for the mediation process and issued it to the parties in January
11 2022. It was, however, difficult to find a way to get all the parties together. During this time, the
12 former ruling elders resigned their office. Also during this time, there was a civil action that was
13 hampering efforts to bring the parties together for mediation. Two weeks ago, the former ruling
14 elders indicated they were ready to engage more directly in the mediation process. The only
15 week where all the defendants were available was the final week before the start of their trial.
16 Mr. Keenan assembled the parties and began the dialog. The Moderator joined in some of the
17 discussions to encourage the parties to make every attempt possible to develop a mediated
18 agreement.

19
20 By March 24, 2022, the defendants had developed a proposed agreement and worked with the
21 prosecutors to develop a consensus on that agreement. The parties developed a 'near final'
22 agreement on March 25. On March 26, the SJC was notified by both the Defense and
23 Prosecution that they had reached concurrence on a final mediated agreement. The SJC held
24 discussions on both March 25 and 26 to review the agreement and to discuss the possibility of
25 censure. On March 26, the SJC unanimously agreed on a proposed censure.

26
27 The SJC began enacting plans to displace the formal judicial trial scheduled for the week of
28 March 28th, with a plan to finalize and affirm the mediated agreement and announce it to the
29 church. The mediated agreement, once signed, becomes the final, superseding document of
30 record and will demonstrate that it is accepted by both the Prosecution and Defense and by the
31 SJC. While not every detail of the accusations and counts is accommodated in the agreement,
32 the accusations are referenced in the agreement and the counts are briefly summarized. The
33 parties agree that the mediation document sufficiently addresses the critically important elements
34 of the accusations. The Prosecution has accepted these statements as being acceptable in light
35 of the original accusations. The accusations will stand as a part of the permanent record for
36 reference only. The mediated agreement will supersede and take precedence over the
37 accusations in terms of the priority elements of the accusations and the degree to which the
38 defendants are confessing guilt.

39
40 As part of the mediation agreement, the defendants further proposed a process of reconciliation
41 to be implemented after the acceptance and announcement of the mediated agreement. A key
42 component of this reconciliation process is the commitment of the Prosecution and Defense to
43 work together to develop a timeline and to identify those parties for pursuit of reconciliation.
44 This process will be under the oversight of the SJC or any successor bodies.

45

1 Following this review, the elders distributed the final draft of the Mediated Agreement to all
2 present. The elders asked for time to withdraw and caucus briefly. They returned at 6:55
3 pm. The moderator asked that the parties confirm their verbal affirmation of the present
4 agreement. Mr. Carr stated that although he agreed with the contents of the document, he was
5 not yet able to affirm his willingness to sign it. Mr. Larson confirmed his willingness to sign the
6 agreement. Mr. Magill confirmed that he was able to do so, with the implicit understanding that
7 the parties would be able to further define the items in #2 and #3. Mr. Friedly read a statement
8 of the Prosecution's acceptance of the Acknowledgement of Sin and Repentance. Mr. Copeland,
9 Mr. Smith, Mr. Friedly, and Mr. Borg confirmed their acceptance of the mediated agreement and
10 their willingness to affirm it by signing. Mr. Carr again indicated that he was not yet able to
11 confirm his willingness to sign the agreement. The elders and Mr. Mann asked for additional
12 time to confer, so the Moderator called for a recess at 7:07 pm.

13
14 The Commission reconvened at 7:52 pm. The moderator asked Mr. Carr whether he was willing
15 to affirm and sign the mediated agreement, and he indicated that he was willing to do so. The
16 Moderator asked each member of the commission to confirm his acceptance of the mediated
17 agreement and to confirm that this is the superceding document to close out the accusations; he
18 also asked that each affirm this with his signature of the document. Each of the seven members
19 present confirmed his acceptance.

20
21 Mr. Mann asked the commission to provide a basic rationale for the proposed censure. The
22 moderator began by noting the different censures as described in the Book of Discipline and the
23 difference between "continued neglect of duty in spite of counsel" and "persistent neglect of
24 duty." Various members of the commission offered their thoughts regarding the censure. It was
25 noted that the censure should be coordinated with the language of the mediated
26 agreement. Others commented that the flock was not shepherded appropriately, causing the
27 office of elder to be questioned both inside and outside the church, so that the credibility of their
28 witness needs to be regained. It was noted that the censure of suspension permits continued
29 accountability and care for the repentant to be engaged in restoration with others; while a rebuke
30 is a one-time action. The efforts at reconciliation will take time.

31
32 The moderator gave an opportunity for the prosecutors to speak to their reaction to the proposed
33 censure, and they did so. They noted that they were thankful for the willingness of the elders to
34 confess sin, and that they believed that suspension seems appropriate to the process that is
35 envisioned in the mediated agreement. The moderator gave a similar opportunity to the former
36 ruling elders. Through Mr. Larson they offered four thoughts: (1) They affirmed their agreement
37 with a collaborative, overseen reconciliation process; (2) Their perspective on the language of
38 continued vs. persistent neglect is that many of the confessions listed in the agreement date from
39 12-16 months ago, and they have been seeking to turn in repentance; (3) They have not yet been
40 able to present their views regarding mitigating factors in their case (e.g. how much they knew at
41 the time they made particular decisions) for the record; (4) This January, they decided to resign
42 as a tangible step of mediation, and in so doing, they went, of their own volition, beyond
43 suspension.

44
45 Mr. Mann noted that the commission has never heard the elders' own testimony of the events that
46 are under review, and that the censure should ideally include consideration of mitigating

1 factors. Mr. Magill indicated his belief that the investigations that have been done did not
2 provide an opportunity for the elders to give their account of the events, so the information being
3 used to determine a censure does not include this. He urged that a censure as strong as
4 suspension would not be appropriate in such a circumstance. What, for example, would be done
5 if a harmonized narrative of the events reveals that the original charges are misstated? Members
6 of the commission responded that the censure proposed is believed to be based on the things that
7 have been confessed to, and that there are provisions for altering the censure in the future if
8 circumstances warrant doing so.

9
10 The moderator dismissed the parties to permit the Commission to have further discussion at 8:37
11 pm. It was noted that it is always within the court's prerogative to terminate a suspension. After
12 some further discussion, the parties were recalled at 8:44 pm.

13
14 The moderator confirmed that the censure will be the one adopted previously, but that we can
15 make the case for a future change in censure based on the progress of the matters committed to in
16 the mediated agreement. The moderator invited the parties and commissioners to sign the Final
17 Mediated Agreement. Each party and commissioner present did so; it was noted that Mr. Bower
18 is not present but will be able to sign later. In any case, the agreement was unanimously adopted
19 by the seven commissioners seated and is therefore formally accepted.

20
21 The moderator asked all present to stand and he read the following statement:

- 22
- 23 1. Whereas, the SJC developed and implemented a mediation framework as an
24 alternative process to judicial trial, and
 - 25 2. Whereas, both the Prosecution and Defendants have committed themselves to
26 work together to understand the particular details of the accusations, and to form a
27 mutual understanding and agreement on the essential events and actions that
28 unfolded during this matter, and they have sought to address the critically
29 important elements of the accusations, and
 - 30 3. Whereas, The Defendants have put forward a sincere and meaningful statement of
31 confession of sin with evidence of repentance, and a commitment to seek
32 reconciliation with all those harmed in this matter, and
 - 33 4. Whereas, the Prosecution accepts this mediation agreement as addressing the
34 critically important elements of the accusations,
 - 35 5. Therefore, now the Prosecution and the Commission both unanimously accept
36 this statement of confession, repentance, and plan for reconciliation as addressing
37 the critically important elements identified in the accusations, and
 - 38 6. Finally, in accepting this mediated agreement, the Commission and in reference to
39 allowable censures contained in the RPCNA Constitution's Book of Discipline,
40 hereby imposes the following censure on the Defendants: *You, David Carr, Ben
41 Larson, and Keith Magill by your confession and acknowledged neglect of your
42 Christian duty as an elder and by your own admission of the sin of neglecting to
43 shepherd the flock of Jesus Christ in a biblical way and failing to maintain the
44 integrity of the eldership, this court of the Church of Christ sadly and solemnly
45 judges, censures and suspends you from the office of elder for the greater of one
year or until satisfactory attempts at reconciliation have been made, and forbids*

1 *you to perform any of the duties belonging to it until the court is satisfied with the*
2 *outcome.*

3 7. Having received your confession of sin, and having imposed the above censure,
4 the 2021 Synod Judicial Commission hereby declares that your affirmation and
5 attestation to the mediated agreement bring the accusations of sin in this matter to
6 a close. The summary document which has been received and accepted by both
7 the prosecutors and the SJC is enacted as a whole as the final and superseding
8 document in this case. We promise to encourage, support, and enable the pursuit
9 of reconciliation in every way possible.

10 The moderator stated that from this point forward, as it relates to this case, the four men who
11 investigated this matter will no longer be referred to as prosecutors. Rather, they revert back to
12 the title of investigators and will serve as a source of information and as advocates for
13 reconciliation.

14
15 The Moderator declared that the judicial case against Mr. Carr, Mr. Larson and Mr. Magill is
16 closed. He asked Pastor Brian Coombs to lead in prayer, and after this, the assembled group
17 sang Psalm 133A together. After singing, all present extended the right hand of fellowship to
18 one another as our pledge to help and support each other as we move forward.

19
20 Mr. Larson expressed appreciation for Mr. Keenan's guidance in the mediation process. There
21 was some discussion of what may be needed in reconciliation, including the possible use of a
22 third-party peacemaking organization. There will also be individuals who were not sinned
23 against but who remain offended and who would not necessarily be part of the mediation
24 process. There was further discussion of some of the implications of pursuing reconciliation. It
25 was noted that the attachments referred to in the Mediated Agreement are for reference as the
26 sources of many of the attestations within the Agreement.

27
28 The moderator asked whether there are areas where the commission needs to seek the
29 forgiveness of the ruling elders; on behalf of all three, Mr. Larson expressed their appreciation
30 for the commission's humility and indicated that they will consider the question and seek to
31 address any matters that they think need to be pursued.

32
33 The Moderator outlined plans for the live stream announcement to be made tomorrow morning.

34
35 The Moderator encouraged the ruling elders to consider including Mr. Blackwood and Mr.
36 Pfeiffer in the reconciliation efforts where it seems appropriate to them to do so.

37
38 Mr. Wing invited the parties to give input on the question of what other items remain to be
39 addressed in the "matter" given to the commission. It was noted, and agreed, that some of these
40 items had been mentioned in the investigator's report.

41
42 As this evening's events will be communicated to the denomination, we asked the elders whether
43 they had any thoughts on the contents of the statement to be released. We noted in particular that
44 past experience suggests that whatever we send out will end up in the media. Mr. Larson

1 expressed appreciation for our acknowledgment of the ruling elders' previous statements of
2 repentance and felt this would be important to include.

3
4 Following further discussion, Mr. Moore led in prayer, adjourning the commission meeting
5 at 9:51 pm.

