

By common consent, it was agreed to deal now with the remainder of the SJC matter: We returned to the SJC matter, on Recommendation (e)—the dismissal of the SJC. Special request was given that this Court should pray (now) for the entire matter encompassed in the Immanuel RPC/SJC matter, including all the parties impacted. Another matter of a member's health was included. Mr. J. Bruce Martin thus prayed.

Recommendation (e) carried, and so Synod dismisses the current SJC, with our thanks and deep appreciation shown by rising applause.

SJC Recommendation (f), "that Synod set a day of prayer and fasting for the RPCNA in the month of July so that every member and congregation of the RPCNA, according to their own situations individually and corporately, may humbly: acknowledge that we all fall far short of the glory of God; and commit ourselves to the blessedness of unity while seeking the healing of sinful divisions and pursuit of the loving fellowship of all believers; and seek the peace and purity of the Church in every thought, word, and deed." Discussion ensued; carried.

One delegate stood to offer a motion of acknowledgment; this was seconded and then discussed. The motion did not carry.

The Court voted—moved, seconded, carried—to receive the SJC Report. The Court again applauded. It was moved, seconded, carried (55 to 28) to include the several complaints in Synod's Appendix.

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### **2021 Synod Judicial Commission, Report to Synod**

But as for you, speak the things which are proper for sound doctrine: that the older men be sober, reverent, temperate, sound in faith, in love, in patience; the older women likewise, that they be reverent in behavior, not slanderers, not given to much wine, teachers of good things—that they admonish the young women to love their husbands, to love their children, *to be* discreet, chaste, homemakers, good, obedient to their own husbands, that the word of God may not be blasphemed. Likewise, exhort the young men to be sober-minded, in all things showing yourself *to be* a pattern of good works; in doctrine *showing* integrity, reverence, incorruptibility, sound speech that cannot be condemned, that one who is an opponent may be ashamed, having nothing evil to say of you. *Exhort* bondservants to be obedient to their own masters, to be well-pleasing in all *things*, not answering back, not pilfering, but showing all good fidelity, that they may adorn the doctrine of God our Savior in all things. For the grace of God that brings salvation has appeared to all men, teaching us that, denying ungodliness and worldly lusts, we should live soberly, righteously, and godly in the present age, looking for the blessed hope and glorious appearing of our great God and Savior Jesus Christ, who gave

Himself for us, that He might redeem us from every lawless deed and purify for Himself *His* own special people, zealous for good works. Speak these things, exhort, and rebuke with all authority. Let no one despise you. (*Titus 2 (NKJV)*)

## **1. Introduction and Background**

### **a. Context of SJC Appointment**

As a result of the Synod's deliberation on the report of the 2021 RPCNA Synod Special Judicial Committee to Address Communications #21-16, #21-17, #21-18 (See 1. c below), the 2021 Synod Judicial Commission (SJC) was appointed by the Moderator at Synod's direction.

### **b. Members of the Commission**

The following men were appointed to serve:

- TE Mr. Bruce Backensto, SJC Convener, First RPC, Beaver Falls, PA
- RE Dr. John Bower, Covenant RP Church, Aurora, OH
- TE Mr. Brian Coombs, Messiah's Church, Clay, NY
- RE Mr. Tom Fisher, SJC Clerk, First RP Church, Cambridge, MA
- TE Mr. Kelly Moore, Tri-Lakes Reformed, Colorado Springs, CO
- RE Mr. Tom Pinson, Springs Reformed Church, Colorado Springs, CO
- RE Mr. Keith Wing, SJC Moderator, College Hill Reformed Church, Beaver Falls, PA

Alternates

- TE Mr. Micah Ramsey, Eastvale RP Church, Beaver Falls, PA
- RE Mr. Andrew Silva, Dallas RP Church, McKinney, TX

### **c. Charter from 2021 Synod**

There was significant discussion and debate by the Synod regarding the report of the Special Judicial Committee. The Committee did recommend that the judicial process continue, but there was discussion in Committee and on the floor of Synod as to whether it should continue at the Presbytery level or whether Synod should take original jurisdiction in the case. The Synod deliberated at some length about continuing the judicial process in the presbytery, with new special prosecutors. In the end, however, it was the will of the Synod to take original jurisdiction in the case and to require Synod's Moderator to appoint a seven-man commission to take up the work. The charter from the 2021 Synod was succinctly stated as: *That Synod assume original jurisdiction in the matter of GLG and Immanuel, and the moderator appoint a seven-man judicial commission to address this matter.*

The Synod Judicial Commission was tasked to "address this matter" which grew out of the report of the Special Judicial Committee in the context of the formal complaints before the 2021 Synod. The com-

plaints primarily dealt with how the Great Lakes Gulf Presbytery (GLGP) had conducted and concluded the work of a specially appointed Immanuel Judicial Commission (IJC). While commending the investigative work of the IJC, the Special Judicial Committee raised questions about the IJC's use of a "victim-centered approach" in their decisions, as well as the appointment of special prosecutors in the case. Because last year's complaints against the presbytery's action presented "a *prima facie* case of injustice and wrong," the Special Judicial Committee recommended that members of the GLGP should not have a voice in the judgment of the case, and the Synod adopted that recommendation.<sup>1</sup>

The Special Judicial Committee addressed three formal complaints before the 2021 Synod. The details of these complaints are contained in the *2021 Minutes of Synod*, pages 301–318. The focus of the complaints is summarized as follows:

**Complaint 21-16** begins: "We write to complain against the appointment of special prosecution by the Great Lakes/Gulf Presbytery (GLG)..."

**Complaint 21-17** makes three requests of the Synod, including:

1. The overturning of [Great Lakes/Gulf] Presbytery's actions in the judicial commission's recommendations 1, 3, 5, 7, and 9.
2. The removal of the prosecutors.
3. The consideration of another investigation by the higher court into all these matters—from the initial issues in the congregation and session, through the investigation and report, to the subsequent recommendations and actions by the Presbytery.

**Complaint 21-18** concluded with statements such as:

- "...our formal 'complaint' is against the action of the Presbytery in the appointment of special prosecutors for the elders at Immanuel RP..."
- "We ask the Synod to consider overturning these actions and that the prosecutors be dismissed."
- "If Synod does not believe overturning the actions is appropriate, we humbly ask that, (upon receiving these concerns that have been raised about the report to Presbytery) in the least, Synod would consider re-looking at the entire process in regards to all the events such as the initial case, the investigation, the investigators, the IJC report and resulting recommendations/votes."

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<sup>1</sup> Report of the 2021 RPCNA Synod Special Judicial Committee to Address Communications #21-16, #21-17, #21-18, *2021 Minutes of Synod*, p. 299-300

These communications deal with the way in which the IJC concluded its report, sought to move toward prosecution, and attempted to implement the formal judicial process. Complaint 21-17 specifically asks the Synod to conduct another investigation into “these matters.” With regard to investigation into the sexual abuse at IRPC, it is important to note that the IJC commended the work of the IRPC session in its investigation. Subsequently, the Synod Judicial Committee commended the work of the IJC<sup>2</sup> in its investigation. In respecting the work of prior investigations, the SJC commissioned a new, independent investigation but directed that the information previously collected be examined and (where appropriate) corroborated through independent means, including personal interviews. It also encouraged gathering new evidence regarding the responses that arose after the discovery that sexual abuse had taken place.

The Commission appointed Mr. Kyle Borg, Mr. Stan Copeland, Mr. Joseph Friedly (lead investigator), and Mr. Pete Smith to conduct its investigation. A redacted version of the main investigators’ report is provided as Appendix 2 in a separate encrypted, password-protected file. Because of its sensitive content, the SJC urges that this file should be accessible only to Synod members and that it should not be included in the *Minutes of Synod*.

The scope and charter of “this matter,” then, included reviewing the investigations that had already been conducted by two courts of the RPCNA (the IRPC local session and the GLG IJC) and examining the actions taken by the Immanuel elders in response to knowledge of abuse. It would then be important to determine whether formal charges would or should result from such investigations and whether or not, if proven, those charges would be censurable. The effort would focus not on the actual cases of sexual abuse which had already been investigated but on the response by the courts of the church to the instances of sexual abuse. The central focus of this matter became an examination of shepherding under very trying circumstances. The *RPCNA Constitution’s Book of Discipline* gives clear guidance on how to proceed with judicial propriety, and the SJC sought to apply these provisions carefully throughout the process.

For the entire Special Judicial Committee report, see the *2021 Minutes of Synod*, pages 297-301.

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2 Although a commission, the IJC functioned *de facto* as a committee in that it took no judicial actions, but conducted an investigation and reported back to the presbytery with recommendations.

**d. Overview of the Work of the SJC**

The SJC was appointed by Synod's Moderator and announced on June 25, 2021. The SJC was first convened by its Moderator on July 8, 2021. In the 11 months since that time, the SJC held 48 meetings in constituted court and pursued many individual and sub-committee tasks and meetings. The complete set of Commission minutes, totaling 154 pages, has been made available to the 2022 Synod. The SJC members have a total of over 240 years of shepherding experience. The SJC appointed four RPCNA teaching elders to serve as a team of investigators; these men have a total of 94 years of shepherding experience.

The SJC Moderator estimates that the commissioners and the investigators have expended, in total, between 8,000 and 10,000 man-hours since July 2021. This duty was in addition to the responsibilities of all of these men in their families, callings, local congregations, and Presbyteries. It has been a considerable effort, and it is further recognized that before this work commenced, the IRPC session and the GLG IJC had already expended many thousands of additional man-hours investigating, interviewing, compiling facts and information, and interacting with a broad range of parties with knowledge of the circumstances. The 2021 Special Judicial Committee worked for two long days to bring counsel to the Synod to find a pathway toward resolving the objections to prior attempts to set the Immanuel case in order. The Immanuel Session and the men who served as provisional elders, the Advisory Committee, the "Sub-committee," the Shepherding Committee, the RPC Lafayette Session, and the GLG presbytery have committed untold hours in various acts of shepherding many saints suffering as a consequence of these events. The church in all her courts has been hard at work in this matter since April 2020, and there is more work yet to be done.

**e. Sensitivity of information and material related to this matter**

It is the sad reality that in the many dimensions of this matter, there is displayed the presence and reality of sin, the depravity of man, the harm and damage done to children, families, and among a beloved congregation of brothers and sisters in our denomination. The courts of this church have had to seek to protect very sensitive information from public disclosure. Even in the preparation of this report and the supporting documents submitted to Synod, the SJC has sought to take great care in providing only that which appears essential for Synod's understanding of the work of the Commission. Much of this material required redaction. Other supporting documents and backup information supplied will NOT be distributed generally. **We urge that such**

**material ONLY be made available to a limited number of delegates specifically appointed and authorized by the Synod to read such details in assessing our work.**

We concur with the assessment of the 2021 Synod Special Judicial Committee:

“(1) This is an incredibly complex case, with many parties, many relationships, many layers, events occurring at one time and coming to light later, at different times for different parties. It is our strong opinion that the full adjudication of this matter should not be done on the floor of Synod at any time. (2) This is a very grievous case, in which multiple victims from multiple families suffered sexual abuse among minors; we grieve for those who have been impacted and for their families. (3) Many people from the local session and from the GLG Presbytery have labored long and hard on this matter already. We commend them for their efforts and prayers.”

**f. Additional reference documentation available for controlled, limited review**

- i. The judicial case for Mr. Olivetti proceeded to trial because of the unwillingness of Mr. Olivetti to engage meaningfully in the mediation process offered. As required by the *Constitution* (E-12, II.3.1), the SJC has compiled a complete, authenticated copy of the entire trial record, which is available for reference. Because of significant sensitivities in the information contained in the record, we urge that it be available only to those specifically authorized to examine it, and in controlled copies. These measures are needed to protect minors’ and victims’ identities and to handle carefully the information presented by witnesses and through evidence during the trial. This record is compiled in approximately 370 pages. Accompanying documentary trial evidence is provided in a 250+ page addendum.
- ii. The judicial case against the three former ruling elders successfully resulted in a mediated agreement, thereby circumventing the need for a trial. As required by the *Constitution* (E-12, II.3.1), the SJC has compiled a complete, authenticated copy of the mediated agreement for reference. Because of significant sensitivities in the full document, a redacted version is included in the SJC minutes. The full version will be made available only to those specifically authorized by Synod to examine it, and in controlled copies. This record is compiled in approximately 25 pages.

- iii. The entire body of evidence, including recorded interviews, collected by investigators at various times for the IRPC session, the GLG Presbytery, and the Synod Judicial Commission has been compiled. This information will not be published or released in any general format but will be transferred in a secure form to the clerk of the Synod to be retained in case of a need for future inquiry, including litigation that may arise. The complete array of information used by the SJC will be included in this collection.

### Summary Timeline of Key Events

2017 – 2020	Reported period during which multiple cases of minor-on-minor abuse took place, including 15 reported victims.
October 2019	Mr. Olivetti is informed of instances of abuse.
April 23, 2020	IRPC session members are informed of cases of abuse; session initiates an investigation.
Sept. 6, 2020	Immanuel congregation generally informed of some concerns about sexual abuse, with the response being managed by the session.
Jan. 2, 2021	Identity of the offender is first disclosed to IRPC members in a congregational meeting.
Jan.–Mar. 2021	Cases of sexual abuse investigated by GLG Presbytery Immanuel Judicial Commission (IJC), resulting in reports to Presbytery and Congregation [The IRPC session is permitted to review and edit the final report, and an abridged version of the Presbytery report is given to the Congregation].
June 25, 2021	Notice of appointment of the SJC is given by Synod’s moderator.
July 8, 2021	First SJC meeting convened by Keith M. Wing, Moderator.
July 15, 2021	Joseph Friedly (lead investigator) and Kyle Borg appointed as investigators.
July 29, 2021	Pete Smith and Stan Copeland appointed as investigators, bringing the investigative team to four men. Guidelines provided to the investigators for their work.
Oct. 7, 2021	SJC communicates with Mr. Ken de Jong, provisional moderator of the IRPC session, confirming that the SJC has not taken jurisdiction over the pastoral care of abuse victims and their families.
Oct. 15, 2021	The SJC receives the investigators’ preliminary report and statements of pending accusations against Mr. Olivetti and pending accusations against five 2020 ruling elders of IRPC.

- Nov. 2, 2021 The SJC moderator asks Mr. Rob Keenan (attorney and member of North Hills RP Church) to serve as counsel to the SJC for possible judicial processes.
- Nov. 4, 2021 The SJC receives the final report of the investigators and accusations against Mr. Olivetti and the five 2020 ruling elders of IRPC.
- Nov. 10, 2021 The SJC establishes voting thresholds for approving accusations (simple majority), establishing verdict (two-thirds majority), and censure (two-thirds majority).
- Nov. 10, 2021 Two SJC alternates, Micah Ramsey and Andrew Silva, are invited to begin to observe all meetings of the SJC in case they are asked to serve at any point.
- Nov. 15, 2021 The SJC approves the accusation against Mr. Olivetti as conforming to the requirements of the *Constitution* and that the evidence is sufficient to warrant a trial and, if proven, is censurable.
- The SJC approves the accusations against Mr. Blackwood, Mr. Carr, Mr. Larson, Mr. Magill, and Mr. Pfeiffer as conforming to the requirements of the *Constitution* and that the evidence is sufficient to warrant a trial and, if proven, the charges are censurable.
- The SJC determines to hold two pre-trial hearings on November 30, 2021 in West Lafayette, IN.
- The trials are approved as starting on January 10th, 2022, for Mr. Olivetti and January 17th for the ruling elders.
- Nov. 16, 2021 The SJC moderator calls each of those accused to inform them of the accusations; copies of the accusations are delivered electronically and in hard copy. The investigators make thumb drives with all of the evidence listed in the accusations available to each of the accused.
- Nov. 19, 2021 Mr. Olivetti names Mr. James Faris and Mr. Andrew Falk as his counsel.
- Nov. 22, 2021 The SJC establishes the burden of proof for the cases to be "clear and convincing" evidence over the lesser standard of "preponderance of the evidence."
- Mr. Olivetti identifies Mr. Justin Olson and Mr. John Westercamp as additional members of his counsel team.
- The Commission votes to require the defendants to refrain from the exercise of office commencing December 31, 2021. They are notified on November 23, but this decision is not announced publicly.



- Nov. 24, 2021 The five 2020 ruling elders name Mr. John Westercamp as their lead counsel, with support from Messrs. Faris, Olson, and Falk.
- Nov. 30, 2021 The SJC holds two pre-trial hearings in constituted court, one for Mr. Olivetti and one for the five ruling elders (two of whom had previously resigned). The SJC receives objections from Defense counsel and facilitates discussions about the pending judicial trials (Note: hearings were recorded and provided to the parties). Mr. Faris is identified as lead counsel for all defendants.
- Mr. Falk withdraws as counsel to the defendants.
- Dec. 6, 2021 Mr. Westercamp withdraws as counsel to the defendants.
- The Indianapolis Star* begins publishing a series of articles on the abuse cases at IRPC.
- Dec. 7, 2021 The SJC addresses the objections and requests received from the defense. A formal response is issued in reply.
- Mr. Blackwood and Mr. Pfeiffer are removed from the list of the accused.
- The SJC requires that civil and non-ecclesiastical documents be submitted for review prior to their admission as trial evidence.
- The SJC requests that the Prosecution share additional evidentiary support (beyond that required in the *Constitution*) with the Defense to show how the list of evidence is mapped to the accusations and counts.
- Dec. 11, 2021 The Commission rescinds its previous action requiring Mr. Olivetti and the ruling elders to refrain from the exercise of office.
- Dec. 21, 2021 The SJC approves the revised accusations against Mr. Carr, Mr. Larson, and Mr. Magill as conforming to the requirements of the *Constitution*.
- In response to the Defense requests to delay the trials, the SJC sets Mr. Olivetti's trial to begin on March 7 and the ruling elders' trial to begin on March 28.
- The SJC authorizes the moderator and Mr. Keenan to initiate a dialog with both Prosecution and Defense for the parties to enter into a mediation process to address accusations, beginning with the stipulation of facts that are not in dispute.
- Jan. 4, 2022 The SJC approves the mediation framework and authorizes its counsel, Mr. Keenan, to present it to the Defense. Out of

concern that the process would be impaired if it were widely known, the pursuit of a mediated solution is not disclosed beyond the SJC, Defense, and Prosecution.

The SJC votes to require Mr. Olivetti to refrain from exercising his office until final action in his case is taken. The decision is announced publicly on January 6th.

- Jan. 14, 2022 Mr. Faris and Mr. Olson withdraw as counsel for the defendants.
- Jan. 15, 2022 The defendants in both cases (Mr. Olivetti, Mr. Carr, Mr. Larson, and Mr. Magill) give notice of their resignations as elders of Immanuel RPC.
- Jan.25, 2022 The SJC increases the emphasis on seeking the defendants' engagement in the mediation process.
- The SJC begins to finalize plans to conduct the trials with permitted observers if the mediation process is not successful.
- Feb. 20, 2022 Mr. Wade Mann is identified as counsel (for the purposes of the mediation processes only) to Mr. Olivetti, Mr. Carr, Mr. Larson, and Mr. Magill.
- March 1, 2022 Mr. Olivetti's refusal to enter into the mediation process results in the SJC finalizing the plans and procedures to conduct his trial beginning March 7.
- March 4, 2022 Mr. Olivetti informs the SJC that he does not intend to attend the trial.
- March 7, 2022 The SJC convenes in Lafayette, IN, to begin the trial, with Mr. Coombs serving as Moderator *pro tem* (due to Mr. Wing's need to attend to family medical concerns). Mr. Olivetti does not appear, and the second date of March 8 is formally communicated to him for the start of his trial.
- Mar. 8-10, 2022 The objections in Mr. Olivetti's 3/4/22 letter are overruled by Mr. Coombs because they had been answered by the Commission previously.
- The SJC convenes the judicial trial against Mr. Olivetti in his absence. The prosecution presents its case on March 8, 9, and the morning of the 10th. Nineteen witnesses are called to testify and evidence is presented in support of the accusations. The defendant does not attend to present a defense.
- March 10, 2022 The SJC deliberates and reaches a guilty verdict on all three counts. The court determines a censure of deposition with suspension of the privileges of church membership.

- March 11, 2022 The SJC convenes and publicly announces the trial results, the verdict, and the censure to the trial observers. The announcement is also distributed to the RPCNA denomination through the presbytery clerks.
- March 22, 2022 Mr. Olivetti is found guilty of contempt of court for his unwillingness to appear in response to his summons. A statement of rebuke was issued for his failure to honor his vows to submit himself to the courts of the church.
- The SJC is notified that the prosecution and former ruling elders are scheduled to meet the following week to discuss a possible mediated agreement.
- The SJC finalizes plans to conduct the trial for the former ruling elders beginning on March 28 if the mediation process is not successful.
- Mar. 25-26, 2022 The SJC convenes to review the proposed mediation agreement developed through collaborative work between the prosecution and the defendants. The Commission approves the mediation agreement, which includes statements of confession and a plan to seek reconciliation.
- March 28, 2022 The SJC convenes in Lafayette, IN, with the prosecution and defendants. The parties conduct a final discussion about the mediated agreement and plan for reconciliation. All parties sign the agreement, pray together, and sing Psalm 133.
- March 29, 2022 The SJC convenes and issues a public announcement to the live stream observers that the accusations have been resolved through a mediated agreement and that there would be no trial. A written announcement is issued to the denomination through the presbytery clerks.