6
7 Respectfully submitted,

8
9 Keith M. Wing
10 Moderator

11 Thomas A. Fisher
12 Clerk

13
14 March 29, 2022 *Boilermaker Room, Courtyard by Marriott Lafayette* 7:45 am EDT

15
16 Members present: Bruce Backensto, Brian Coombs, Thomas Fisher (clerk), Kelly Moore, Tom
17 Pinson, Keith Wing (moderator), and Micah Ramsey. Also present was our counsel, Mr. Rob
18 Keenan, the investigators, Kyle Borg, Stan Copeland, Joseph Friedly (lead prosecutor), and Peter
19 Smith, the defendants, David Carr, Ben Larson, and Keith Magill, and Wade Mann, their
20 mediation counsel. This meeting was live-streamed to a group of communicant members of
21 Immanuel RPC and RPC Lafayette (gathered at RPC Lafayette) and to members of Synod
22 appointed as trial observers.

23
24 **The Moderator made the following statement:**

25
26 Let me begin by reporting who is gathered here in this room. We have members of the 2021
27 Synod Judicial Commission, including: Mr. Bruce Backensto, Mr. Brian Coombs, Mr. Tom
28 Fisher, Commission Clerk, Mr. Kelly Moore, Mr. Tom Pinson, Mr. Micah Ramsey, one of our
29 alternates who is seated for Mr. Bower who has other duties this week. I am Keith Wing,
30 Moderator of the Commission. Also present with us is Mr. Rob Keenan, who serves as Counsel
31 to the Commission. We have Mr. David Carr, Mr. Ben Larson and Mr. Keith Magill, former
32 ruling elders at Immanuel RP Church. We have Mr. Joseph Friedly, Mr. Kyle Borg, Mr. Peter
33 Smith and Mr. Stan Copeland, the men appointed by the Commission as investigators in this
34 matter.

35
36 I'd like to read these two verses from John 13:34-35.

37 *A new command I give you: Love one another. As I have loved you, so you must love one*
38 *another. By this everyone will know that you are my disciples, if you love one another"*

39
40 (The Moderator then convened the meeting in prayer)

41 O Lord, our God...today we come together from various congregations and various presbyteries
42 of our denomination to tend to important matters pertaining to Your church. In the great
43 commandments and the two tables of the law, You call us to love You with heart, soul, mind and
44 strength. You further instruct us to love our neighbor as ourselves. These commands are a
45 reflection of greater bonds of love found in a special, covenant love You give to Your people,

1 Your called out ones. This love is the love that You extended to us while we were sinners. It
2 reflects the union we now have together by faith in Christ...as well as the communion we share
3 as those who bear His name...those who have been washed clean by His blood.

4
5 Lord Jesus, You called this a “new command”...to love one another. Lord, we pray that you
6 would help us honor You in this testimony of love, this outworking of our faith, and the
7 demonstration of your sanctifying mercies in us. We ask that You would enable us to confirm
8 this affection toward each other as a testimony of grace to a watching world.

9
10 Now, we gather in that precious name of Jesus and ask that You would add Your blessing to our
11 assembly as we convene ourselves as a court of the house of Zion, in the name and by the
12 authority of Jesus Christ, Zion’s ONLY King and Head.

13
14 This morning, we want to announce to you that, as a result of work that has been going on in the
15 background now for some time, and after a meeting last night between the Commission, the
16 Prosecution, and the Defendants, I am now able to declare to you, that we will not be conducting
17 a judicial trial to address the accusations against Mr. David Carr, Mr. Ben Larson and Mr. Keith
18 Magill.

19
20 I will describe to you in more detail some of what has been taking place.

21
22 First, a short summary of the steps that brought us to this point.

- 23 • The Commission was appointed by the 2021 Moderator of Synod to “look into this
24 matter” at Immanuel RP Church, and we were convened in July 2021
- 25 • The Commission appointed an investigation team of four men to look into ‘this matter’ in
26 greater detail.
- 27 • At the conclusion of that investigation, initial accusations were brought forward and were
28 approved by the Commission as conforming to the requirements of our Constitution.
- 29 • In November, the Commission arranged a pre-trial hearing during which we had the first
30 discussion of a mediation process as an alternative to judicial process. This alternative
31 process is allowed by our RPCNA Constitution and encouraged by the scriptures.
- 32 • After the pre-trial hearing, the Commission received and approved amended accusations
33 against Mr. Carr, Mr. Larson and Mr. Magill, now former ruling elders at Immanuel RP
34 Church.
- 35 • In early January of 2022, the Commission developed and approved a mediation
36 framework which was presented to both the prosecution and the defendants.
- 37 • As we continued the development of the details of the process for ecclesiastical judicial
38 process (a trial), we repeatedly encouraged the parties toward the alternative mediation
39 process.
- 40 • As time went on, we did eventually see engagement by both defendants and prosecution
41 in the mediation process, facilitated by legal counsel to the Commission, Mr. Rob
42 Keenan.
 - 43 ○ The third-party facilitation was necessary in order to preserve the objectivity of
44 the Commission in the event we may still need to proceed to judicial process.

- 1 • The efforts to reach a mediated agreement intensified this past week and the parties
- 2 successfully developed a draft mediation agreement.
- 3 • After input from the Commission, the parties came to finalization and
- 4 approval/acceptance of mediated agreement on Friday, March 25th.
- 5 • On Saturday, March 26th, the Commission convened and approved the mediated
- 6 agreement and made a determination as to whether a censure would be applied.

7
8 The mediation agreement is focused on statements of acknowledgment and confession on the
9 part of the former ruling elders. It is the judgment of both the investigators and the Commission
10 that these statements are substantive, sincere, and meaningful. Further, we all agree that the
11 repentance offered addresses all the critically important elements of the accusations, even though
12 not every aspect of the accusations was addressed.

13
14 Therefore, by unanimous agreement of both the investigators appointed to look into this matter
15 and who brought the accusations forward and of the 2021 Synod Judicial Commission, the
16 accusations against the three former ruling elders are now closed.

17
18 In the written statement, and confession of sin to the Commission, the former ruling elders have
19 written the following, and these are some brief excerpt excerpts out of that document. In the
20 cover letter, they indicate these holistic statements. "Number one, we mourn the loss and
21 injuries suffered by all the victims and are broken that our failures have compounded the struggle
22 experienced by some of these families. Number two, we stand by and maintain the numerous
23 statements of confession and repentance made publicly and privately to victim families, to the
24 presbytery, the congregation, and many individuals." And then in their statement of confession,
25 which is included in the mediated agreement, these men go on to say, in part, we acknowledge
26 the charges and accusations formally brought against us. Therefore, we confess we did not
27 shepherd the flock of Jesus Christ in a biblical way in violation of the law of God, and the
28 commitments of our ordination, vow number eight. And then that is followed by several
29 statements of specific confession of sin.

30
31 In their statement of confession which is included in the mediated agreement, these men go on to
32 say, in part:

- 33 1. We acknowledge charges and accusations formally brought against us; therefore
- 34 2. We confess we did not shepherd the flock of Jesus Christ in a biblical way in violation of
- 35 the law of God and the commitments of our ordination vow #8
- 36 3. We confess we did not maintain the integrity of the eldership contrary to the biblical
- 37 requirements and the law of God (Titus 1:6,7; 1 Timothy 3:2; Galatians 2:6, James 2:1-9)
- 38 and the commitments of our ordination vow #8 (that is followed by specific
- 39 acknowledgments and confession sin).

40 Additionally, the mediated agreement goes on to propose a specific plan and a process for
41 seeking reconciliation with those who have been harmed. A very important part of this
42 reconciliation plan is that it will take place under the oversight of this Commission. Those who
43 served as investigators have committed themselves in this agreement to assist and serve as

1 advocates in support of the process of reconciliation. We intend to all work together toward the
2 healing of divisions that have emerged over the course of this matter.

3
4 The mediated agreement acknowledges that there have been sins committed against a number of
5 people, which have resulted in real harm to many. Peoples' lives have been turned upside down
6 and the confession of sin and repentance thereof begins the process of seeking to rebuild trust
7 and form a foundation for reconciliation that God alone can produce.

8
9 In our review of the mediated agreement, and with a particular focus on the confessions of sin
10 and repentance made by the defendants, the Synod Judicial Commission concluded that the
11 acknowledgment of sin did warrant a censure. In a unanimous vote, and in conformity with the
12 provisions of the RPCNA Constitution, the Commission has imposed the censure of *suspension*
13 *from the exercise of the ordination to the office of elder. The suspension will remain in effect for*
14 *the greater of one year, or until satisfactory attempts at reconciliation have been made.*

15
16 So as Moderator of the 2021 Synod Judicial Commission, I hereby declare that the Synod
17 judicial process against the former ruling elders of Immanuel Reformed Presbyterian Church is
18 now closed. The mediated agreement will now stand as the documented resolution of the case.

19
20 Now, I would like to proceed to make some additional remarks to those observing this
21 announcement.

- 22
- 23 • We acknowledge the many years of faithful service these men have given to the Lord's
24 church. During the course of this matter and during the course of the investigation into
25 the facts of the matter, it has been clear that there has been sin beyond that of the ruling
26 elders of IRPC.
 - 27 • Regarding reconciliation, let me first say that if there has been offense given to them by
28 either the men on this Commission or by the investigators appointed by the Commission,
29 we will be first to seek to be reconciled with our brothers. We will begin the process of
30 reconciliation by focusing on our own actions first and then seeking reconciliation to all
31 others.
 - 32 • We will all be working together to support, encourage and enable these men to be
33 reconciled to those who have been harmed. This will take time...and it will require the
34 rebuilding of trust and reestablishing dialog about very hard things with a number of
35 people who have been harmed and injured by real offenses.
 - 36 • As I have also said, there have even been examples of harm done to these men during the
37 course of this matter. To the extent that there has been sin committed against these former
38 ruling elders by those who have sought to injure their name and reputation, the
39 Commission charges you to make your confession and be reconciled to them.
 - 40 • The Commission and investigators now become advocates in pursuit of the reconciliation
41 process in all its many dimensions – and there are many dimensions to the work that is
42 ahead.
 - 43 • Over many months, there has been a sad testimony of complaint, grumbling, back-biting,
44 and gossip which has brought shame to the name of Christ in our church. Throughout our
45 appointed labors on this Commission, we have longed for the watching world to know
that we are the disciples of Christ by the way we love one another.

- 1 • Some have sought to injure or malign members of the Commission and others have
2 targeted members of the investigation team that was appointed by the Commission. Our
3 work is very thoroughly documented, and it will be submitted to the Synod for our own
4 accountability. We have sought to do our work in conformance with the standards of our
5 church and with our testimony of faith in the Lord Jesus Christ.
- 6 • And now, this work of reconciliation is also the work of everyone with interest in the
7 health and well-being of all who have been involved in this matter -- for Immanuel RP
8 Church, for their sister congregation of RPC Lafayette, the Great Lakes-Gulf Presbytery,
9 and the RPCNA to come to work together to heal the divisions, and fractures, and
10 fissures that the evil one has sought to instigate in this matter. We have the duty to stand
11 together as one in to fight this foe who was defeated by Jesus Christ at the cross. In our
12 union with Him and together, the world will know that we are of Christ by the way in
13 which we love one another.
- 14 • Last evening, at the conclusion of our announcement of this information to the former
15 ruling elders, we prayed together for God's blessing. We sang Psalm 133A together, and
16 then extended the right hand of fellowship to one another. We were able to embrace one
17 another as brothers in the love of Christ.
- 18 • And now, as Moderator of the 2021 Synod Judicial Commission, and in the case against
19 David Carr, Ben Larson and Keith Magill, the Commission declares the judicial process
20 is finished. Our work from this point will be together in the pursuit of reconciliation -- as
21 unworthy servants in the house of God.
- 22 • We implore you to continue in your prayers for the wide range of parties in this matter –
23 for all of us gathered here, for all of those impacted over this timeframe, for the
24 Immanuel RP Church, for the RP Church of Lafayette, for the Great Lakes Gulf
25 Presbytery and for our denomination.
- 26 • At this point, I will ask that all rise to stand wherever you are:
- 27 ○ I have asked our Clerk, Tom Fisher, to read Psalm 133
- 28 ○ I have asked Pastor Joseph Friedly to pray for these men and for the plan for
29 reconciliation we have all embraced, and after that
- 30 ○ I have asked Pastor Micah Ramsey to pray to Almighty God and to adjourn the
31 Court in the name of Jesus Christ

32 (The meeting was adjourned in prayer, as stated, at 8:11 am)

33

34

35

36

37

38

39 [Clerk's note: At the direction of the commission on May 17, 2022, these minutes have been
40 amended to include below the signed Mediated Agreement with the Former Ruling Elders]

41

42

43

44

45

Acknowledgement of Sin & Repentance

We, David Carr, Ben Larson, and Keith Magill, who were in 2020 Ruling Elders at Immanuel RP Church, herein, do address “the matter” referred by the Synod of the RPCNA to the Synod Judicial Commission, and do plead as follows:

1. We acknowledge charges and accusations formally brought against us; therefore
2. We confess we did not shepherd the flock of Jesus Christ in a biblical way in violation of the law of God (Acts 20:28,35; Hebrews 13:17, 1 Peter 5:2) and the commitments of our ordination vow #8, as described in the statements below:
 - a. We failed to develop & implement a clear & rigorous safety plan for several months;
 - b. We failed to ensure that all impacted parties were informed of alleged inappropriate behavior during the session investigation;
 - c. We failed to adequately warn or inform the vulnerable, hindering essential parental oversight and protection;
 - d. We failed to act with sufficient urgency in informing the congregation, extending care to impacted families, completing the investigation, and in getting outside help, including presbytery, involved;
 - e. We made commitments to impacted families we were unable to keep, especially regarding continuous monitoring of all activity in all areas after services.
3. We confess we did not maintain the integrity of the eldership contrary to the biblical requirements and the law of God (Titus 1:6,7; 1 Timothy 3:2; Galatians 2:6, James 2:1-9) and the commitments of our ordination vow #8, as described above in 2b, 2c, and 2d, and below:
 - a. We did ignore conflicts of interest in both actions and communications;
 - b. We acted with partiality regarding the problems experienced in our congregation.
4. We mourn the loss and injuries suffered by all the victims, and are broken that our failures have compounded the struggle experienced by some of these families. These failures resulted in offenses multiplying, distrust and disunity in the congregation, and delay in both justice & reconciliation.
5. However, we sought to repent and remedy these aggressively from December 2020 onward. In mitigation of these sins, we offer the following considerations: (NOTE: the prosecution has a different view of some of the following statements, which both parties agree to be resolved in 7.c. below)
 - a. These public initiatives of confession, acknowledgement, and repentance:

- i. On January 2, 2021 in a meeting with the IRPC congregation the session confessed to items 2.a, b, c, and d above. Specific notes are included as an attachment.
 - ii. In this same meeting Nate Pfeiffer publicly confessed to several sins and failures, especially during the investigation. Nate's specific remarks are attached.
 - iii. The week of January 10, 2021 David Carr sent a letter of repentance to the entire congregation regarding a false statement made about Josh Bright's resignation from the office of deacon at IRPC. Previous to the email David had spoken directly with Josh seeking forgiveness and receiving it. This email is attached.
 - iv. In March of 2021 there were several public meetings at Presbytery and then with the IRPC congregation. Each of the elders addressed these bodies making statements acknowledging the last 3 items which were more clearly articulated to us by the IJC. Statements are attached and also recorded in the report of a presbytery Shepherding Committee, which is also attached.
 - v. Effective January 17, 2022, David Carr, Ben Larson, and Keith Magill tendered their resignations as ruling elders at IRPC. In a letter to the SJC and in public statements to the congregation we announcing these resignations we "recognize that we are not without fault, and we have sought faithfully to seek out and confess our sins."
- b. These specific and discrete initiatives of confessions, acknowledgement, and repentance:
- i. On June 13, 2020, Nate Pfeiffer spoke with [REDACTED] asking forgiveness in carelessly not considering the hurt his family was experiencing when making initial contact (as the investigator); also for making the hasty assumption to be able to speak with (victims). [REDACTED] graciously granted forgiveness.
 - ii. In September of 2020 the IRPC ruling elders repented to [REDACTED] [REDACTED] for not helping to monitor a minor abuser more actively following the disclosure in late April. [REDACTED] bearing this burden without our immediate help. Forgiveness was granted.
 - iii. On December 3, 2020 the IRPC ruling elders met with the [REDACTED] family to repent of not shepherding them more holistically. We also came to spend considerable time doing just that: showing care and listening to them. They made a series of requests and recommendations at the end of this meeting, the vast majority of which we implemented by the end of the Jan. 2, 2021 meeting. This included: confessing and seeking forgiveness directly from

- them (see letter to them attached), confess and seek forgiveness from the church (see Jan. 2, 2021 congregational confession), and seeking to be more transparent (see Jan. 2, 2021 congregational confession, also note that this meeting included over 90 minutes of taking questions and comments from the congregation.)
- iv. In mid-December many IRPC elders called the [REDACTED] family to repent and seek forgiveness for our failure to communicate with them. This includes: Nate Pfeiffer (lead investigator) whose repentance is summarized in the attached; Keith Magill (responsible for Sept letter distribution) who apologized for failing to ensure they received this letter (see Shepherding Committee report under Keith Magill); Ben Larson (shepherding elder to the [REDACTED] family) whose repentance is summarized in the attached email to the [REDACTED]
 - v. In late Dec. 2020 or early Jan. 2021 in preparation for the Jan. 2, 2021 congregational meeting, David Carr, Ben Larson, and Keith Magill repented to Zachary Blackwood and Nate Pfeiffer for not supporting them in their investigation and pastoral work through a number of months during the spring / summer of 2020. This was a verbal repentance and forgiveness was granted.
 - vi. The ruling elders in a meeting with the IJC in Feb. of 2021 acknowledged our conflict of interest in acting as AIC to establish an advisory committee. This is also noted in several public statements in March 2021.
 - vii. On March 12, 2021 Ben Larson sent an email to the RPCL session repenting of a failure to communicate and involve them more directly to them regarding youth group. Both Keith Magill and David Carr spoke privately with several RPCL elders between March and June of 2021 (synod/presbytery timeframe). See Ben's letter attached.
 - viii. On April 23, 2021 the session met with [REDACTED] a victim family. The session apologized for the lack of shepherding care extended [REDACTED] and especially to [REDACTED] during the last months of 2020 (Sept – Dec.). They committed to extending care, which did occur. Forgiveness was granted. Session minute extract is attached.
 - ix. Summer of 2021 Zachary Blackwood confessed to several offended parents that he failed to recognize the need to either prevent a minor abuser from attending or ensure constant supervision during a party that youth group members were invited to in July of 2020. NOTE: Zachary was the only ruling elder involved in planning this

- informal event, the rest of us were not aware of this issue until reading the stipulation of facts.
- c. Not included in the list above—are numerous private conversations with concerned members in the congregation. The session offered to meet with anyone, and nearly all families in the congregation were visited during the spring and early summer of 2021. Some of this also included direct involvement with the Shepherding committee and the substance of this renewal of trust is described in their report: “The Shepherding Committee sees God’s grace active in the Immanuel situation. Perhaps the most important way for our purposes is the repentance, confession, and reconciliation that has taken place in the congregation.”
 - d. The following revisions in IRPC policy regarding abuse of minors:
 - i. Motion was passed on Jan. 1, 2021 to create a diverse team in the congregation to lead a series of holistic improvement to our child safety policy and practices. This team began meeting in Feb. of 2021. Matt Wilburn is the chair of this team which spent substantial time working through “The Child Safeguarding Policy Guide” by Basyle Tchividjian & Shira Berkovits.
 - ii. IRPC contracted with MinistrySafe for backgrounds checks and training resources in Jan. of 2021.
 - iii. CPP changes already implemented:
 - 1. 2 adults in all classes (previously only for younger ages)
 - 2. Required attendance for each class
 - 3. Monitored transportation to and from classes
 - 4. Clarity that parents are responsible for children after classes / services / events.
 - 5. Locked classrooms and other ancillary rooms unless class is “in session” (prevent opportunities)
 - 6. Background checks and training for ministry volunteers (MinistrySafe is facilitating both of these) are being implemented
 - e. The current IRPC Session is working with the experienced people at MinistrySafe to work effectively and proactively to prevent abuse of minors and deal with abuse if it is revealed to the IRPC. Further direct external review of our CPP has been completed by Brotherhood, our insurance provider. Additionally, we are working with 2 external experts in church sexual abuse to offer detailed external counsel regarding the specific case history at IRPC.
6. We commit to the following steps of reconciliation.

- a. Freely & willingly submit to the SJC or a successor body to oversee the comprehensive steps of reconciliation. What follows is a starting point on the scope and steps of reconciliation.
- b. Undertake training on the nature of abuse, trauma, and appropriate response (NOTE: this has already begun, but we need to align on what else would be appropriate here.)
- c. Work together with the prosecution and Mr. Keenan to produce a harmonized factual narrative of the history of "the matter" to serve as a basis upon which reconciliation can occur. A suggested method: a brotherly and open review of the full stipulation of facts, which the defense is prepared to respond to with various mitigations, clarifications of misunderstanding or misinterpretation, and supplying missing information, as well as detailing how specific instances of sin relate to the categories of confession and demonstration of repentance above. Rationale: we believe that generating such a holistic and agreed narrative will be essential to form the basis of reconciliation and mediation with various parties.
- d. Commit to reconciliation, including where needed, mediated reconciliation between offended parties, including:
 - i. RPCL session
 - ii. Victim families (should include some involvement from their sessions where applicable)
 - iii. Send letters to victim families (after reconciliation with them)
 - iv. Other offended parties, including:
 - 1. Families who have left IRPC, but remain in the RPCNA (confirmation of scope to be aligned with current sessions)
 - 2. Families who have left IRPC, but are outside the RPCNA, including those who have left the visible church (confirmation of scope to be confirmed with SJC / prosecutors – can name several)
 - 3. Other parties (scope to be confirmed with SJC)
 - v. It should be noted that the current IRPC session has some part to play in all of this, to be further discussed and defined.

7. Intending this to be our testimony and plea, we do offer our signatures below, and will confirm these points under oath.