### **The Approach to Our Work**

The matters that have been before the SJC originated in a grievous series of incidents of minor-on-minor sexual abuse. It would be easy to assume that our work has been that of investigating the abuse that took place. Yet this was not a child abuse investigation, as others had already done that work. By our first meeting, the civil authorities had completed their investigation of accusations against the delinquent offender and had begun adjudicating his admission to seven counts of child molesting. Before last year's Synod, the GLG Immanuel Judicial Commission (GLG IJC) completed an investigation of abuse that had taken place within Immanuel RPC. In reviewing last year's complaints, the Special Judicial Committee found that the GLG IJC conducted its investiga-

tion “with the right motives and in a competent manner.”<sup>3</sup> The committee’s recommendations were oriented toward continuing the judicial process relative to the pastor and ruling elders of Immanuel; it proposed two options: either (1) have GLG Presbytery continue the process with new prosecutors or (2) have Synod assume original jurisdiction and address the situation through a judicial commission. Synod chose the latter.

Thus, the scope of the SJC’s work focused on the actions of the IRPC session in response to reports of sexual abuse and possibly, any closely-related actions of the GLG Presbytery. We were primarily reviewing how pastoral care had been exercised in the IRPC elders’ response to the abuse as it became known to them.

At our first meeting, we considered that there were essentially two potential paths for our work. We could investigate what had taken place directly: in this approach, if a judicial process became necessary, it would not be appropriate for us to conduct a trial after acting as investigators, and any such resolution would have to be initiated by the Synod of 2022. Alternatively, we could appoint persons outside the SJC to investigate this matter; if their work led them to conclude that judicial action was warranted, they would need to be sufficiently convinced of their findings to act as accusers. This would leave the SJC free, if it found such charges credible, to conduct the proceedings. In discussing these alternatives, we noted that abuse was first disclosed to the IRPC session in the spring of 2020. We recognized that if we pursued the first path and judicial action became necessary, those involved would have to wait more than two years before Synod could begin to consider further action. We concluded that this would be an unreasonable delay for all who have been awaiting resolution of “this matter.”

We chose to pursue the second path: that of having others investigate, leaving us free, if necessary, to initiate appropriate action. Since we could not know beforehand whether judicial proceedings would be needed, we sought to remain as independent and objective as possible to be able to function as an impartial jury. Thus, while we believed it would be important for us to be in contact with the GLG Presbytery and the moderators of the two Lafayette-area churches’ sessions, we determined early in our work that we should avoid directly hearing concerns from individuals associated with the situation.<sup>4</sup> This became difficult in practice because we received frequent communications from individuals other than the parties; yet, to the extent possible, we limited our external communications. On hearing that news media were investigating the Immanuel case, we agreed that SJC members would not share any

3 Report of the 2021 RPCNA Synod Special Judicial Committee to Address Communications #21-16, #21-17, #21-18, *2021 Minutes of Synod*, p. 298

4 Cumulative 2021 Synod Judicial Commission Minutes, p. 3

information with the media.<sup>5</sup> Further, to function as an impartial jury, members avoided reading related news articles that appeared before the SJC's resolution of the cases.

Soon after appointing investigators, the Commission developed a set of guidelines for their work. In addition to directing them to appropriate portions of the *RP Constitution*, we called for them to review official records of the relevant courts (IRPC Session, GLG Presbytery, GLG IJC), focusing on the events of sexual abuse that were uncovered and the actions of the IRPC session in response to those events. As Synod's Special Judicial Committee had commended the GLG IJC's investigative work, our investigators were encouraged to review documents and material already collected by that commission. They were further urged to obtain additional information through interviews with relevant parties, seeking to communicate with care, compassion, and confidentiality. They were directed not to disclose to the Commission the information gathered except under specified circumstances, with a view to limiting the SJC's exposure to the evidence. The investigators were directed to the guidelines of Sections I and II of the *Book of Discipline* in the event that a need for discipline became evident as a consequence of their work.

One of our chief procedural goals from the inception of our work was to follow a disciplined process aligned with the specifications of our *Constitution*, with particular reference to the *Book of Discipline*. We sought to document our commission work through the keeping of minutes to document both our actions and (in summary form) the contours of our deliberative process so that these could be available for subsequent review by the Synod.

Early on, we recognized that while our *Book of Discipline (BOD)* provides essential direction regarding church discipline and defines the rights and responsibilities of the court, parties, and witnesses, it does not provide exhaustive instructions on the conduct of trials or on ancillary matters such as the use of pre-trial hearings, stipulations of fact, evidentiary standards, etc. Moreover, although the *BOD* makes two passing references to mediation, it is silent on how it is to be conducted. We concluded that there would be a considerable benefit in having access to an attorney who could serve as a resource to help us learn what our procedural options are concerning matters not already specified by the *BOD* and to have someone who could guide us if, in the course of our work, we needed to interact with civil legal issues. We were thankful to gain the assistance of Mr. C. Robert Keenan, an attorney with substantial trial experience and a member of North Hills RP Church, who agreed to serve as our legal advisor.

The SJC received the final investigators' report on November 4th, in which they presented their findings. They concluded unanimously that they desired

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5 Cumulative 2021 Synod Judicial Commission Minutes, p. 6

to bring charges of sin against Mr. Olivetti (in one set of charges) and the 2020 IRPC ruling elders (in separate charges).

After charges had been reviewed and approved by the SJC, we gave official notice on November 18th to Mr. Olivetti and the 2020 Immanuel ruling elders that accusations had been made against them, resulting in two separate cases. Although our *Book of Discipline* does not require it, we decided to hold pretrial hearings attended by the SJC, the defendants and their counsel, and the accusers; separate hearings were held for each case. Given the complexity of having two judicial proceedings, the need for multiple parties to agree on dates, communication protocols, etc., and the possibility that objections to proceeding would be raised, we believed that the hearings could help streamline the process by giving extra time for such matters to be addressed early and adequately reviewed. They were also intended to address questions related to the accusations, enable (if appropriate) a dialogue about pleas, and generally establish good communication patterns among those involved before the more formal proceedings began. The hearings also allowed the SJC to communicate expectations to both sides and encourage both Defense and Prosecution to include each other in communications with the SJC.

Before the pre-trial hearings, the SJC began developing agreed-upon standards for its decisions. Noting that our *Constitution* frequently requires that intrinsically important decisions be made by a margin greater than a simple majority, we considered voting thresholds for judicial decisions. We eventually established these standards: for acceptance of charges, a simple majority of those voting; for judging an accused person guilty, a minimum of 2/3 of those voting; for imposing censures, a minimum of 2/3 of those voting.<sup>6</sup> We also discussed, with help from Mr. Keenan, what standard should be used for the burden of proof that the accusers would need to bear. The three standards normally used, from lowest to strictest, are (1) "preponderance of the evidence," used in most civil lawsuits, (2) "clear and convincing evidence," used in some civil cases, and (3) "beyond a reasonable doubt," the strictest standard, typically used in criminal cases. Although the lowest standard is commonly used in administrative cases where a person's employment is at risk, the SJC determined to employ a higher burden of proof, the "clear and convincing" standard. We also received guidance from Mr. Keenan on the general rules regarding hearsay testimony.

The hearings, held on November 30th, were points of origin for several important outcomes, particularly concerning objections and motions presented by the Defense. Having initially set trial start dates of 1/10/22 (Mr. Olivetti) and 1/17/22 (2020 ruling elders) before the hearings, we amended

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<sup>6</sup> Cumulative 2021 Synod Judicial Commission Minutes, p. 15ff

the start dates to January 31st and February 7th, respectively. After the hearings, we approved a Defense request for more preparation time, establishing March 7th for Mr. Olivetti's trial and March 28th for the ruling elders' trial. In response to a petition that Mr. Blackwood and Mr. Pfeiffer be removed from the Accusation of Sin, we concluded that they should not be tried.<sup>7</sup> To help expedite the work of the Defense (for both cases) in the preparation of its arguments, we asked the Prosecution to give them a previously-created document that identified how each accusation was linked to specific evidence. We determined that civil and non-ecclesiastical documents that the Prosecution sought to submit to use as evidence needed to be submitted to the SJC for a determination as to their admissibility.

Before the hearings, the SJC had notified both Prosecution and Defense that it anticipated requiring Mr. Olivetti and the ruling elders to refrain from the exercise of office starting December 31st until final action in their respective cases had been taken.<sup>8</sup> Like the Special Judicial Committee, the SJC believed that given the gravity of the accusations against the men, this was an appropriate action that did not constitute a prejudging of the case. The decision for them to refrain was shared only with the parties. The Defense presented several arguments against the requirement to refrain. In particular, they argued that applying this action to all the resident ruling elders as well as the pastor would be especially burdensome for the Immanuel congregation.<sup>9</sup> After the hearings, the SJC ruled that, in consideration of the concerns expressed, it would not require Mr. Olivetti or the ruling elders to refrain from the exercise of office.<sup>10</sup> This decision provoked a petition from the Prosecution, which did not object to the reversal for the ruling elders, but objected strongly to the decision with respect to Mr. Olivetti, based on the nature and severity of the accusations against him. After further deliberation, the SJC determined that it *would* require Mr. Olivetti to refrain from exercising his office pending final action in his case.<sup>11</sup> Based on representations made by the joint counsel for Mr. Olivetti and the elders at

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7 This decision was based, in part, on the fact that the GLG Presbytery had indicated that IRPC elders who resigned would not face trial. These two men had accepted that commitment in good faith. Without prejudice to the question of whether the directive to resign was consonant with our *Constitution*, we noted that both men made an irrevocable decision to resign with an understanding that consequently, they would not be tried. We concluded that it would be unfair to try them under such circumstances.

8 This action, provided for in *BOD* II.2.9, had also been recommended by the 2021 Special Judicial Committee, but as it came after the Synod had assumed original jurisdiction, it was ruled to be "premature and out of order, though possibly useful to the new judicial commission." (*2021 Minutes of Synod*, p. 296-297)

9 Cumulative 2021 Synod Judicial Commission Minutes, p. 34

10 Cumulative 2021 Synod Judicial Commission Minutes, p. 40

11 Cumulative 2021 Synod Judicial Commission Minutes, p. 50

the pre-trial hearing, we believed that leaving the ruling elders in place would mitigate the consequences of imposing this requirement on Mr. Olivetti, as the resident ruling elders (along with the provisional elders) would continue to be able to provide pastoral care and oversight to the Immanuel congregation. This decision was communicated through Mr. Olivetti's counsel on January 5th.

In both hearings, the commission expressed its openness to proposals for the use of an alternate process for resolving the accusations.<sup>12</sup> Subsequently, the SJC determined that it would propose a specific means by which formal trial could be avoided. In mid-December, work began on developing a notional description of a mediation process consonant with our *BOD* and our understanding of Scriptural principles of accusation, confession, repentance, and resolution. With the assistance of Mr. Keenan, in early January, we initiated an effort to pursue a mediated resolution of the charges in both cases. The SJC also urged the parties to engage in a good-faith effort to stipulate specific facts in the case, thus reducing the need for some witnesses to testify and providing a basis of agreement to certain facts that might aid the process of a mediated outcome for one or both cases. As detailed elsewhere, through the cooperation of both sides in the ruling elder case and with Mr. Keenan's guidance, a mediated outcome was eventually achieved in that case.