David Carr David J Carr Date: 3/28/2022
 Ben Larson Ben Larson Date: 3/28/2022
 Keith Magill Keith E Magill Date: 3/28/22

Final Mediated Agreement – IRPC Ruling Elders of 2020

Attachments:

- Report of Shepherding Committee
- Jan. 2 IRPC Meeting notes (session confession)
- Confession Session Letter to [REDACTED] 12-20-2020
- Confession – March Pres Meeting Larson
- Confession to [REDACTED] 122220
- Confession - Bright resignation
- Confessions from N Pfeiffer
- Confession – Letter to RPCL session
- IRPC Session minute extract, April 23, 2021

Affirmations:

The undersigned, having been appointed as investigators for the matter at IRPC, and having presented accusations to the Synod Judicial Commission, hereby accepts this mediation agreement as satisfying the critically important elements of the accusations. We commit ourselves to working with Mr. Carr, Mr. Larson and Mr. Magill to support and enable the process of reconciliation between all parties.

Joseph Friedly Joseph Friedly Date: 3/28/2022
 Kyle Borg Kyle Borg Date: 3/28/2022
 Peter Smith Peter Smith Date: 3-28-2022
 Stan Copeland Stanley R. Copeland Date: 3-28-2022

The undersigned, having been appointed to serve on the 2021 Synod Judicial Commission, and having approved the accusations presented to Mr. Carr, Mr. Larson and Mr. Magill, do hereby accept this mediation agreement as satisfying the critically important elements of the accusations. This document now supersedes the accusations as the final document of record. We commit ourselves to working with Mr. Carr, Mr. Larson and Mr. Magill to oversee and enable the process of reconciliation between all parties.

Keith Wing, Moderator Keith Wing Date: 3-28-2022
 Tom Fisher, Clerk Thomas D. Fisher Date: 3-28-2022
 Bruce Backensto Bruce Backensto Date: 3-28-2022
 John Bower John Bower Date: 4-18-22
 Brian Coombs Brian Coombs Date: 3-28-2022
 Kelly Moore Kelly Moore Date: 3/28/22
 Tom Pinson Tom Pinson Date: 3/28/22
 Micah Ramsey Micah A. Ramsey Date: 3/28/22

1 Respectfully submitted,

2

3 Keith M. Wing

4 Moderator

5

6

7

8

Thomas A. Fisher

Clerk

9 April 5, 2022

Via Zoom teleconference

6:30 pm EDT

10

11 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
12 Moore, and Keith Wing (moderator). Also attending were Mr. Micah Ramsey and Mr. Andrew
13 Silva, our alternate commissioners. Mr. Pinson, who is traveling today, was not able to
14 attend. Mr. Moore called the meeting to order with a brief meditation from Joel 2:23-25,
15 reminding us that the Lord is able to restore that which is lost. Mr. Bower then led us in prayer,
16 constituting our commission meeting.

17

18 For the benefit of Mr. Bower and Mr. Silva, the Moderator briefly summarized the events of last
19 week, including the encouraging spirit of repentance and confession exhibited by the former
20 ruling elders in our meeting with them. He noted that Mr. Keenan, the elders, and the
21 investigators are working on plotting a path forward for reconciliation. They are working on
22 scheduling that work and once they have worked that out the commission will try to meet with
23 them, perhaps in late April. We had a good meeting with the four relatively new elders at
24 Immanuel, along with their interim moderator, Mr. de Jong. We had a somewhat difficult
25 meeting with Mr. and Mrs. Olivetti and two of their elders; he indicated that he is only willing to
26 interact with the SJC through his elders, so we will work with them to seek a path forward. The
27 moderator offered time for members to offer additional reflections on last week's events.

28

29 We turned to the review of minutes; the minutes of the regular March 22 meeting were approved
30 by common consent. The minutes of the special meetings called to discuss the mediated
31 agreement, March 25 and 26, were approved by common consent. The minutes of the meeting
32 with the former ruling elders in Lafayette on March 28th were approved by common
33 consent. The meeting of March 29th, at which the resolution of the ruling elders' charges was
34 announced to those who had signed up to view the trial by video live stream, was approved by
35 common consent.

36

37 Mr. Fisher and Mr. Coombs gave an update on the status of any remaining meeting minutes
38 (minutes for March 11th) and the transcription of the Olivetti trial. The primary work remaining
39 is the review of the transcription from Wednesday, March 9th, which is fairly long. We still
40 need to agree on what the "entire record" of the proceeds includes. The moderator asked whether
41 other members of the commission desired to also review the trial minutes; the consensus was that
42 it members were content to accept the review of the current two reviewers. We hope to have the
43 transcription complete by next week.

44

1 The moderator noted that following last week's meeting with the elders, Mr. Magill expressed a
2 request that he be permitted to officiate his daughter's wedding, which is schedule to be held in
3 Germany later in 2022; the wedding had been postponed due to the COVID-19 pandemic.
4 It was moved and seconded that

5
6 **in light of the fact that Mr. Magill's daughter's wedding was previously scheduled to take**
7 **place some time ago, before the adjudication of this case, we give an exception to Mr. Keith**
8 **Magill from his suspension, such that he is granted permission for the sole purpose of**
9 **officiating at his daughter's upcoming wedding.**

10
11 Following discussion, the motion was adopted unanimously. The Moderator will inform Mr.
12 Magill.

13
14 We took up further discussion of the path ahead to work with Mr. Olivetti. We have Mr.
15 Olivetti's most recent letter/complaint, and we discussed this briefly with the ruling elders and
16 with Mr. Olivetti next week. Mr. Olivetti has requested, first verbally, and then through his
17 elder, Mr. Oluyemi Aladejebi, a copy of the transcript of his trial. The moderator noted that we
18 have not discussed this before, particularly with regard to how testimony given in Executive
19 Session should be handled in a transcript. To what extent should those sessions be redacted, and
20 is it appropriate, given the extreme sensitivity of many of the victim families who were
21 witnesses, to specify restrictions on what Mr. Olivetti can do with a transcript? The moderator
22 suggested that we defer the discussion of transcript questions to a later time and focus first on the
23 path ahead from our last meeting. With regard to the recent letter, the moderator noted that
24 many of the matters raised recapitulate objections raised in previous correspondence from Mr.
25 Olivetti, including the Joint Motion to Dismiss from November 30th. The moderator offered to
26 go through previous correspondence to identify any responses that are appropriate.

27
28 It was suggested that it could be helpful for us to establish more regular contact with the
29 Immanuel ruling elders. We had further discussion about the most helpful path to pursue with
30 Mr. Olivetti. Prior to the meeting with Mr. Olivetti, we had discussed the desirability of
31 providing him with a statement of the basis for our judgment and censure and the directions that
32 need to be pursued regarding repentance and restoration. Mr. Coombs has been working on
33 weaving together his document on this matter and the one prepared by Mr. Bower and Mr.
34 Ramsey. The Moderator asked each commissioner to take Mr. Coomb's most recent draft and
35 provide comments to Mr. Coombs to him by this Friday (April 8th). Mr. Coombs also asked
36 members to indicate, where possible, whether they agree on the proposed path, so that we can
37 have clarity on that. We hope to approve the final version of that document next week.

38
39 We took up the request, now received officially, from Mr. Olivetti for a copy of the trial
40 transcript. We discussed the various factors that relate to the transcript itself. While the Book of
41 Discipline indicates that parties to a case have a right to a copy of the record of the proceedings
42 (BoD II.3.1), there were differences of opinion regarding whether this right applies exclusively
43 to parties who have entered an appeal. It was also noted that the Book of Discipline seems to
44 indicate that the parties are entitled to receive the entire record (as will be referred to the higher
45 court), and we have not yet defined the full record of the proceedings.

46

1 There was also considerable concern expressed regarding the redaction of Executive Session
2 testimony received and the protection of those who testified; several witnesses expressed great
3 concern about the possible disclosure of their identities. Further, it was noted that we do not
4 have control over how any material that we forward to Synod will be handled. It's possible that
5 the Business of Synod committee would propose that complaints against the commission's work
6 will be handled by the Synod as a committee of the whole, in which case the whole Synod might
7 need access to the trial transcript. We generally agree that the trial transcript should not be
8 distributed in anything more than a very limited way, and should not be distributed to the Synod
9 electronically. When the information is sent to Synod, its use will not be our prerogative. The
10 moderator agreed to communicate with the Business of Synod committee to address the
11 sensitivity and urgency of handling the matters disclosed in the trial properly. It may well be
12 best to insist that the only copies available for Synod use are a limited number of paper
13 copies. The general conclusion is that we need to agree on what needs to be redacted and on
14 what will be submitted to Synod.

15
16 This does relate to the request from Mr. Olivetti for the trial transcript; he should receive what
17 the Synod receives. The clerk will communicate with Mr. Aladejebi on these concerns.

18
19 We reviewed the status of complaint notices received. We have received Mr. Olivetti's
20 complaint. The moderator has had correspondence with a member of Immanuel, Mr. Dillon,
21 with whom the moderator met to respond to questions about the complaint process. Mr. Dillon
22 subsequently asked for a number of documents that the moderator did not feel comfortable
23 releasing; Mr. Dillon has notified us of his intent to file a complaint, to preserve his right. Today
24 a complaint was received from a Ms. Perez from the Southside RP congregation; the clerk
25 confirmed receipt of it, provided her with information from the Constitution about complaints,
26 and encouraged her to speak with one of her elders to get a fuller understanding of the complaint
27 process. We have also heard anecdotally that one of the presbyters in the GLG presbytery is
28 circulating a complaint for those interested to add their names to, and this complaint appears to
29 be substantively the same as Mr. Olivetti's. \

30
31 The moderator raised the need to take an inventory of the tasks that we need to complete in
32 preparation for Synod. The deadline for Synod submissions is probably May 20th. We need to
33 draft a summary report of our work, including key recommendations to be made to the Synod,
34 and we need to provide supporting documentation, including minutes, formal documents
35 transmitted to the parties, important emails, the complete trial record).

36
37 The moderator established two committees to address complaints and papers. He appointed the
38 following committees, with the Moderator as an ex officio member of both committees:

39 Mr. Backensto (convener), Mr. Coombs, Mr. Moore, Mr. Silva - to first outline our
40 response to complaints

41 Mr. Fisher (convener), Mr. Pinson, Mr. Ramsey, Mr. Bower - to outline what should be
42 included in our full report to the Synod

43
44 The clerk will forward copies of messages received thus far to the rest of the commission.

45

1 We took up the question of a witness who apparently refused his summons to the Olivetti trial.
2 We have received input from the investigators and from Mr. Keenan. We discussed the question
3 of how we should proceed. On the one hand, it is clear that this individual committed contempt
4 of court; on the other, it is not clear that in this specific case a censure would be proper. The
5 general consensus is that it would be appropriate to write this individual to say that his action
6 was contrary to his membership vows, and to admonish him to recognize that this action was in
7 error. The clerk was directed to draft a proposed response for the commission to review.