The SJC also spent considerable time addressing the practical aspects of the trials. We sought input from the parties, the sessions of the two Lafayette-area congregations, and the Moderator of Synod on how much of the proceedings should be open to observers. At one extreme, some felt that the public scandal arising from events preceding the trials necessitated fully open trials; at the other, in March, Mr. Olivetti expressed in the strongest terms his desire for a trial held entirely in executive session. There was input from the IRPC session that having members of both congregations view the proceedings in the same location would be preferable to having separate viewing locations. We were persuaded that because the cases were associated with a public scandal, it was difficult to justify conducting trials entirely in executive session. Yet, given the need to protect minor identities from disclosure, we determined that any testimony that might risk such disclosure should be presented in executive session. Other testimony could be received outside of executive session.

When it appeared that the defendants might not appear for their trials, the SJC considered the possibility that they might be willing to participate if the trials were conducted entirely in executive session. While trial plans were still in-process, this possibility was conveyed to the defendants by the Moderator, but no response to it was received.<sup>13</sup>

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<sup>12</sup> Cumulative 2021 Synod Judicial Commission Minutes, p. 30, 35

<sup>13</sup> Cumulative 2021 Synod Judicial Commission Minutes, p. 77



In considering having observers in the same room as the trial itself, we came to believe that in this situation particularly, there were insuperable logistical challenges: identifying those eligible to attend, managing security, maintaining order during the trial, clearing observers for transitions to executive session, making sure that no news media people were present, etc. In consultation with the sessions of the Immanuel and Lafayette congregations, we decided to permit members of those congregations to view the open portions of the trial via a video feed, with viewers being gathered at the Lafayette church building. As secondary protection against the accidental disclosure of sensitive information, the video feed included a delay so that it could be cut before such information was released, if necessary. In addition to “admitting” active resident communicant members of the two congregations, we made the feed available to several members of Synod previously identified by the Moderator of Synod to act as trial observers. All those with access to any part of the trial proceedings, in-person or by video, were required to sign an agreement affirming, among other things, that they would not disclose the proceedings to news media or others until the final resolution of the case(s) by Synod.

As the goal of church discipline is always restoration, we sought to establish frameworks for pursuing restoration in each of the cases. In our recommendations to the Synod, we have proposed the formation of two new Synod commissions to oversee the consummation of reconciliation in each case, as some SJC members are not in a position to continue serving beyond this meeting of the Synod. These commissions will also oversee the processes of restoration in the two cases. For Mr. Olivetti, we’ve developed a statement of the steps that we see as important to restoring him both to the privileges of church membership and to his ordination. This statement, the Explanation of Censure and Steps toward Restoration, is included as Appendix 1 of this report. It has been shared with Mr. Olivetti and the Immanuel RPC session, with whom we have pursued collaboration in commencing that work. For the former Immanuel ruling elders, the Mediated Agreement<sup>14</sup> (signed by the defendants, the investigators, and the SJC) outlines the agreed-upon process that will be followed in pursuing reconciliation and restoration. For the duration of its existence, the SJC, or other Synod designees, will oversee these processes, after which we have proposed to the Synod a path forward for each case.

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<sup>14</sup> The content of the Final Mediated Agreement is found in Cumulative 2021 Synod Judicial Commission Minutes, p. 128-133

## Summary of the Jared Olivetti Judicial Process

### Accusation Summary

Formal charges were filed against Mr. Olivetti by the SJC investigators on November 12, 2021, together with evidence and witness lists. The SJC approved the charges as conforming to the requirements of the *Book of Discipline* on November 15, 2021, and they were formally delivered to him on November 18, 2021.

The accusations approved by the SJC included a formal accusation and three counts. Each of the counts was supported by specifications, or circumstances of commission. What follows is an abridged summary of the key elements of the charging document. The full and final document containing the accusations is available for reference; a redacted (*but otherwise complete*) version of the Formal Accusation of Sin against Mr. Olivetti is contained in the SJC's Minutes on pages 96-98. The charges are summarized as follows:

**The Accusation** charged Mr. Olivetti with not safeguarding or maintaining the qualifications for the eldership contrary to biblical requirements, the moral law, and his vows.

**The First Count of the Accusation** charged Mr. Olivetti with not conducting himself in a way that is above reproach within the church and failing to promote its peace, purity, and progress. There were six detailed specifications or circumstances of commission cited.

**The Second Count of the Accusation** charged Mr. Olivetti with not managing his own household well. There were five detailed specifications or circumstances of commission cited.

**The Third Count of the Accusation** charged Mr. Olivetti with not conducting himself in a way that has protected or maintained a good reputation threatening dishonor on the name of Jesus Christ. There were five detailed specifications or circumstances of commission cited.

### Pre-trial

On November 22, 2021, the SJC voted to require the accused to refrain from the exercise of office starting December 31, 2021. Public notice of this decision was delayed pending the outcome of the pre-trial hearing.

The SJC held a formal pretrial hearing on November 30, 2022, with Mr. Olivetti and his counsel, represented by Mr. James Faris and Mr. Justin Olson. The defense counsel alleged that there had been "gross irregularities," including: investigator bias; investigatory incompetence; insufficient effort to resolve specific sins through private means; doubt regarding the assertion of *fama clamosa*; inadequate time for trial preparation; and failure to consider the request of IRPC members for the SJC to avoid judicial action and to meet privately with the accused. As relief for these alleged irregularities, Mr. Olivetti's counsel

sought that 1) the present charges be dismissed, 2) that the present accusers be removed from the case, and 3) that the commission void the investigation conducted by the accusers.

On December 7, 2020, the SJC addressed the objections received from the defense and unanimously denied the motions to dismiss charges, remove the present accusers from the case, and void the investigation.

The SJC, on December 11, 2021, rescinded its earlier vote requiring Mr. Olivetti to refrain from the exercise of the office of elder (this decision was reversed on January 4, 2022, when the SJC voted to require Mr. Olivetti to refrain from the exercise of his office).

On December 14, the SJC authorized the moderator and Mr. Keenan to initiate a dialog with both the prosecution and defense for entering into a mediation process, beginning with the stipulation of any facts not in dispute. On January 4, 2022, a framework for mediation was approved by the SJC; its legal adviser, Mr. Keenan, was authorized to present it to the defense.

A defense request to delay Mr. Olivetti's trial to allow more time for preparation was approved December 21, 2021, and the SJC moved the trial from January 31, 2022 to March 7, 2022.

The SJC was notified on January 14, 2022, that Mr. Faris and Mr. Olson were withdrawing as ecclesiastical counsels for the defense. On January 15, 2022, the Commission received notification of Mr. Olivetti's intent to resign from his pastorate.

Owing to a lack of progress in the mediation process, the SJC informed the defendant on January 25, 2022, of the need to participate if mediation was desired. This encouragement was followed on March 1, 2022, by Mr. Olivetti's notifying the SJC that he was declining to participate in the mediation process. Consequently, the SJC proceeded to finalize plans and procedures for conducting his trial beginning March 7.

On February 4, 2022, Mr. Olivetti was formally summoned to appear for trial before the SJC beginning March 7, 2022, to answer the charges and bring any witnesses in his defense.

A communication from Mr. Olivetti received on March 5, 2022 informed the SJC that he would not participate in the trial and offered his reasons. The SJC reviewed this communication on March 7, 2022. The moderator *pro tem* overruled Mr. Olivetti's objections, observing that the same objections had been sufficiently answered following the pretrial hearing and in subsequent communications with Mr. Olivetti.

## **The Olivetti Trial**

### **Procedure**

All members of the court, the audio-video technician, counsels, and witnesses were required to sign terms of attendance before the start of the trial.

Trial proceedings were live streamed to the RP Church of Lafayette (RPCL) except for those portions held in executive session. Only members of the Immanuel and Lafayette churches who had agreed to the terms of attendance were allowed to attend; a bailiff was assigned to ensure compliance with the terms. The live stream was transmitted with a 2-minute delay to allow for timely interruption of the feed in the event that sensitive information was inadvertently given in testimony. A single technician was present for the entire trial (including executive sessions) unless a witness requested his absence.

Synod's Moderator appointed three presbyters (Mr. George Gregory, Mr. Drew Poplin, and Mr. Steven Work) who agreed to be observers of the live-streamed portion of the trial proceedings to provide independent accountability; these men also signed the terms of attendance.

### **Day 1 (Session 1)**

On March 7, 2022, the court convened the trial at 6:00 PM. Members of the Commission seated for the trial were: Mr. Bruce Backensto, Mr. John Bower, Mr. Brian Coombs (moderator *pro tem*), Mr. Tom Fisher (clerk), Mr. Kelly Moore, Mr. Tom Pinson, and Mr. Micah Ramsey (the appointed alternate serving in the absence of Mr. Keith Wing who was excused). Also attending was Mr. Rob Keenan, our legal advisor. The prosecutors present were Mr. Kyle Borg, Mr. Stan Copeland, Mr. Joseph Friedly, and Mr. Pete Smith. Neither Mr. Olivetti nor counsel for the defense appeared. After allowing time for reasonable delay, the trial was adjourned. The SJC then met and issued a second summons, calling for Mr. Olivetti to appear at 7:30 AM, March 8, 2022. This second summons was delivered by email and by a voicemail notification of the email's delivery.

### **Day 2 (Session 2)**

The SJC reconvened with a meditation on March 8, 2022, at 7:56 AM.

Members of the Commission seated for the trial were: Mr. Bruce Backensto, Mr. John Bower, Mr. Brian Coombs (moderator *pro tem*), Mr. Tom Fisher (clerk), Mr. Kelly Moore, Mr. Tom Pinson, and Mr. Micah Ramsey. Also attending was Mr. Rob Keenan, our legal advisor. Prosecutors present were Mr. Kyle Borg, Mr. Stan Copeland, Mr. Joseph Friedly, and Mr. Pete Smith. Audio/Video technician, Nick Wang.

Mr. Olivetti again failed to appear and no counsel for the defense was present.

It was affirmed by the SJC clerk that the accusations and summons to appear were duly delivered to Mr. Olivetti. The moderator *pro tem* then reviewed

the various provisions made to ensure that Mr. Olivetti's trial would be fair and impartial.

The accusations were read by the moderator *pro tem*, noting that in the absence of the defendant to tender a plea our *Book of Discipline* holds that a man is innocent unless proven guilty.

In the absence of the defense, the prosecution began its presentation of the case with the opening argument.

Due to the absence of the defense, the prosecution moved to present its case.

It was confirmed with the prosecution that all witnesses were aware that they could request having their testimony given in executive session.

A recorded video deposition was received from Mr. Scott Hunt; it was noted that Mr. Olivetti was offered the opportunity to participate or to send counsel to cross-examine the witness, but declined to do so.

Testimony was received from Mr. Josh Reshey.

In place of a summoned witness who failed to appear, evidence was presented in executive session of a prior voice recording and written evidence from the same witness.

Testimony was then heard in executive session from eight additional witnesses, including four who had given recorded depositions.

Testimony from Mr. Josh Greiner was heard in open court.

The court was dismissed with prayer at approximately 7:00 PM.

### **Day 3 (Session 3)**

The court convened with a meditation on March 9, 2022, at 7:54 AM.

Members of the Commission seated for the trial were: Mr. Bruce Backensto, Mr. John Bower, Mr. Brian Coombs (moderator *pro tem*), Mr. Tom Fisher (clerk), Mr. Kelly Moore, Mr. Tom Pinson, and Mr. Micah Ramsey. Also attending was Mr. Rob Keenan, our legal advisor. Prosecutors present were Mr. Kyle Borg, Mr. Stan Copeland, Mr. Joseph Friedly, and Mr. Pete Smith. Audio/Video technician, Nick Wang.

Live streaming was re-started.

The prosecution continued with its presentation.

Testimony was heard from Mr. Keith Evans (via live video feed)

Testimony was heard from Mr. Adam Neiss.

Testimony was heard from Mr. Jason Camery, with a portion received in executive session.

Testimony was heard from Mr. Shawn Anderson, with a portion received in executive session.

Testimony was received from Mr. Josh Bright, followed by testimony from Mrs. (Candace) Bright.

Testimony was then received from Mr. JJ Nance, followed by testimony from Mrs. (Maggy) Nance.

The court was dismissed with prayer at approximately 6:32 PM.

#### **Day 4 (Session 4)**

The court convened with a meditation on March 10, 2022, at 8:00 AM.

Members of the Commission seated for the trial were: Mr. Bruce Backensto, Mr. John Bower, Mr. Brian Coombs (moderator *pro tem*), Mr. Tom Fisher (clerk), Mr. Kelly Moore, Mr. Tom Pinson, and Mr. Micah Ramsey. Also attending was Mr. Rob Keenan, our legal advisor. Prosecutors present were Mr. Kyle Borg, Mr. Stan Copeland, Mr. Joseph Friedly and Mr. Pete Smith. Audio/Video technician, Nick Wang.

Live streaming was resumed.

In the absence of the defense, the prosecution concluded its presentation.

The prosecution made its closing argument and rested its case.

#### **Court Deliberation**

At 8:53 AM, the live stream ended, and all parties were removed from the court, which then entered into deliberation at 9:05 AM. Present were Mr. Bruce Backensto, Mr. John Bower, Mr. Brian Coombs, Mr. Tom Fisher, Mr. Kelly Moore, Mr. Tom Pinson, and Mr. Micah Ramsey.

The court began its deliberation with prayer for the Lord's guidance in its decisions. We reviewed the full accusation using a multi-step process. First, each enumerated circumstance of commission, which was understood to be the specifications underlying each count, would be considered and voted on. Then a vote was taken on the related count, noting that a count could only be approved if at least one specification was sustained as proved. After voting on each count, the vote on the accusation as a whole took place. As required in the *Book of Discipline*, no count could be sustained on the basis of a single witness. The evidentiary standard of "clear and convincing" was affirmed, in addition to the SJC's requirement of a 2/3 majority vote for sustaining any specification or accusation.

The first count was sustained unanimously, with 5 of 6 specifications sustained unanimously. The sixth specification was judged not germane to the count and not sustained by a vote of 0-5 with two abstentions.

The second count was sustained unanimously, with specifications 1, 2 and 3 sustained unanimously. Specification 4 was divided into five sub-specifications with four of the sub-specifications sustained unanimously and one not sustained by a vote of 2-5. Specification 5 was sustained by a vote of 6-0 with one abstention.

The third count was sustained unanimously, with all five specifications unanimously sustained.

We sought the Lord in prayer prior to voting on the censure. It was then moved and seconded that Mr. Jared Olivetti be deposed from the office of elder in the RPCNA with suspension from the privileges of church membership. Following division of the motion, the SJC first voted unanimously, by a roll call vote, to depose Mr. Olivetti. The SJC then voted unanimously, by a roll call vote, to suspend Mr. Olivetti from church privileges.

[The deliberation process is recorded in greater detail on pages 96-102 of the SJC minutes.]

#### **Day 4 (Session 5)**

The court reconvened at 8:00 PM.

Members of the Commission seated were Mr. Bruce Backensto, Mr. John Bower, Mr. Brian Coombs (moderator *pro tem*), Mr. Tom Fisher (clerk), Mr. Kelly Moore, Mr. Tom Pinson, and Mr. Micah Ramsey. Prosecutors present were Mr. Kyle Borg and Mr. Joseph Friedly. Also attending was Mr. Rob Keenan, our legal advisor, and Audio/Video technician, Nick Wang.

Mr. Olivetti, who had been notified that the decision would be announced at this time, did not appear. The moderator noted that Mr. Olivetti had been notified by the court through email and by multiple phone calls to appear for the announcement of the court's decision.

The moderator declared that Mr. Olivetti was guilty of all counts and imposed the censure of deposition from the office of elder and of suspension from the privileges of church membership.

The court reconvened on March 11, 2022, at 8:05 AM with a meditation following the resumption of the live stream.

The announcement of the verdict and censure was made after describing the efforts made to notify Mr. Olivetti. A reminder was also issued of the constitutional right of interested parties to file a complaint with the Synod against the commission's decision.

The court was dismissed in prayer.

#### **Post-Trial**

The SJC received notification (dated March 6, 2022) of Mr. Olivetti's intent to file a complaint against the SJC for (1) convening the trial against him, and (2) making [portions of] the trial public.

On March 22, 2022, the SJC ruled that Mr. Jared Olivetti had committed the sin of contempt of court by refusing to attend his trial and passed a censure of rebuke unanimously.

The SJC met informally with the Immanuel resident elders (Mr. Oluyemi Aladejebi, Mr. Sam Carr, Mr. Josh Karshen, and Mr. Matt Wilburn) and Mr. Ken de Jong, Immanuel provisional moderator, on March 29th to begin to become better acquainted and to discuss our common interest in Mr. Olivetti's restoration.

Members of the SJC had an informal meeting with Mr. and Mrs. Olivetti, Mr. Josh Karshen, and Mr. Matt Wilburn on March 30th.

In pursuit of collaboration with the IRPC session in the restoration of Mr. Olivetti, on April 27th the commission gave the session a fuller explanation of the censure, a summary containing some of the details of the ruling, and an explanation of our understanding of the anticipated process of restoration. Members of the two courts had an informal meeting for discussion on May 4th.

In addition to Mr. Olivetti's complaint against our actions, five others were received by the SJC: from Mr. James Faris, et al., Ms. Christina Riepe, Mr. Dan Dillon, the Bloomington Session, and Ms. Sarah Perez. Ms. Perez chose not to file her complaint with the Synod and became a signatory to the Faris, et al. complaint. We have offered responses to these complaints in Communications 22-16 and 22-17.

### **Summary of the Former Ruling Elders' Judicial Process**

After their investigation, the SJC-appointed investigators submitted accusations against five 2020 ruling elders at IRPC (Mr. Zachary Blackwood, Mr. David Carr, Mr. Ben Larson, Mr. Keith Magill, and Mr. Nate Pfeiffer. After the pre-trial hearing (in which all five men participated), in response to a defense motion, the SJC directed the investigators to remove Mr. Blackwood and Mr. Pfeiffer from the accusations. These two men had resigned their office (and Mr. Pfeiffer his ordination) after the report from the IJC wherein they were asked to repent, and as evidence of their repentance, to resign their office. While some of the circumstances of their resignations were not known, we judged that including them in this judicial process would be unfair, as the GLG Presbytery had told them that compliance with its directive would allow them to avoid further judicial process.

#### **Accusation Summary**

The investigators submitted final amended accusations to the SJC on December 16, 2021. The Commission reviewed the accusations and voted to approve them as conforming to the requirements of the *RPCNA Constitution*. After approval, they were presented to Mr. Carr, Mr. Larson, and Mr. Magill.

The accusations approved by the SJC included two formal accusations. Each of the two accusations contained two counts, and each of the counts was supported by specifications, or circumstances of commission. What follows below is an abridged summary of the key elements of the charging document. The full and final document containing the accusations is available for reference. The charges can be summarized as follows:

**Accusation #1** charged the former ruling elders with not shepherding the flock of Jesus Christ appropriately contrary to Scripture, the moral law, the Covenant of Communicant Membership and the Queries of Ordination/Installation.



- **The First Count of Accusation #1** charged the former ruling elders with unnecessarily endangering members of the flock entrusted to their care, resulting in distrust and disunity within the church and failing to promote its peace, purity, and progress. There were three detailed specifications or circumstances of commission cited.
- **The Second Count of Accusation #1** charged the former ruling elders with neglecting to adequately and willingly shepherd the flock of Jesus Christ resulting in distrust and disunity within the church and failing to promote its peace, purity, and progress. There were five detailed specifications or circumstances of commission cited.

**Accusation #2** charged the former ruling elders with conducting themselves in a way that did not safeguard or maintain the qualifications of eldership contrary to Scripture, the moral law, the Covenant of Communicant Membership and the Queries of Ordination/Installation.

- **The First Count of Accusations #2** charged the former ruling elders with not conducting themselves in a way that is above reproach resulting in distrust and disunity within the church and failing to promote its peace, purity, and progress. There were six detailed specifications or circumstances of commission cited.
- **The Second Count of Accusation #2** charged the former ruling elders with not conducting themselves in a way that protected or maintained a good reputation threatening dishonor on the name of Jesus Christ, the RPCNA, IRPC and themselves. There were seven detailed specifications or circumstances of commission cited.