8
9 The moderator noted that Mr. Pinson has been assigned responsibility to look further into
10 questions raised about Mr. Evans' role in "this matter," per the questions raised at the end of the
11 investigators' report. Mr. Backensto has prepared a draft letter for victim families from the
12 commission; he was also appointed to check with the investigators to determine what
13 communications they have had with witnesses since the trial and what their thoughts would be
14 regarding a note from us. The moderator agreed to express the commission's thanks to Mrs.
15 Backensto and Mr. Wang.

16
17 We agreed by common consent to adjourn. Mr. Wing led us in prayer and adjourned the meeting
18 at 8:47 pm.

19
20 Respectfully submitted,

21
22 Keith M. Wing

23 Moderator

22 Thomas A. Fisher

23 Clerk

24
25
26
27
28
29 April 12, 2022

Via Zoom teleconference

6:30 pm EDT

30
31 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
32 Moore, Tom Pinson, and Keith Wing (moderator). Also attending were Mr. Micah Ramsey and
33 Mr. Andrew Silva, our alternate commissioners. Mr. Wing called the meeting to order with a
34 brief meditation from Psalm 25:1-2, reflecting on what it means to lift our souls to the Lord. Mr.
35 Fisher led us in prayer, constituting our meeting.

36
37 We turned to the review of our minutes. The minutes of the April 5th meeting were approved
38 by common consent. The minutes of March 7, 8, 9, 10, and 11th (the week of Mr. Olivetti's
39 trial), have been distributed. Not all of the commissioners have had a chance to completely
40 review them, so we agreed to defer their final review until next week.

41
42 Mr. Fisher and Mr. Coombs have reviewed the entirety of the Olivetti trial transcript, which was
43 initially transcribed and edited by Mrs. Backensto. A victim family asked to have input into the
44 redaction of their testimony for the transcript that would be seen at Synod, and after that was
45 done, the clerk went through using "search and replace" to redact any other sensitive items and

1 insert aliases as needed. Mr. Silva offered to read through the transcript one last time, and Mr.
2 Wing will also review it.

3
4 We took up a discussion of Mr. Olivetti's request for a trial transcript. There was discussion
5 regarding what Mr. Olivetti's rights are, given his refusal to participate in the trial proceedings
6 and the fact that he has not filed an appeal, which would specifically require access to the trial
7 proceedings. There was also discussion regarding whether a transcript of the portions of the trial
8 conducted in executive session can be given to him. Should there be restrictions on whether he
9 is able to share the transcript with others? It was noted that Mr. Olivetti stated, in his letter sent
10 prior to trial, "If I or [REDACTED] are discussed outside of executive session, I will seek what
11 legal option we have of redressing the resulting damage." This fact raises the concern that the
12 transcript is possibly being sought for use in civil litigation against the church, rather than for
13 Mr. Olivetti's pursuit of his rights as a party in ecclesiastical proceedings.

14
15 The moderator and clerk plan to meet with the Business of Synod Committee later this week to
16 discuss preparations for the material that we expect to distribute to Synod and the concerns that
17 we have around the degree to which sensitive material should be shared.

18
19 Mr. Wing noted that he is about halfway done drafting a short summary of responses to the letter
20 received from Mr. Olivetti prior to his trial. This will be at least useful as a record for us and
21 probably will be useful to the team working on complaint responses.

22
23 Mr. Coombs recently distributed updates of his explanation of Mr. Olivetti's censure and the
24 proposed approach to reconciliation and restitution; Mr. Bower has also offered some recent
25 input to the document. All commissioners should review the documents; there is a longer version
26 that will be shared with the Immanuel elders (and through them, to Mr. Olivetti) and a shorter
27 version intended for wider distribution. Final comments should be given by the close of business
28 on Thursday, April 14th (this week) so that the clerk can distribute the final version on Friday.
29 After some discussion we agreed that the shorter version should be sent to the Clerk and
30 Moderator of Synod for distribution to the presbytery clerks.

31
32 Mr. Coombs and Mr. Bower had previously been assigned the task of examining the
33 constitutional guidelines pertaining to giving trial transcripts to parties; we will hope to discuss
34 this further next week. There was further discussion about the provisions of the constitution
35 regarding release of trial records, including , "A complete, authenticated copy of the entire record
36 shall be available for reference to a higher court, if desired. The parties shall be allowed copies at
37 their own expense." (Book of Discipline, II.3.1, page E-12);, and "Parties are entitled to such
38 extracts from the minutes as may be necessary in preparing an appeal." (Book of Discipline
39 II.4.11, page E-17). Mr. Olivetti's attitude was essentially that he was not a party to the trial; can
40 he retain the rights of a party with regard to trial records?

41
42 The former ruling elders, the investigators, and Mr. Keenan are scheduled to meet on April 14th.

43
44 The Moderator noted that draft responses are being prepared to the complaints. Five complaints
45 have been received: (1) from Mr. Olivetti, (2) from Mr. Faris, (3) from Ms. Riepe, (4) from the
46 Bloomington Session, and (5) from Ms. Perez. [Clerk's note: Ms. Perez' complaint has not been

1 received by Synod's clerk and she has added her name to Mr. Faris' complaint, so she may not
2 intend to pursue filing with Synod] Mr. Dillon did give us notice of his intent to file a complaint
3 but has not yet filed anything. The final filing deadline would appear to be 30 days before
4 Synod. The moderator asked that a first working draft of the response to complaints be ready for
5 the full commission to review by April 26th.

6
7 The moderator noted that the version of Mr. Olivetti's 3/22/22 letter included in his Synod
8 complaint redacts out his threat of legal action.

9
10 We turned to a discussion of the inventory of reporting tasks for Synod (likely deadline, May
11 20). The documents we include in the Docket and Digest may not be included in the final
12 Minutes of Synod. Beyond a summary report, it seems that our minutes do need to be submitted
13 to the Synod and received; It may be helpful to provide a précis of the minutes that gives a sense
14 of the flow of our actions. Some of our supporting documents should probably be included; these
15 may perhaps be included as an appendix. The record of the trial proceedings is specified in the
16 Book of Discipline to include the charges and accusations, the plea and the judgment, and the
17 testimony of the witnesses. It was noted that we will need to redact several of the witness names.

18
19 The clerk still needs to prepare a proposed response to the witness who refused to appear for Mr.
20 Olivetti's trial.

21
22 We discussed a question from Mr. Bright regarding whether he could be released from the terms
23 and responsibilities because no one has filed an "appeal." It was agreed that our understanding
24 when we accepted the terms and responsibilities was that we were using the word "appeal" in the
25 sense of BoD I.5, "Rights of Appeal," which includes complaints, appeals, and other forms of
26 reference to higher courts under a single heading. With that understanding, we believe those who
27 signed the terms should continue not to discuss the proceedings until Synod has reviewed the
28 trial. Mr. Fisher will write back to Mr. Bright along these lines.

29
30 We discussed Mr. Backensto's draft communications to victim families, to which some input has
31 already been given. It was noted that we will need to acknowledge that the final adjudication of
32 the case awaits Synod's decision. Regarding the proposed pastoral letter to Mrs. Olivetti, given
33 the tense nature of our last meeting with the Olivettis, we are unsure of how a letter would be
34 received. Mr. Backensto will reach out to Mr. Aladejebi, her elder, for insight on how best to
35 proceed.

36
37 Mr. Fisher had been assigned the task of speaking to Mr. Jason Camery about to follow up on
38 some questions about the GLG Immanuel Commission's work; he plans to talk with him later
39 this week.

40
41 We discussed the extent to which we should address the deep division that appears to have
42 emerged in the Great Lakes-Gulf presbytery; it seems that we should address the items that
43 pertain most closely to the matters assigned to us and offer a recommendation to Synod
44 regarding Synod assistance to the presbytery to help address the broader problems.

45

1 The Moderator asked Mr. Moore to review the three complaints and the committee report
2 submitted to Synod last year and assess whether there are open items that we should take up in
3 our discussion.; he invited the rest of the commission to also provide input on this question.
4

5 Mr. Pinson is still looking into whether there are open questions pertaining to Mr. Evans'
6 involvement in these matters.
7

8 Still to be addressed: follow-up communications to witnesses, support personnel, Synod
9 observers, the RPCL and IRPC session, etc.
10

11 The moderator reported that Mr. Keenan had contacted our liability insurer's attorney seeking
12 advice regarding what we should follow as an evidence retention policy. The attorney noted that
13 the statute of limitations for lawsuits from minors is usually tolled (suspended) until the minor
14 reaches the age of majority. Thus, minor victims involved in the original offenses at the heart of
15 these matters could potentially initiate litigation many years from now. For this reason, our
16 insurance attorney recommends that we retain all evidence indefinitely. Mr. Wing and Mr. Fisher
17 will take this into consideration as they develop a proposal for evidence disposition.
18

19 We agreed by common consent to adjourn. Mr. Pinson led us in prayer and adjourned the
20 meeting at 8:14 pm.
21

22 Respectfully submitted,
23

24 Keith M. Wing
25 Moderator
26

Thomas A. Fisher
Clerk

27
28
29
30 April 19, 2022

Via Zoom teleconference

6:32 pm EDT

31
32 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
33 Moore, Tom Pinson, and Keith Wing (moderator). Also attending were Mr. Micah Ramsey and
34 Mr. Andrew Silva, our alternate commissioners. Mr. Backensto called the meeting to order with
35 a brief meditation from Psalm 37:1-7, meditating on what it means to trust the Lord. Mr.
36 Coombs then led us in prayer, constituting the commission meeting.
37

38 **The minutes of the April 12th meeting were approved by common consent.** We took up the
39 minutes of March 7, 8, 9, 10, and 11th (Mr. Olivetti's trial); comments and corrections had been
40 received and were incorporated into the initial drafts. By common consent, we agreed that a note
41 should be added to the minutes at the beginning of witness testimony (March 8th) to indicate that
42 each trial witness affirmed that he or she had signed the Terms and Responsibilities. With this
43 addition, it was moved and seconded
44

45 **that we approve the minutes of March 7-11**
46

1 this motion passed unanimously.

2

3 The Moderator noted that Mr. Fisher and Mr. Coombs have reviewed the entirety of the Olivetti
4 trial transcription and it has now also been reviewed by Mr. Silva and Mr Wing. Mr. Silva noted
5 two minor corrections, which the clerk has made. It was moved and seconded that

6

7 **the commission acknowledges, based on the aforementioned work, that the Olivetti trial**
8 **transcript is now complete.**

9

10 The motion was adopted unanimously. The clerk will assemble the remaining elements that are
11 needed to form the complete trial record.

12

13 The clerk apologized for the fact that the "Explanation of Censure and Steps toward Restoration"
14 documents had not yet been distributed. The full version is to be sent to the IRPC session (which
15 will then share it with Mr. Olivetti) and the more abbreviated version will be given to Synod's
16 Clerk for wider distribution (to the presbyteries). Since there is a document pertaining to Mr.
17 Olivetti's prior statements of repentance that some members would like to review, the clerk will
18 wait until Thursday to see if there is any final input on the proposed restoration plan; if not, the
19 documents will then be distributed.

20

21 We noted that we have not had much contact with the Immanuel session since our meeting with
22 them in Lafayette. We agreed that when the clerk distributes the final version of the above to the
23 IRPC session, he will inquire as to their interest in having a Zoom conference meeting with
24 available members of the Commission to discuss it. Such a meeting would also provide an
25 opportunity for an update on how things are going with the Olivettis and on the April 9th
26 Immanuel congregational meeting.

27

28 We discussed an update received from Mr. Keenan on the work of the investigators and former
29 ruling elders in developing a consensus on the "narrative of events," which seems to be
30 progressing well.

31

32 We took up a discussion of the complaints to Synod that have been filed against our actions in
33 Mr. Olivetti's case. Mr. Silva has set up a shared folder to give commissioners common access
34 to documents that are being drafted. Some drafts have already been prepared, and Mr. Backensto
35 stated that he would like for the complaint committee to have something ready for discussion by
36 next week.

37

38 Members offered observations on the complaints received; among other things, it was noted that
39 some of the complaints contain errors of fact. To respond to these, we will need to provide
40 factual context in our responses, which may make the responses rather long. The Moderator
41 noted that despite repeated allegations (in the complaints) that the investigation conducted by the
42 GLG Commission was incompetent, the Synod Judicial committee of the day that addressed the
43 Immanuel complaints affirmed the quality of that commission's work and noted that two of its
44 investigators were professionally qualified to conduct such an investigation. These points should
45 find their proper place in our complaint responses. Commission members were encouraged to

1 review Book of Discipline (II.4.3, pages E-15-16) to re-familiarize themselves with the
2 directives regarding complaints.

3
4 We discussed the general contours of our Commission report to Synod - We expect to submit

5
6 A summary report, including recommendations

7 SJC minutes for meetings from our inception through some time in mid-May

8 A complete, authenticated record of the Olivetti trial, including charges, accusations,
9 plea, judgment, and witness testimony (due to sensitivity of contents, this would not be for
10 submission to the full Synod, but would be made available for use by the BOSC according to
11 their judgment); the moderator suggests that the list of witnesses should be redacted

12 A complete authenticated record of the mediation agreement for the former IRPC ruling
13 elders (accusations, mediated agreement, and censure)

14
15 The moderator asked for input regarding other items to be included. The report of the
16 investigators is a possibility, although some parts may require redaction.

17
18 We noted that the investigators' report contains an appendix with notes on matters that may
19 require further examination; we should review that to determine whether further attention is
20 required (one such item has to do with Mr. Evans, a matter we are already reviewing).

21
22 The moderator has provided other conceptual documents that we may find useful to include in
23 our report. He noted that there are some 50 presbyters who have been involved in investigating
24 or addressing these matters since 2020; a substantial portion of the elders of the church have
25 contributed to this work in some way.

26
27 Mr. Pinson had been assigned the task of investigating possible further action related to Mr.
28 Evans; he requested another week to gather further information before giving his report.

29
30 We took up questions relating to Mr. Olivetti's request for a copy of the trial transcript. Mr.
31 Coombs and Mr. Bower had previously distributed a carefully-drafted brief addressing the
32 question of whether Mr. Olivetti is entitled to a "complete, authenticated copy" of the trial
33 record.

34
35 The language of BoD II.3.1 refers to the provision of a transcript to a party in a trial; one
36 question raised is whether this necessarily assumes the context of an appeal of the trial decision,
37 or of conduct during the trial. The complaint presented by Mr. Olivetti does not pertain to the
38 trial proceedings, rather, it challenges the legitimacy of our even having conducted a trial. Mr.
39 Olivetti does not actually need a transcript to pursue his complaint and did not request one until
40 after his complaint had been filed.

41
42 Moreover, Mr. Olivetti wrote to us stating explicitly that he might pursue civil litigation on the
43 basis of the trial proceedings. Our Book of Discipline states that the courts of the church should
44 "take notice of behavior that may lead to civil lawsuits," which seems to be the present
45 situation. Some concern was expressed that the provision of a transcript under these
46 circumstances might actually enable litigation. Considerable discussion followed regarding the

1 question of whether the trial record ought to be provided to Mr. Olivetti in this instance. The
2 moderator asked that the commission consider these items further while the rest of the trial
3 record is being prepared.

4
5 The clerk previously circulated a draft letter to a witness who did not appear when summoned to
6 testify at Mr. Olivetti's trial; the clerk was directed to send this letter to the witness.

7
8 The moderator reported briefly on the meeting held last week with the Business of Synod
9 Committee. The BOSC was briefed on the sensitivity of much of the information that the
10 commission has been handling, and we proposed that the material should be grouped into three
11 categories:

12
13 (1) Items for formal submission to Synod: a Summary Report, the Commission's minutes,
14 and our response to Complaints received

15 (2) Items to be made available to the BOSC for use according to its discretion: the
16 complete, authenticated record of the Olivetti trial, containing information that we regard as
17 highly sensitive, even with redaction, the evidence submitted at the Olivetti trial, the complete
18 authenticated record of the mediated agreement pertaining to the former ruling elders, the report
19 of the investigators, and various formal documents prepared and distributed by the SJC in the
20 course of our work.

21 (3) Other documents: The full complement of documents in the original body of
22 evidence, including material from the GLG Immanuel Commission, communications between
23 the SJC and the parties, and correspondence received by the SJC from interested parties.

24
25 It was also explained to the BOSC that much of the material in the second and third categories is
26 sensitive or highly sensitive and should not be widely distributed. We reminded the BOSC of
27 the counsel of the 2021 Special Judicial Committee of the day which advised, "it is our strong
28 opinion that the full adjudication of this matter should not be done on the floor of Synod at any
29 time."

30
31 Mr. Backensto reported that he's continuing to work on letters to the victim families and has
32 opened a dialogue with Mr. Aladejebi on communicating with Mrs. Olivetti; he hopes to have
33 something ready for our consideration next week.

34
35 We agreed by common consent to adjourn. Mr. Fisher led us in prayer and adjourned the meeting
36 at 8:12 pm.

37
38 Respectfully submitted,

39
40 Keith M. Wing
41 Moderator

40 Thomas A. Fisher
41 Clerk

42
43
44
45
46

1 April 26, 2022 *Via Zoom teleconference* 6:31 pm EDT

2

3 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
4 Moore, Tom Pinson, and Keith Wing (moderator). Also attending was Mr. Andrew Silva, one of
5 our alternates. Mr. Ramsey is on vacation. Mr. Bower called the meeting to order with a brief
6 meditation from Colossians 4:10-11, reflecting on the Lord's restoration of Mark to useful
7 service. Mr. Pinson led us in prayer, constituting the meeting.

8

9 The minutes of the April 19th meeting were approved by common consent.

10

11 The Moderator reviewed a tentative schedule of meetings to be held before a submission
12 deadline of May 20th for Synod documents. He also briefly reviewed the list of documents (in
13 various categories) that will be submitted, as well as tentative planning for logistics at Synod.

14

15 We discussed the "Explanation of Censure and Steps" document and the question of how the
16 steps of repentance should be overseen. We agreed that there should be no delay in sharing the
17 document, but we have yet to finalize recommendations regarding the makeup of the restoration
18 commission/committee. The clerk was directed to modify the most recent draft to indicate that
19 the commission will be formed in a manner to be determined by Synod, and this document
20 should then be distributed this week.

21

22 We'll also need to offer a recommendation to the Synod as to the composition of a committee or
23 commission that works with Mr. Olivetti in this regard.

24

25 We received a statement from the IRPC elders regarding Mr. Olivetti's repentance. It was agreed
26 that we would be seeking to confirm that Mr. Olivetti's repentance aligns with the accusations
27 that were sustained at his trial. We discussed possibly using the "Trial Deliberations Rationale"
28 document which has been distributed in draft form, with the Coombs addendum regarding the
29 censure rationale. The clerk agreed to re-circulate the document with Mr. Coombs' addendum
30 for the rest of the commission to review. This could be shared with the IRPC session to assist
31 them in understanding where some of the gaps are. The commission is asked to review the
32 document and give their input as to whether this should be shared with the IRPC elders.

33

34 We also discussed possibly sharing a redacted version of the Investigators' Report, or the closing
35 arguments of the prosecutors, with the IRPC session to help them understand some of these
36 points. We also considered possibly meeting with the IRPC session on this topic on Wednesday,
37 May 4th at 7 pm. The clerk will communicate with Mr. Aladejebi in seeking to schedule this.

38

39 We received an encouraging update from Mr. Keenan regarding the progress of the
40 reconciliation work; he reported that Mr. Blackwood had joined this process.

41

42 Mr. Dillon has pursued his previously-stated intention to file a complaint. By common consent,
43 the clerk was authorized to reply to Mr. Dillon and inform him that his complaint has been duly
44 filed with us and that he should proceed with filing it with the Synod, as we do not anticipate
45 changing our action.

46

1 Mr. Backensto updated the progress of drafting responses to complaints received; there are
2 presently drafts of responses to Ms. Perez, Ms. Riepe, and Mr. Olivetti. Remaining to be drafted
3 are responses to the complaints of Mr. Dillon, the Bloomington session, and Mr. Faris et al. Mr.
4 Coombs indicated that he expects to have formatted documents ready for the completed
5 responses, and he and Mr. Silva will work together to make sure that it is clear which drafts are
6 to be reviewed. The moderator asked that members seek to provide any needed comments on the
7 complaint responses by early next week so that the documents can be finalized by May 6th. We
8 had further discussion about material for responding to the complaints. Mr. Backensto indicated
9 that comments on the complaint drafts should be sent to Mr. Coombs.

10
11 Mr. Fisher noted the creation of a folder for the subcommittee drafting our main Synod report;
12 the folder also has several resource documents in it. Writing assignments have been made for
13 the seven planned sections of the report; at present, there are drafts or placeholder files in the
14 folder for each section. As team members complete their drafts, they can replace the
15 placeholders with their most recent section draft. The subcommittee's goal is to have 65-75% of
16 the report in draft form by May 3rd. He noted that the trial record and cumulative SJC minutes
17 are also available in the folder for research purposes as needed. The goal is to have drafts
18 completed for commission review by May 10th.

19
20 The moderator proposed that we include minutes up through our May 17th meeting, and we can
21 read and approve that meeting's minutes. He anticipates no planned meetings in constituted
22 court after that time until Synod. This would not preclude informal discussions with the IRPC
23 session and the former ruling elders in the work of restoration and reconciliation.

24
25 We discussed various recommendations that we may include in our report. We discussed
26 whether we ought to make a recommendation to Synod regarding who should have a voice in
27 responding to the complaints. The consensus was that we would not offer a recommendation on
28 this point. We will ask for our minutes to be received, and that the complaints not be
29 sustained. Depending on how Synod handles the complaints, the complaints may be addressed
30 separately or in a block. Even if a complaint is sustained, that does not automatically overturn
31 the action complained of; that would be up to the Synod.

32
33 We have been working on a proposal for how Mr. Olivetti's repentance and reconciliation are
34 overseen and how the ongoing work with the former ruling elders would be overseen. There
35 would definitely need to be representation from the IRPC session. The moderator suggested that
36 a subset of the SJC, plus other men (possibly an investigator, some men from the IRPC session,
37 some men from the GLG presbytery). We had an informal discussion of who might be
38 considered for inclusion in such a group. It was generally agreed that representation should be
39 drawn from the IRPC session, the GLG presbytery, and the SJC (or some other wider
40 representation of Synod). The participants would need to become acquainted with the trial
41 findings if they are not already. The group would likely need to be a commission of Synod
42 rather than a committee and would need a clear statement of its remit.