[This information is provided as an account of the SJC's actions. However, the Mediated Agreement, available on pages 128-134 of the Commission minutes, now *supersedes* the original accusations, as affirmed by the SJC in its acceptance of the Agreement]

### **Seeking A Mediated Alternative**

On December 21, 2021, the SJC authorized its counsel, Mr. Keenan, to approach the counsel for the Defense and inquire as to their willingness to engage in a mediated process. The mediation was envisioned as an effort to address the accusations outside of the formal judicial process leading to a trial. With an affirmative response from the Defense and the Prosecution, the SJC approved a mediation framework on January 4, 2022. That mediation framework included these steps:

1. In-person assembly of Accusers and Accused, to seek in good faith to resolve 'this matter' conscientiously. – Phil. 4:2-3; Rom. 12:18; 1 Cor. 4:4; 2 Cor. 1:12

2. Mutual verbal statement and admission between parties (Accusers/ Accused) of a common confession and brotherhood in the Lord Jesus Christ.—Rom. 15:5-7; Eph. 4:25
3. Accusers present accusations for the accused to hear, especially
  - a. With reference to particular actions, people, harming effects, and,
  - b. With statement of desired results (restitution/resolution).—Luke 19:8; Matt. 5:21-25; 18:15ff; Psa. 141:5; Prov. 9:8; 19:25; 25:12; 27:6
4. Discussion and performance of appropriate repentance re: No. 3 (above) in reference to
  - a. The components of repentance (per *WCF*, 15:2, 5) and
  - b. The offended persons (per *RPT*, 15:7-8 with spirit of *BOD*, E-8, I.6.2).
5. Personal and verbal grant of forgiveness to the accused by offended persons, with a written account of the interaction signed by both immediate persons themselves (accused and offended), and sent to both Prosecution and Defense about the resolution for their signature, and sent on finally to the Commission.—Luke 17:3-4; 1 Cor. 13:5
6. Commission reviews and adopts (No. 5 above), considering if counsel and/or censure is appropriate, and if so, which and for whom.—*Book of Discipline*, E-4, I.3.3

The mediation framework was presented to the Defense in January 2022 and during the months of January through March, there were frequent encouragements for the defendants to engage in the mediation process. On several occasions, it appeared as if the Defense was about to become engaged, but as interaction dates would approach, another delay would be encountered, including an interruption due to a civil mediation process. However, in the final two weeks before the scheduled trial start date of March 28, the Defendants became focused and engaged in the mediation process. With facilitation by the SJC counsel, Mr. Keenan, both the Prosecution and Defense contributed to the development of a draft mediated agreement that addressed the accusations, as designed into the framework. The draft mediated agreement was submitted to the SJC, which acknowledged that the mediation framework had been followed and affirmed that the objectives of mediation had been met.

On March 28, 2022, the day the trial had been scheduled to start, the SJC convened in Lafayette, Indiana, with both the Prosecution and Defense. In that meeting, the parties conducted final discussions about the mediated agreement, and each person of the Defense, Prosecution, and SJC individually affirmed their acceptance of the mediation agreement. The signatures of all parties were added to the agreement and there was a season of prayer and rejoicing in the work of the Lord in the mediation process.

On March 29, the mediation agreement was announced via live stream to members of the IRPC and RPCL churches gathered in attendance at RPCL, and

to five presbyters appointed as observers by the Moderator of Synod.<sup>15</sup> An announcement was distributed to the RPCNA denomination via the system of clerks. The live-streamed announcement is recounted in detail on pages 123-127 of the Cumulative SJC Minutes.

### **Summary of the Mediated Agreement**

In the cover letter of the mediated agreement signed by all parties, the former ruling elders offered these two statements:

1. 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.
2. We stand by and maintain the numerous statements of confession and repentance made publicly and privately to victim families, presbytery, the congregation, and many individuals.

The mediated agreement itself included acknowledgments of sin and repentance. The former ruling elders made confessions of sin against significant portions of the accusations, counts and specifications. It is noted that not all aspects of the accusations were acknowledged, but the parties all agreed that the mediated agreement addresses the critically important elements of the accusations.

In their statement of confession, the former ruling elders say, in part:

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, and
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.

The mediated agreement also includes references to prior statements of the former ruling elders in which they had offered repentance or made confessions either as individuals or as a session. The agreement then defines specific steps toward reconciliation that the former ruling elders intend to follow in seeking to be reconciled with those who were aggrieved during this matter. The investigators have committed themselves to offer assistance to the former ruling elders in achieving their reconciliation objectives. The reconciliation process will be overseen by the SJC or others appointed by the Synod.

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<sup>15</sup> Appointed Synod observers for the second trial were Mr. Daniel Howe, Mr. Jonathan Leach, Mr. Drew Poplin, Mr. Bill Weir, and Mr. Steven Work.

With the completion of the mediated agreement, this document now supersedes and takes precedence over the accusations and is the final document of record in this judicial process. Once all the parties had signed the mediated agreement, the judicial trial was canceled, and the mediation results were announced to the denomination.

With rejoicing, the SJC notes that because of the willingness of both the prosecutors and defendants to enter into a mediation process, the need for a judicial trial was averted. There have been no complaints received against the mediated outcome of this case.

### **Acceptance of Mediated Agreement and Closure of the Case**

On March 29, 2022, the SJC Moderator read a formal statement summarizing the mediation process results. This statement has been distributed to the denomination. Near the conclusion of this announcement, the Moderator announced:

“And now, in the case against David Carr, Ben Larson and Keith Magill, the Commission declares the judicial process is finished. Our work from this point will be together in the pursuit of reconciliation—as unworthy servants in the house of God.

We implore you to continue in your prayers for the wide range of parties in this matter—for all of us gathered here, for all of those impacted over this time frame, for the Immanuel RP Church, for the RP Church of Lafayette, for the Great Lakes/Gulf Presbytery and for our denomination.”

## **Concluding Remarks**

### **The Abuse and Some Related Outcomes**

The grief and harm arising from the instances of sexual abuse underlying this case are, humanly speaking, impossible to know fully. Having already been grieved in hearing the initial disclosure of these things at last year’s Synod, the greater awareness of them required by our task saddens us deeply. Yet our grief cannot begin to be compared with that of the children and families involved. They have had burdens placed upon them that Christ alone can bear, and the rest of the church will need to remain faithfully alongside them and minister to them in the years ahead.

Over the last year, IRPC members and others have periodically expressed displeasure with our actions, particularly following our decision for Mr. Olivetti to refrain from the exercise of office. The near-impossibility of responding without having exchanges about the substance of the cases meant that we declined to engage in these communications. Within the Immanuel congregation itself, differing opinions arising in the aftermath of the revelations of abuse

have resulted in severed relationships and departures from the congregation.<sup>16</sup> We have been encouraged to hear of a few individual efforts to pursue the healing of strained or broken relationships.

Yet, as noted in the 2021 Special Judicial Committee's report, these events took place in a presbytery that was already greatly divided. The pre-existing division in the Great Lakes/Gulf Presbytery seems to have grown deeper and wider in the wake of events at Immanuel. This division has been apparent to us throughout our work, but we felt obliged to focus on seeking first to address the allegations of impropriety in the Immanuel abuse responses. *We urge the Synod that there remains a pressing need for the church to help our brethren in the GLG Presbytery to regain heartfelt relationships of peace with one other.*

#### **Factors Which Complicated Addressing "This Matter"**

None of us anticipated the level of attention that the Immanuel case and subsequent events would receive from the public media. Although we avoided reading these news reports before the trials, many outside the SJC informed us of their existence. We also received a nearly-continuous stream of rumors about members of the denomination making social media posts linking favorably to such articles. We are unable to perceive good arising from the encouragement of idle talk about these events, and much harm has been done to the Immanuel congregation and to the witness of the gospel.

Public media attention became more concerning when we realized that the updates we were sending to the church about our work were being rapidly distributed to the news media. Just how rapidly became evident when, only eight minutes after the forwarding of an SJC announcement to the Immanuel congregation, its interim moderator received an email from the *Indianapolis Star* seeking comments on the announcement. With the increased media interest, we struggled to know how to keep the denomination informed in the face of the continued curiosity of the news media. Many of the precautions taken in connection with the trial directly resulted from this concern.

The sudden withdrawal of the remaining Defense counsels, quickly followed by the resignations of all four defendants from the Immanuel session (leaving one resident elder in place, along with the provisional elders), injected an element of chaos into the environment of the work. The elders' resignation letter stated that the men were choosing to withdraw from the judicial process, which we believed to be impossible, and we sought to urge them not to violate their ordination vows by engaging in contempt of court.

At some point, we learned that a civil action had been filed against Immanuel RPC, eventually leading to civil mediation of damage claims. The RPCNA's

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<sup>16</sup> By our estimate, as many as 50 members (baptized and communicant) have left Immanuel in connection with this matter since 2020.

liability insurer became involved. For a time, our insurer's lawyer advised everyone connected to the case not to take part in church trials or mediation for fear that something disclosed would be used against the church in the civil action. Providentially, the civil mediation was completed on March 1st, prompting our insurance lawyer to quickly affirm that there was no further risk from participating in SJC mediation or trial processes. Yet the emergence of the civil matter created obstacles to regular communication, and the consequences might have been much worse if resolution had taken longer.

From the inception of our work, a wide range of assumptions was made by others regarding the scope of our responsibilities. Consequently, we received appeals from various parties who believed that the SJC should be responsible for addressing many of the above realities: news leaks, inappropriate social media discussions, civil litigation, and other matters that were in any way related to the abuse cases. We responded to these inquiries to the extent possible initially, but it became clear that most of the relief being sought from us was beyond our responsibility.

#### **Intrusions of Civil Legal Concerns**

As this was a situation involving a civil felony prosecution, we were not unaware that civil legal matters could be involved; it was partly for this reason that we sought out our legal advisor, Mr. Keenan. His contribution to our work has been invaluable, and he is still serving a critical role in the work of the former Immanuel ruling elders' reconciliation process.

What we did not anticipate was the extent to which civil legal matters would intrude into our work. We have already mentioned the impact of the civil mediation that complicated the resolution of the two cases, but there were other brushes with civil legal affairs.

As noted in our response to Communication 22-09 (Mr. Olivetti's complaint), Mr. Olivetti stated his intent to consider legal action against us if he was discussed (outside of executive session) during his trial. In February, another individual threatened to pursue legal action against the Commission if he were "defamed" in any trial conducted by the SJC. So far, we have not been notified of legal action from either person.

Before the scheduled trial for the former ruling elders, we were contacted by an attorney representing a witness summoned to give testimony. The attorney's apparent intention was to attend the trial in the place of the summoned witness, a substitution for which there is no provision in our *Book of Discipline*. As the second trial became unnecessary after the approval of the mediated agreement, we did not address this question further.

Finally, some pastors summoned as witnesses in the second trial expressed concern that they might be asked questions requiring them to give testimo-

ny touching on pastoral advice or counsel they had given. They asserted that under Indiana law, pastors are exempt from giving testimony in civil courts regarding communications made in the course of spiritual counsel, and they believed that such exemptions would also apply to an ecclesiastical trial. This again became a question that we never had to confront because the trial never took place. The issue may easily resurface in the future, as several states have similar provisions.

Our *Book of Discipline* contains a single statement on the interaction of church discipline with civil legal concerns: "The appropriate church court should take notice of behavior that may lead to civil lawsuits. In particular, one member shall not go to law against another member until the case has been referred to the appropriate court" (1 Cor. 6:1-8). In the simplest of instances, this is a helpful directive. But in practice, it gives church courts only general guidance regarding, e.g., how far a member should pursue ecclesiastical redress before it becomes permissible for him to seek civil action. Perhaps such questions must be left for individual church courts to discern, given the variety of circumstances that could present themselves. But it could be wise for the Synod to articulate further guidance regarding how Paul's injunction to the church at Corinth is best applied by the RPCNA in our present age.