43
44 The clerk reviewed what is anticipated to be included in the final authenticated record of the
45 Olivetti trial; the latest draft is 367 pages and includes an index, the charge and summons
46 documents, the trial transcript, and the SJC minutes of the trial. The documentary evidence

1 submitted at trial is also properly part of the record, but because of the size of the main file, the
2 clerk proposes to create a second Addendum file containing all the documentary evidence for the
3 Olivetti Trial. Within the accusations and witness list, the names of witnesses who testified in
4 Executive Session or who are known to be victims have been redacted. Since the specific
5 relationship between Mr. Olivetti and the Offender is widely known within the Synod and the
6 IRPC congregation, that detail has not been redacted where it occurs in the trial record, but the
7 clerk indicated that he intends to redact that information from the cumulative SJC minutes that
8 will be submitted to Synod. The moderator inquired whether the investigation committee report
9 should be included with our report to Synod; there was general agreement that it should, but with
10 substantial redaction to keep sensitive material from being widely distributed.

11
12 The moderator asked for suggestions about other items that should be included with our
13 report. The clerk was asked for an index of what we have received (and when); he will make
14 that available to the commission.

15
16 We discussed the status of the investigating committee, who are taking part as volunteer advisors
17 in the mediated agreement with the former IRPC ruling elders. If that work is still going on at
18 the time of Synod, we should provide for clarification of what their status would be after our
19 existence ceases. If their reconciliation plan is agreed upon by the time of Synod, we might turn
20 oversight of that matter to the GLG presbytery.

21
22 Mr. Pinson gave his report on whether we should take any further action regarding Mr. Keith
23 Evans. He concluded that although Mr. Evans was not careful at times in handling sensitive
24 matters that he disclosed inappropriately, soon thereafter, he took action to confess his
25 transgressions and express repentance to the individuals involved. At the Spring 2021 meeting
26 of the GLG Presbytery, its Immanuel Commission recommended that Mr. Evans be admonished
27 ["for allowing his personal interests to affect his professional role in this case"]; the presbytery
28 declined to admonish him. In light of the circumstances, Mr. Pinson does not believe that the
29 SJC needs to take further action. However, since Mr. Evans is a professional Biblical counselor
30 and is leading the counseling program at RPTS, the seminary board is carrying out a professional
31 review of his conduct in this matter. We may need to have some communication with the board
32 regarding our findings.

33
34 It was moved and seconded

35
36 ***that the SJC take no further action with regard to Mr. Keith Evans' role in this matter, but***
37 ***will refer its findings to RPTS for their review of Mr. Evans' professional conduct.***

38
39 The motion passed unanimously.

40
41 The clerk was directed to contact Dr. Barry York, president of RPTS, to notify him of the last
42 motion and its outcome, and let him know that we can provide further information to the
43 Seminary Board on this matter.

44
45 We took up the question of what should be done concerning Mr. Olivetti's request for a copy of
46 the trial record. Mr. Coombs sought input from several present and former Synod

1 parliamentarians on the issues surrounding this question and received various responses; some
2 did not believe that a party should be entitled to a copy of the trial record under the present
3 circumstances. The fact of Mr. Olivetti's refusal to take part in the trial proceedings, the threat of
4 litigation mentioned in his letter sent to us before the trial, and the fact that he does not need a
5 record of the trial to process his complaint (and has not filed an appeal) were factors inclining
6 some commission members not to provide the record. The matter was discussed further, and it
7 was suggested that this question should be determined by Synod since there is such a wide range
8 of conclusions that can be drawn. It was also noted that we agree that distribution of the full
9 record should be very limited due to the extreme concern of several witnesses who were from
10 families of abuse victims that their identities might be disclosed or be discerned from the trial
11 record. It was proposed that as long as we have made the record available to the Synod, we have
12 fulfilled what is required in this case. That being the case, Mr. Olivetti could pursue his request
13 with the Synod if he desires a copy. It was also noted that the authenticated record is not yet
14 complete.

15

16 It was moved and seconded that

17

18 ***Mr. Olivetti's request for a copy of the authenticated record of his trial be submitted to the***
19 ***Synod for its determination as to whether it shall be granted.***

20

21 Following further debate, the motion failed, 1 - 6.

22

23 Mr. Backensto had provided revised drafts of letters to victim families and is receiving some
24 input from the investigators, who have had the most contact with these individuals. The
25 moderator questioned whether perhaps the letters should also be from the investigators as well as
26 the commissioners.

27

28 The moderator reminded us of the need to meet our report deadlines. We agreed by common
29 consent to adjourn. Mr. Moore led us in prayer and adjourned the meeting at 8:48 pm.

30

31 Respectfully submitted,

32

33 Keith M. Wing

34 Moderator

35

36

37

38 May 3, 2022

39 *Via Zoom teleconference*

6:30 pm EDT

40

41 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
42 Moore, Tom Pinson, and Keith Wing (moderator). Also attending was Mr. Andrew Silva, one of
43 our alternates. Mr. Ramsey is on vacation. Mr. Coombs called the meeting to order with a brief
44 meditation from 2 Corinthians 11:1 - 28 to encourage us as we see Paul's perseverance in spite of
45 a life of unimaginable hardships in his service to Christ. Mr. Backensto led us in prayer,
46 constituting the meeting.

1 The minutes of the April 26th meeting were approved, with corrections made via e-mail, by
2 common consent.

3
4 The Moderator reviewed again our anticipated schedule of meetings, including a meeting
5 tomorrow with the session of Immanuel RPC. The May 20th deadline pertains to the items that
6 must be available for the Docket; the substantial body of other information needs to be available
7 before Synod.

8
9 The moderator noted ongoing progress in the work on the reconciliation process with the former
10 IRPC ruling elders; Mr. Keenan reports that they have a meeting together this week.
11 Mr. Backensto reported on the status of the commission's responses to the complaints that have
12 been filed. He asked for all members to review our responses once more. There are responses to
13 (1) Olivetti, (2) Riepe, (3) Faris, et al., (4) Bloomington Session, (5) Dillon, (6)
14 Perez. Comments need to be sent to Mr. Backensto or Mr. Coombs by close of business on
15 Friday, May 6th. Any edits made directly to the documents should be noted so that they can be
16 easily identified. The current versions were sent to all members by e-mail.

17
18 Mr. Fisher gave an update on the status of our Main report. Drafts of the Introduction (Wing),
19 Timeline of Key Events (Wing), Approach to Our Work (Fisher), Summary of Former Ruling
20 Elders Judicial Process (Wing), and Recommendations to Synod (Pinson) are now available for
21 review and comment. We will attempt to have drafts of the remaining sections by Friday (May
22 6th). The concluding remarks and final versions of recommendations will necessarily need to be
23 the last thing that we do. If there are suggestions for substantial changes or additions, members
24 were directed to contact the author of the relevant section.

25
26 Mr. Pinson reviewed the latest version of the proposed recommendations. Our final
27 recommendation will be that the commission be dismissed. We discussed the possible formats
28 for commissions assigned to complete the restoration process for the former ruling elders and for
29 Mr. Olivetti. For the IRPC elders, we suggest continuing the restoration process already initiated
30 by the SJC through a three-man commission appointed to oversee the work facilitated by Mr.
31 Keenan, and to pursue the anticipated restoration of the men. Similarly we believe a five-man
32 commission should be appointed by the moderator to oversee Mr. Olivetti's restoration.
33 Individuals selected for each commission would need to familiarize themselves with the relevant
34 information in each case (including the harmonized timeline, in the case of the ruling elders, and
35 the trial record, in the case of Mr. Olivetti). We agreed that the language of our recommendation
36 regarding the complaints would be that they not be "sustained."

37 We briefly discussed the trial record; members were encouraged to review the current drafts
38 again and provide any needed input regarding further redaction. We also discussed possibly
39 including the "Olivetti Ruling summary," which, while not exhaustive, provides a summary of
40 the points; this would be appropriate to include with the trial record.

41 We also agreed to review the report of the investigation committee to consider where it should
42 be shared in our reporting.

43
44 We reviewed drafts of letters to victim families drafted by Mr. Backensto from the commission.
45 We discussed when it would be most appropriate to send these and the general sense is that it

1 should be sent sooner rather than later. Members were asked to give comments to Mr. Backensto
2 by May 9th.

3
4 We noted that the commission received a letter from the session of the Dallas RP Church
5 concerning Mr. Olivetti's proposed restoration. Mr. Silva was authorized to share the longer
6 version of the censure and restoration document.

7
8 We briefly discussed our planned meeting with the Immanuel session tomorrow night. We know
9 that they would like to discuss the path forward regarding Mr. Olivetti's restoration. The clerk
10 was directed to contact Mr. Aladejebi to ask whether there are other items that they would like to
11 have on the agenda. We should also inquire how the congregation is doing after the most recent
12 observation of the Lord's Supper. The Moderator does not anticipate that we will need to meet in
13 constituted court.

14
15 We discussed the possibility of available commissioners getting together informally in Marion
16 just before Synod on Monday, June 20th to discuss anything that may have arisen between our
17 last meeting and Synod. Mr. Pinson is not able to attend Synod this year, and Mr. Moore is
18 uncertain as to whether he can attend. We will tentatively plan to meet around 6 PM that
19 evening, if possible.

20
21 We agreed by common consent to adjourn. Mr. Wing led us in prayer and adjourned the meeting
22 at 8:20 pm.

23
24 Respectfully submitted,

25
26 Keith M. Wing
27 Moderator

26 Thomas A. Fisher
27 Clerk

28
29
30
31 May 10, 2022

Via Zoom teleconference

6:33 pm EDT

32
33 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
34 Moore, Tom Pinson, and Keith Wing (moderator). Also attending was one of our alternate
35 commissioners, Mr. Andrew Silva. Mr. Ramsey is away from home. Mr. Wing called the
36 meeting to order with a brief meditation from Colossians 3:22-25, reminding us of our status on
37 this commission as servants, and the need to serve with sincerity of heart. Mr. Moore led us in
38 prayer, constituting our meeting.

39
40 The minutes of the May 3rd meeting were approved by common consent.

41
42 Mr. Wing indicated that our final scheduled meeting will be next week, May 17th, with a
43 meeting slot reserved for May 18th, if needed, to address any needed matters.

44
45 The moderator noted that we were informed late last week by Mr. Aladejebi that we should now
46 direct correspondence to the IRPC Session via Mr. de Jong, as he had stated his intention to

1 resign from the IRPC session. He did subsequently let us know that rather than resigning, he
2 will be taking a leave of absence from the session.

3
4 Mr. Keenan reports that the meeting with the ruling elders and investigators last week had to be
5 postponed due to scheduling conflicts. They presently are trying to meet this week and Mr.
6 Keenan is encouraging them to meet, even if not all participants can be present; there does seem
7 to be a desire to do so.