#### **Church Discipline and Jesus' Gospel**

To the church at Laodicea, Jesus said, "As many as I love, I rebuke and chasten. Therefore, be zealous and repent." (Revelation 3:19) At the outset of Synod's involvement in the Immanuel case, objections had been expressed regarding the application of judicial action. While it is possible for a formal disciplinary process to be pursued prematurely, we do not believe that was the case here. By the time this matter had come to the Synod, the possibility of private resolution was long past: the matter was public and its effects were already producing repercussions outside Immanuel. The matter had been "told to the church," because the allegations of fault were not settled (Matthew 18:15-17).

While charges of wrongdoing would typically be brought by those directly offended, this situation is unusual. Many (though not all) of those aggrieved by the actions of Mr. Olivetti and the elders are parents of children who were abused. They could not present themselves as accusers without thereby revealing their children's status as victims. This, coupled with the *general* circumstance of the matter as *fama clamosa*, made investigation necessary, and with findings indicative of wrongdoing, the investigators became accusers. The accusations and evidence were brought forward.

In the case of the former Immanuel ruling elders, sin was acknowledged through a mediated agreement; repentance has been expressed both publicly and privately to specific persons for specific sins. They are actively pursuing

reconciliation with the remaining offended parties. In Mr. Olivetti's case, there was a refusal to participate in mediation and a refusal to defend himself in a trial. In keeping with the directives of our *Constitution*, a trial was held and the evidence was heard. He was found guilty, not solely of failure to manage his household, but also of multiple acts of active transgression and pastoral negligence. We concluded that several of the actions proved were sins of persistent neglect and that there were offenses in his conduct that were disqualifying for office; thus the Commission deposed him from office and suspended him from the privileges of church membership.

We do not doubt Mr. Olivetti's status as a believer, brother, or member of the Church. It is because of such status that he has been disciplined and is being urged toward repentance, reconciliation, and restoration. We made this clear when we announced our verdict and censure.

We acknowledge that Mr. Olivetti has made some public confessions of sin. Yet confession of sin does not exhaust the biblical idea of repentance. Our *Confession of Faith* notes the wide picture of repentance in its references to seeing sin, sensing sin, grieving sin, hating sin, leaving sin, (15:2), confessing sin (15:6), and purposing/endeavoring to walk in God's commandments (15:2). As well, repentance is to be particular and not general (15:5). We therefore properly call Mr. Olivetti, as our *Testimony* points, to self-examination to true repentance in order to detect specific sins, and repent of them (*RP Testimony*, 15:6). The trial uncovered much that has not been specific in the matter of his repentance.

We must say, with sadness, that we have not yet seen fruits in keeping with Mr. Olivetti's repentance. In our informal meeting with him on March 30th, he presented himself as combative, not contrite, and maligned the Commission's authority.

The gospel Jesus confirmed in Zacchaeus (Luke 19) involved restitution and ongoing repentance. Gospel grace, then, is evidenced as such in ongoing acts of biblical repentance. While Mr. Olivetti has made public statements of repentance (in general terms), and while we know of a few instances of private repentance, there remains little evidence of his pursuit of particular repentance of various particular sins disclosed in his trial. Though he has extended a general offer for those aggrieved to come to him, it is only right for him to seek out those brethren whom he already knows "have something against him" (Matthew 5:23-24).

We observe that many such steps have been taken, and continue to be pursued, by Mr. Carr, Mr. Larson, and Mr. Magill. Please pray for the consummation of their efforts. We remain hopeful that Mr. Olivetti will follow a similar course, and we ask that you would pray with us to that end.



Your Commission has completed its work, and we hereby submit our report, with supporting documentation, to the 2022 Synod. It is always a privilege to serve Christ's church, and we have sought to carry out our commission faithfully. This has been a matter in which we have sometimes sown with tears, yet because Christ is our King, we look forward to the certainty that we will reap with joy, most fully so at the Great Day of the Resurrection.

"May the God of hope fill you with all joy and peace in believing, so that by the power of the Holy Spirit you may abound in hope" (Romans 15:13).

**Recommendations:**

- a. that Synod receive the minutes of the SJC.
- b. that Synod not sustain the complaints against the judicial actions of the SJC in the case of Mr. Olivetti [i.e. Mr. Olivetti's, Mr. Faris', the Bloomington session's, Ms. Riepe's, and Mr. Dillon's].
- c. that Synod continue the SJC-established reconciliation process involving Mr. Rob Keenan (facilitator), the investigators, and the former IRPC ruling elders, but replace its current SJC management of the process with a three-man commission, appointed by the 2022 Synod Moderator, to continue oversight of the reconciliation process toward its eventual conclusion and lifting of censure.
- d. that Synod assign oversight of the repentance, reconciliation, and restoration of Mr. Olivetti to a five-man commission consisting of one of the IRPC ruling elders, two of the current SJC commissioners (we recommend Mr. Andrew Silva and Mr. Tom Pinson) and two other men, all to be appointed by the 2022 Synod Moderator.
- e. that Synod dismiss the current SJC.
- f. that Synod set a day of prayer and fasting for the RPCNA in the month of July so that every member and congregation of the RPCNA, according to their own situations individually and corporately, may humbly:
  - acknowledge that we all fall far short of the glory of God, and
  - commit ourselves to the blessedness of unity while seeking the healing of sinful divisions and pursuit of the loving fellowship of all believers, and
  - seek the peace and purity of the Church in every thought, word, and deed.

*Respectfully submitted:*

*TE Mr. Bruce Backensto, Convener, First RP Church, Beaver Falls, PA*

*RE Dr. John Bower, Covenant RP Church, Aurora, OH*

*TE Mr. Brian Coombs, Messiah's Church, Clay, NY*

*RE Mr. Thomas Fisher, Clerk, First RP Church, Cambridge, MA*

*TE Mr. Kelly Moore, Tri-Lakes Reformed Church, Colo. Springs, CO*

*RE Mr. Tom Pinson, Springs Reformed Church, Colorado Springs, CO*  
*RE Mr. Keith Wing, Moderator, College Hill Reformed Church, Beaver Falls, PA*

*Alternates*

*TE Mr. Micah Ramsey, Eastvale RP Church, Beaver Falls, PA*  
*RE Mr. Andrew Silva, Dallas RP Church, McKinney, TX*

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### **Appendix 1: Explanation of Censure and Steps toward Restoration for Mr. Jared Olivetti and the IRPC session from Synod’s Judicial Commission (SJC) April 2022**

On March 10, 2022, Synod’s Judicial Commission concluded its trial proceedings concerning Mr. Jared Olivetti. After prayerful and careful deliberation, the Commission enacted the censure of Deposition (together with exclusion of church membership privileges) on Mr. Olivetti. After the announcement of the censure to the parties on March 10, and again publicly on March 11, the Commission began to formulate guidance for Mr. Olivetti’s full repentance and hoped restoration. The Commission hopes further to see a God-honoring measure of peace among brethren, too.

#### **Explanation of Censure**

As was explained in its public announcement, the censure of Deposition officially removes a man’s ordination (authority) from him. Therefore it also removes him from his office (work). Two months before Mr. Olivetti’s trial, the Commission required him “to refrain...from the *exercise* of office” (*Book of Discipline*, E-12, 2:9). Mr. Olivetti also resigned his charge of the Immanuel Reformed Presbyterian Church. By Deposition we have removed him from the office *itself* as well as the exercise of it. He is no longer an elder. He is forbidden to exercise any of the powers or duties of the office anywhere in the Church of Christ until his repentance and restoration (*Form 31*, H-24).

As the censure of Deposition pertains specifically to a church *officer*, the censure of Suspension generally pertains to a church *member* (*Book of Discipline*, E-5, 4:1c; *Form 29*, H-23). Even so, Suspension can be enacted toward a church officer relative to the privileges of his office *or* his membership (*Form 30*, H-23). The difference, then, between Deposition of an Officer (*Form 31*, H-24) and Suspension of an Officer (*Form 30*, H-23), is that in the first (Deposition) the officer *loses* his ordination. In the latter (Suspension) he *keeps* his ordination; though he loses the *privileges* of office, he does not lose the office itself.

But Deposition also may—not must—have an element of suspension in it, that pertains to his *church membership*. Beyond losing his ordination and office, a man additionally may lose his privileges of church membership. By this

element of suspension in Deposition, he loses the *privileges* of church membership, though not the membership *itself*. This is important to note, since as one moves through the censures and their Forms, he sees an increasing gravity (i.e., Admonition to Excommunication). It should be noted, then, that Deposition coming *after* Suspension of an Officer (*Form 30*), can also involve Suspension of a Member (*Form 29*). Thus the censure of Deposition reads, “This is the disciplinary removal of an ordained officer of the church from his office. *It may also be accompanied by suspension from church privileges*” (*Book of Discipline*, E-5, 4:1d).

So, the Deposition enacted by Synod’s Judicial Commission on Mr. Olivetti removes him from ordination and office *and* the privileges of church membership (though not church membership itself). As the censure itself says, applied to Mr. Olivetti,

“You, Mr. Olivetti, have been convicted of the sin of disregard for or violation of the moral law of God, and have been found to be deserving of the penalty of deposition from your office in the Church of Christ. Now, therefore, in His Name, this Court of His House, deposes you from the office of elder, as a Teaching Elder, and declares your relationship to the congregation in this capacity to be dissolved. You are forbidden to exercise any of the powers or duties of that office anywhere in the Church of Christ [and you are excluded from the privileges of Church membership, including participation in the sacraments] until penitence and new obedience on your part have shown you worthy of the exercise of those privileges, and until this Court restores your ordination by prayer and laying on of hands making you then eligible for re-election to an office” (*Form 31*, H-24).

To clarify, reading the above bracketed section [ ] ‘unbracketed,’ so as to be an *essential part* of Deposition, could imply to a hearer that *even* the church membership privilege suspension is not lifted *until* the Deposition is lifted. However, this would be incorrect, and give a wrong sense. The true intent—*our* intent as a Commission—with Form 31 is better grasped and conveyed when its bracketed section is placed at the *end* of Form 31. The Form would then read:

‘You, Mr. Olivetti, have been convicted of the sin of disregard for or violation of the moral law of God, and have been found to be deserving of the penalty of deposition from your office in the Church of Christ. Now, therefore, in His Name, this Court of His House, deposes you from the office of elder, as a Teaching Elder, and declares your relationship to the congregation in this capacity to be dissolved. You are forbidden to exercise any of the powers or duties of that office anywhere in the Church of Christ...until penitence and new obedience on your

part have shown you worthy of the exercise of those privileges, and until this Court restores your ordination by prayer and laying on of hands making you then eligible for re-election to an office. [And you are excluded from the privileges of Church membership, including participation in the sacraments.]' (*Form 31, H-24*)

A set of questions may arise: What about the parenthetical statement at the end of Form 31? It says, "Deposition from office does not always require *exclusion from church membership*." (The same parenthetical statement is found after Form 30 concerning Suspension of an Officer.) Does this undo what was just explained? Does the added component of suspension in Deposition pertain to church membership *itself* or to the *privileges* of church membership? Doesn't this parenthetical statement make clear that an added component to the censure is 'exclusion from church *membership*'? It says nothing of church membership *privileges* but church membership *itself*.