8
9 Members have provided feedback on our draft responses to complaints. Mr. Coombs has taken
10 the comments received and added them to the reports accordingly. Mr. Keenan has confirmed a
11 suggested addition to our response to Mr. Olivetti's complaint (regarding the Indiana appeals
12 court decision cited by Mr. Zimmerly); full consideration of that decision indicates that
13 identifying the relationship between Mr. Olivetti and the Offender is not a violation of the law
14 because we did not learn that information from court proceedings.

15
16 Mr. Coombs will send out an updated version this evening for review. The moderator asked for
17 all members to review the complaint responses with the goal of having final versions in place by
18 the end of this week (Friday, May 13). Mr. Coombs will send the most recent revision tonight
19 and proposed changes should be sent in an e-mail (not a marked-up file) to Mr. Coombs, cc'ing
20 all members. By Friday, if possible, the Moderator would like each member to give his final
21 indication regarding approval of the ultimate draft. [Clerk's note: Synod's Clerk has confirmed
22 that Ms. Perez has not pursued filing her complaint with the Synod and has elected to join as a
23 signatory to the Faris, et al. petition.]

24
25 Mr. Fisher gave an update on the status of the Main SJC report: drafts of six of the seven
26 sections have been placed in the folder. Members are asked to review these items and provide
27 any suggested edits to all by Thursday. The "Concluding Remarks" section will be drafted by
28 Thursday, D.v., and available then for review. Mr. Fisher will attempt to combine the parts and
29 have a draft of the full report ready for consideration by late Friday. There should then be final
30 (or near-final) reviews done by Monday so that we can discuss the report on Tuesday.

31
32 It was suggested that we add a recommendation to our report urging that Synod declare a day of
33 prayer and fasting seeking the Lord's face in light of the terrible events that led to the need for
34 this commission's work. In the aftermath of the abuse, there have been many instances of sin
35 arising even in the midst of dealing with these matters, and we should seek as a church to repent
36 before the Lord.

37
38 Regarding the recommendations, Mr. Pinson noted that the current version of item 7d calls for a
39 5-man commission to provide oversight of Mr. Olivetti's process of repentance and
40 restoration. Mr. Pinson and Mr. Silva are proposed as members. The clerk was asked to contact
41 one of the members of the Immanuel session to consider service on the commission, and we will
42 propose that the remaining two men be selected by Synod's moderator. As we have previously
43 noted, all the members of this commission should be (or become) acquainted with the record
44 from Mr. Olivetti's trial.

45

1 The moderator noted that some minor redaction of sensitive material has been done on our
2 minutes already; he asked members to review the cumulative minutes to identify any other
3 sensitive items that require redaction. By common consent, we agreed that our report to the full
4 Synod should include a redacted version of the investigation committee's redacted November
5 2021 report. The moderator asked for members to read the report carefully to make redaction
6 recommendations.

7
8 We considered the question of whether we need to provide a stand-alone document containing
9 the accusations to the Synod. It was noted that the minutes of Session #4 of Mr. Olivetti's trial
10 (March 10th) do contain all three counts with circumstances of commission. [Clerk's note: the
11 minutes do not actually contain the top-level accusation, but do contain all of the counts with
12 circumstances of commission, which were the specific accusations to be proved. The
13 commission should determine whether this is sufficient for disclosure to the Synod; if not, a
14 stand-alone document can be prepared.]

15
16 Regarding the case against the former ruling elders, we discussed the question of whether, since
17 the mediated agreement takes precedence over the accusations, and the mediated agreement
18 contains all of the critical elements of the accusations, we should simply submit the mediated
19 agreement, which contains the final accusations approved against the former ruling elders. After
20 discussion, we agreed that the relevant accusations are those in the mediated agreement, rather
21 than the original accusations. This is what we will submit to the Synod.

22
23 Items for public submission to the Synod include our main report, our responses to the
24 complaints, our minutes, and the mediated agreement. The summary of our trial deliberations
25 will be made available to the BOSC as part of the authenticated record, for consideration in any
26 review of our work, but will not be put in the public Synod submission (this document has
27 already been shared with Mr. Olivetti and the IRPC session).

28
29 We agreed that once the finalized version of the complaint responses is available, we should
30 submit it to Synod's Clerk so that it will be available as soon as possible to the Synod. Our goal
31 is to submit the complaint responses by this Saturday, May 14th. The remainder of the public
32 submission will need to go in by May 20th.

33
34 Mr. Backensto gave an update on the status of the three letters he has drafted to the victim
35 families who testified. Following discussion, it was

36
37 **moved and seconded that the most recent drafts of the letters to the victim families**
38 **identified by Mr. Backensto be sent to them as soon as possible.**

39
40 This motion passed unanimously. Mr. Backensto was thanked for his work on this difficult task.

41
42 The moderator polled the commission to determine which members plan to attend Synod; Mr.
43 Pinson is unable to attend, and Mr. Moore and Mr. Bower are uncertain regarding whether they
44 can attend. The moderator reported that Mr. Keenan plans to attend. We will plan to meet
45 informally on Monday, June 20th.

46

1 There being no further business to address, we agreed by common consent to adjourn. Mr. Fisher
2 led us in prayer, adjourning the meeting at 7:48 pm.

3
4 Respectfully submitted,

5
6 Keith M. Wing
7 Moderator

8 Thomas A. Fisher
9 Clerk

10
11
12
13
14 May 17, 2022

Via Zoom teleconference

6:33 pm EDT

15
16 Members present: Bruce Backensto, John Bower, Brian Coombs, Thomas Fisher (clerk), Kelly
17 Moore, Tom Pinson, and Keith Wing (moderator). Also attending was one of our alternate
18 commissioners, Mr. Andrew Silva. Mr. Ramsey, our second alternate, is away. Mr. Silva called
19 the meeting to order with a brief meditation from 1 Corinthians 15:51-58, reminding us of Paul's
20 exhortation for us to be steadfast and immovable because our labor is not in vain in the
21 Lord. Mr. Coombs led us in prayer, constituting our last planned meeting.

22
23 The minutes of the May 10th meeting were approved by common consent.

24
25 It was moved and seconded

26
27 ***that we reconsider the minutes of the meeting of March 10th (Session #4) in order to include***
28 ***the Formal Accusation of Sin made against Mr. Olivetti in the commission's minutes.***

29
30 The motion passed.

31
32 It was moved and seconded

33
34 ***to direct the Clerk to insert the text of the accusation of sin into the minutes of March 10th,***
35 ***Session 4.*** The motion passed.

36
37 It was moved and seconded

38 ***to reconsider the minutes of the meeting of March 29th.*** The motion passed.

39
40 It was moved and seconded

41
42 ***to direct the Clerk to amend the minutes of March 29th to include the entirety of the signed***
43 ***Mediated Agreement with the Former Ruling Elders.*** This motion passed.

44
45 We took up the status of the reconciliation process with the former Immanuel RPC ruling
46 elders. They have been working on the timeline/narrative of events and have gotten to the

1 September 2020 timeframe. The process seems to be going well. This work is resulting in the
2 creation of a "side list" of parties with whom reconciliation needs to be pursued. There is still
3 further work to be done regarding the men receiving training on the nature of abuse (the men
4 have had some initial study, but the present focus has been on the timeline).

5
6 The moderator proposed that we ask Mr. Larson and Mr. Friedly to have a Zoom call with a
7 subset of the commission so that we can have an update on how their work together is
8 proceeding. The ruling elders have urged that they be able to have more frequent meetings to
9 expedite finishing the timeline, but it is difficult for the investigators to meet more than once a
10 week. We discussed whether it might be appropriate to encourage them to begin the work of
11 reconciliation in parallel with the generation of the timeline/narrative.

12
13 The moderator noted that rumors have been multiplying concerning movement within Immanuel
14 RPC toward leaving the RPCNA. While uncertain of how this should fit within our
15 responsibilities, we agreed to ask the Moderator to speak with Mr. de Jong to determine the
16 present situation.

17
18 Mr. Coombs reported that all comments have been incorporated into the final version of the
19 responses to complaints.

20
21 It was moved and seconded

22
23 ***to approve the final version of the responses to complaints for submission to the Clerk of***
24 ***Synod.***

25
26 There was some discussion of the difficulties that arise when the layout of a report is changed
27 after inclusion in the Docket and Digest. The motion was approved unanimously. The clerk was
28 asked, in submitting the responses to the Clerk of Synod, to express our earnest desire that, if
29 possible, the format of the responses to complaints not be altered.

30
31 We took up the main report to Synod. The inclusion of the mediated agreement in our minutes
32 relieves us from the need to place it in the report to Synod. The clerk will circulate the mediated
33 agreement for redaction suggestions before its insertion into the 3/29/22 minutes. Members of
34 the commission provided further input into the draft of the main report. Members were asked to
35 offer suggestions for the wording of the recommendation regarding prayer and fasting to Mr.
36 Pinson by tomorrow. We discussed whether the investigators' report should be disclosed to the
37 Synod publicly, in that it contains a great deal of specific, sensitive information that should not
38 be available publicly. We agreed that the clerk and Moderator will attempt to create a redacted
39 version of the investigator's report that would be acceptable for sharing with the Synod.

40
41 We discussed whether to publicly share the rationale of the judicial decision in Mr. Olivetti's
42 trial. Given the inability of the Synod folder to secure such a sensitive document, we agreed that
43 while it should be submitted to the clerk of Synod, it should not be distributed to the Synod as a
44 whole.

45

1 We discussed adding additional language to the documents submitted to the Synod to emphasize
2 the confidential nature of the information; the clerk was directed to add this to the documents
3 submitted for public distribution.

4
5 The Moderator gave assignments regarding how tasks between now and the document
6 submission deadline should be distributed among the commission members.

7
8 We discussed possibly meeting on the evening of Monday, June 20th, at Synod. Unless there is a
9 critically time-sensitive matter, the Moderator does not expect to call for a meeting before
10 Synod.

11
12 The Clerk and Moderator had received a private communication from an Immanuel member
13 urging that some portion of the commission visit the congregation soon, out of concern that
14 many members are considering leaving the denomination. After some discussion, it was noted
15 that the Moderator has already agreed to speak with Mr. de Jong in this regard, and he is also
16 encouraged to talk to other relevant persons about this concern.

17
18 The Moderator offered a point of personal privilege in order to share some thoughts regarding
19 his appreciation for the work of the commission together, as well as his appreciation for our
20 prayers for his wife Claudia as her health concerns have continued during most of this work. He
21 reflected on the ways in which the commission's work has made him recognize the need to be
22 more diligent as a shepherd of Christ's flock. He expressed his thanks to the members for their
23 labors and for, in many instances, the sacrifices that have been made to do this work.

24
25 Mr. Moore expressed particular appreciation to the ruling elders serving on the commission for
26 their contributions to the court's work.

27
28 Mr. Coombs shared his reflections on the way that the Lord seems to have especially suited the
29 gifts of those on our commission to the needs of our work.

30
31 The clerk then read the minutes of this evening's meeting. It was moved and seconded that
32
33 **these minutes be approved.** This was passed unanimously.

34
35 Mr. Bower then led us in prayer, adjourning the meeting at 9:11 pm.

36
37
38 Respectfully submitted,

39
40 Keith M. Wing
41 Moderator

40 Thomas A. Fisher
41 Clerk

42
43
44
45
46