Perhaps this is a simple error that has existed with the Constitution's Forms since 1945. Regardless, it is important to see that the *body* of each of these Forms (30, 31) speaks of exclusion "from the *privileges* of church membership." To be more clear, exclusion from church membership *itself* (and not merely its *privileges*) is Excommunication: "This is the disciplinary *exclusion of a member* from the visible church" (*Book of Discipline, E-6, 4:1e*). "Now, therefore, this Court...hereby excommunicates you, *removing you from the membership* of the Church" (*Form 32*). Thus the parenthetical statements after both Suspension of an Officer (*Form 30*) and Deposition of an Officer (*Form 31*) should be understood as referring to the *privileges* of membership and *not* to membership itself.



### **Steps toward Restoration**

Thus we come to a point needing to be clarified. If Mr. Olivetti has lost his ordination and office as elder by Deposition, and the exercise of the *privileges* of church membership by an added suspension, how then is he restored? What is the mechanism? How is it done Constitutionally? And what is involved in it?

It is clear from the *Constitution* that the censuring court is also the restoring court (*Book of Discipline, E-8, 6:1-2, 6*). Thus our Synod Judicial Commission censure indicates, '...until this Court restores your ordination by prayer and laying on of hands.' (*Form 31, H-24*) Given that we are Synod's Judicial Commission (and not the Synod itself), and may be dismissed before Mr. Olivetti's repentance occurs, it is Synod or its Commission who will lift Mr. Olivetti's censure. Perhaps an appropriate lower court could by Synod's action or consent (*BOD, E-8, II.6.6*).

But since Mr. Olivetti's censure of Deposition involves *both* ordination and *privileges* of church membership, it is appropriate that *both* his Presbytery (re

Deposition) and his Session (re suspension) should be involved respectively with Synod or its Commission in restoring Mr. Olivetti at both points. This can be portrayed in a simple diagram:

Synod or its Commission <i>with</i> Presbytery	Synod or its Commission <i>with</i> IRPC Session
	
Restores Mr. Olivetti's <i>ordination</i>	Restores Mr. Olivetti's <i>membership privileges</i>
Per <i>Book of Discipline</i> , E-8, 6:4; <i>Directory for Church Government</i> , D-21, II.E.6a-b; D-33, 6: 13; <i>Form</i> 31, H-24	Per <i>Book of Discipline</i> , E-5, I.4c-d; <i>Directory for Church Government</i> , D-20, II.E.41; <i>Form</i> 29 (H-23) with <i>Form</i> 31, (H-24), parentheses

When Synod or its Commission restores Mr. Olivetti upon clear fruits of repentance—whenever that hoped occasion is—it would involve at least these points:

1. Fundamental to beginning the restoration process is that **all RPCNA officers accept the SJC's verdict and censure, regardless of individual opinion.** Until reversed by complaint, appeal, or Synod review, the SJC's judgment represents the current mind of the church in this matter. Reminding church officers of their obligation to submit to the governmental ordinances of Christ and follow fully His ordained processes for correction and restoration is appropriate and possibly needed.

2. **The goal is to remove Mr. Olivetti's censure through the process outlined in the *Book of Discipline* (E-7-8, I.6.1-7).** The final paragraph of this process needs to be stressed from the start: "The entire disciplinary process is to be carried out with reverence, prayer, gentleness, carefulness, love, fairness, humility, and perseverance by those who will someday give an account to God for their work. Scripture: 2 Cor. 2:5-11; Gal. 6:1-5; 1 Tim. 5:1-2, 19-22; Heb. 13:17; 1 Pet. 5:1-4" (*BOD*, E-8, I.6.7). These qualities, however, are not inconsistent with firmness.

To realize this godly process, we propose the formation of a pastoral commission (or possibly, a committee) to be formed in a manner to be determined by the Synod. A clear approach outlining both counseling logistics and measures of progress (including elements in item 5 below) will be established. The commission will become knowledgeable of the accusations, the counts and the rationale for the judgment. This will provide them with sufficient informa-

tion to gauge confession and repentance. They will need to be reminded that the purpose of the commission is not to reevaluate evidence. In fact, any ongoing efforts by Mr. Olivetti to question the verdict or censure, if sustained by the 2022 Synod, should be understood as a mark of impenitence.

**3. Mr. Olivetti should make personal confession of particular sins to all victim families aggrieved by his offenses, to be confirmed by them as witnesses to that and their granted forgiveness.** Brief comment is offered on these required steps of confession, repentance, forgiveness, and reconciliation.

*Confession.* Confession requires the acknowledgement of each guilty count without equivocation. If the SJC's verdict is upheld by the 2022 Synod, we would urge that any qualification in Mr. Olivetti's full confession based on extenuating circumstances be viewed as a lack of good faith.

*Repentance.* Our *Confession* says of repentance, "By it, a sinner, out of the sight and sense not only of the danger, but also of the filthiness and odiousness of his sins, as contrary to the holy nature and righteous law of God; and upon the apprehension of His mercy in Christ to such as are penitent, so grieves for, and hates his sins, as to turn from them all unto God, purposing and endeavoring to walk with Him in all the ways of His commandments" (*WCF*, 15.2).

True repentance, therefore, calls for Mr. Olivetti to express a heartfelt conviction of sin displayed by fear, abhorrence, grief and hatred of his sins and their consequences, and a heartfelt conviction to change with all the heart, soul, and mind.

Our *Book of Discipline* further states that "Such repentance would include satisfactory attempts at reconciliation and restitution to any parties sinned against" (E-8, I.6.2). "...He shall confess his sins which he has committed, and he shall make restitution in full for his wrong, and add to it one fifth of it, and give it to him whom he has wronged" (Num. 5:7). Clearly monetary restitution can never restore pain and hurt. But it may be a helpful and significant means toward peace and healing. Direct personal restitution may not be possible, given the nature of the wider offenses, but an expressed willingness by Mr. Olivetti to see others compensated in some way for harm done (perhaps through the denomination's insurance carrier) would be a necessary sign of repentance.

Regarding the condition of reconciliation, due to the extended course this process has been allowed to take, offended parties may be unwilling to seek reconciliation. Therefore, good faith "attempts at reconciliation" are to be recognized.

*Seeking forgiveness.* A sincere, unequivocal plea for forgiveness, made by Mr. Olivetti to all parties, is necessary to restoration. In this instance, both private and public forgiveness is required. Private parties are those directly sinned against, and they should be directly addressed. Public sin is addressed through

the Church court—in this case, Synod or its Commission—and the call for forgiveness is addressed to that court, which should then communicate that act to the lower courts for public awareness and in calling for general reconciliation.

“As every man is bound to make private confession of his sins to God, praying for the pardon thereof; upon which, and the forsaking of them, he shall find mercy; so, he that scandalizeth his brother, or the Church of Christ, ought to be willing, by a private or public confession, and sorrow for his sin, to declare his repentance to those that are offended, who are thereupon to be reconciled to him, and in love to receive him” (*WCF*, 15.6).

**4. Mr. Olivetti, having agreed in heart and mind with all that of which he was accused and convicted (charge and counts), should declare the same, with appropriate elaboration, to Synod or its restoring court.**

*Restoration.* If the court recognizes “satisfactory evidence of true repentance, it shall restore the person with the same solemnity and publicity that attended the imposition of the censure and lead its members in granting its forgiveness” (*BOD*, E-8, I.6.2). It is for this that the SJC, and all courts and congregations of the RPCNA, are to pray, work, and hope earnestly.

If the SJC decision in the Olivetti trial is upheld at Synod (2022) despite complaint or appeal, and restoration does not occur there, then there several directions are possible in moving forward including:

- a. Synod continues the current SJC with ongoing oversight, as outlined above.
- b. Synod dissolves the current SJC and appoints a new committee or commission for oversight of the restoration process.
- c. Synod dissolves the SJC and returns jurisdiction to the GLG presbytery.

5. In the course of the trial that led to Mr. Olivetti’s conviction, these additional components appear to be relevant in Mr. Olivetti’s repentance and restoration.

**a. Mr. Olivetti should present himself to the leadership of Faith Biblical Counseling Ministries to acknowledge his pastoral malpractice and poor reflection on the RPCNA to them; he should seek their forgiveness.**

“Beloved, you are acting faithfully in whatever you accomplish for the brethren, and especially when they are strangers; and they bear witness to your love before the church... We ought to support such men, that we may be fellow workers with the truth” (3 John 5-6, 8).

**b. Mr. Olivetti, if his offending relative resides in his house as a minor, should have a probationary period of approximately 1-3 years, in which he has demonstrated consistent ability to manage his household well as**

**it pertains especially to the matter involved in his case, before he is restored to his ordination.** Demonstration of this should include such things as compliance with and enforcement of all civil requirements, vigilance to ensure access to ready temptations are denied, and commitment in every suitable way to foster the offender's (and his own) rebuilding of trust and holiness in relationships. The Commission notes these as basic features, recognizing that there are other immediate elements that Mr. (and Mrs.) Olivetti will have to implement with wise sense. The IRPC session will have a valuable role in assessing Mr. Olivetti's regular progress in these things. Should a relapse event occur outside of Mr. Olivetti, it will need to be weighed against previous occurrences to see if new patterns and better responses have emerged with Mr. Olivetti. Though relapse is possible, these better responses, however, should be seen as positive indications of Mr. Olivetti's true repentance, and should be carefully distinguished.

So as to encourage Mr. Olivetti in repentance, it may be appropriate for Synod (or its Commission) and the IRPC session to lift the censure of suspension from the privileges of church membership upon Mr. Olivetti's significant involvement in item 3 above. When the *remaining* points are complete, Synod (or its Commission) and the GLG presbytery may lift the Deposition and restore Mr. Olivetti to his ordination.

*The Synod Judicial Commission,*

*Bruce Backensto*

*Brian Coombs*

*Kelly Moore*

*Keith Wing, Moderator*

*[Micah Ramsey*

*John Bower*

*Tom Fisher*

*Tom Pinson*

*Andrew Silva]*

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**An order-of-the-day having been reached, the Court heard a preliminary report from Nominating Committee chairman Steve McMahan, in preparation for elections later this evening. He explained how the balloting process will proceed and opened opportunity for committees and boards to correct or improve the preliminary ballot.**

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### **2022 Report of Synod's Nominating Committee**

A recommendation was presented and passed by the 2021 Synod that the Nominating Committee should meet in spring 2022 to do as much work as possible prior to Synod. The Nominating Committee is tasked with preparing a ballot to elect members of denominational boards and committees during the meeting of Synod. This Committee gathers the names that have been put forth as nominees and also makes nominations when needed. In the past, nearly all