

Communication #22-16: SJC Response to Olivetti Complaint Synod Judicial Commission

Response to the Formal Complaint of Mr. Jared Olivetti

INTRODUCTION

“Behold, happy is the man whom God correcteth: therefore despise not thou the chastening of the Almighty.” (Job 5:17)

On March 7, 2022, the Synod Judicial Commission (SJC) began a proceeding it had hoped and prayed to avoid for months, the trial of Mr. Jared Olivetti. The SJC had gone to great lengths to remain impartial and unbiased in case the investigation into “this matter” resulted in trial. This endeavor to remain impartial and unbiased existed at the outset. It continued through the investigation phase and the mediation period. It factored into our communications with (or non-response to) various entities. To some outside the Commission this latter regrettably was read as uncaring or aloof. But we were committed to safeguard the integrity of the entire judicial process, which, if it came to it, would be necessary for both parties in a trial scenario. Thus, the SJC stands by the integrity of our process and steadfastly holds to the fact that those being investigated were held innocent, even when they became the “accused,” until proven guilty. Following three days of testimony, the SJC found Mr. Olivetti guilty on all three counts. Three observations are worth noticing regarding this verdict.

1. Mr. Olivetti, having attended the pre-trial hearing, *refused to participate* in any further process leading up to the trial or the trial itself—despite multiple requests, personal pleadings, and reasoning. With clear understanding, Mr. Olivetti consciously and intentionally broke his vows, refusing to submit to the courts of the Church, rather than face his accusers.
2. The verdict and censure were *unanimous*. The SJC is composed of men from diverse backgrounds and a variety of expertise and experience across the denomination. They also represent over 200 years of elder leadership. A unanimous decision speaks volumes that the evidence was not only clear and convincing, but compelling on multiple levels.
3. The evidence revealed a web of misleading communication, spreading of misinformation, and suppression of information. It is without question that Mr. Olivetti is a gifted man in several regards. Many are fiercely loyal to him as a person. The evidence presented, however, revealed that his gifts of persuasion and influence were too often used for his personal gain and to the endangerment of the congregation.

There have been many people harmed, some severely, over the course of several years related to “this matter” at Immanuel Reformed Presbyterian

Church (IRPC). It is the noble, necessary, and biblical duty of the church to seek the repentance of wrong-doers and, ultimately, the reconciliation of all parties. The *Book of Discipline* in our *Constitution* provides the framework and alternatives for the pursuit of peace in the church. This framework and these provisions have been the guide and template for the work of the SJC from the beginning of our assignment.

General and Clarifying Remarks on the Complaints

1. The SJC has never heard or received a response to, or defense against, the accusations. All objections and complaints have been about the members of the SJC, the appointed investigators, or the process that was followed rigorously (as outlined in the *Constitution*). The critical missing link is a response to the accusations.

2. The SJC was not chartered to investigate the actual cases of minor-on-minor sexual abuse. Rather, the complaints to the 2021 Synod were focused on the shepherding responses to the cases of sexual abuse. This matter is one of the shepherding of God's people—protecting, guiding, correcting, and caring.

3. Complainants seem to “know” or may “presume” (based on popular narratives) on the motives of the investigators and Commission—as if the standards of two or three witnesses (from outside the investigators) is not still required. In addition, the complaints use vague language (“seem,” “appear”) rather than evidence or facts to support their complaint.

4. The inability of the local session or the GLG Presbytery to bring the matter to conclusion was the reason why the Synod took original jurisdiction. (We speak further to the topic of our relation to such a “flood of complaints” in our response to the Bloomington complaint.) The in-depth investigation into the evidence and testimony of witnesses must still meet all the biblical and Constitutional standards. In the end, it was not the investigators (turned prosecutors) who determined the outcome. The burden of proof rested on them, and the body of evidence and testimony given to the SJC is what decided the case.

5. The body of complaints submitted to Synod about the work of the 2021 Synod Judicial Commission completely ignores the immense volume of evidence and the long list of persons aggrieved over the several years of these events at IRPC. The mountain of evidence and testimony attests to the pain, harm and damage done over several years at IRPC due to Mr. Olivetti's misdeeds. The various records of the session were helpful to the GLG Presbytery's Immanuel Judicial Commission (IJC) as they then expanded on that body of evidence from the session. The investigative work of the IJC was commended by the 2021 Synod Judicial Committee (of the day) for having brought “valuable insight to the case.” The various records of the IRPC session and the investigative work of the IJC was expanded by the investigators appointed by the

SJC resulting in the accusations and judicial processes carried out by the SJC according to our *Constitution*.

6. To disregard the investigations of these courts and the evidence and the testimony gathered through the enquiry of three levels of RPCNA courts is to turn a blind eye to the real wrongs done and real victims harmed in this matter. To “move on” without tending to the wounds suffered during the course of this matter is to allow them to fester and to threaten the very life of the church. To “move on” without reconciliation is to ignore the teaching of our Lord who emphasized the exercise of love for our neighbor through meekness, mercy, and peacemaking (Matthew 5).

7. Our *Constitution* provides a disciplined methodology by which grievances may be put forward and addressed by the church. These provisions have been applied by three courts, and the denominational processes have been followed carefully in this most recent effort by the SJC. Those who have not seen the evidence, nor heard the testimony, simply are not able to judge fairly whether justice has been served.

8. The SJC finds that the body of evidence and testimony of 19 witnesses are clear and convincing. The absence of the defense in the trial only multiplied the impact of this evidence and testimony. There was no challenge to it, because the defendant refused to participate in his trial. Many opportunities were given both inside and outside of the trial process to provide a defense in the case, but all were spurned. After hearing the testimony and seeing the evidence, the SJC deliberated prayerfully, and then agreed unanimously on the verdict and censure in the case. The SJC could not ignore the evidence and the testimony, and we are compelled to believe that anyone who examines the same would reach the identical conclusion. There is, now, the great need for repentance and reconciliation, which is the prayer and the emphasis of the SJC in the explanation of the censure and the path forward we’ve described. May God fully reconcile the body of Christ in the aftermath of this matter.

9. Mr. Olivetti’s complaints (and those attached with it) cause concern due to his refusal to participate in the trial and, hence, keep his vows to submit to the courts of the Church. His participation, by meeting his accusers face to face, and interacting with the evidence brought against him, was vital to help the Commission assess the merits of the prosecution’s case (per Prov. 18:17), which was the result of their investigation. We desired to know the truth of the accusations, and for Mr. Olivetti to assist us in this solemn and important duty. “Laying aside falsehood, speak truth, *each one of you*, with his neighbor” (Zech. 8:16; Eph. 5:25). Mr. Olivetti has had multiple opportunities to work with the counsel of both his Presbytery and the Synod Judicial Commission. He has refused to cooperate with the court of the Church but is using the process of the court of

the Church to dismiss the court of the Church; it is use and abuse of the *Book of Discipline*. His complaint is a direct challenge to the competency and authority of the RPCNA to hold such a trial.

10. This leads us to a final remark. A concerning reality in the complaints received by the SJC is a deconstruction of the provisions of our *Constitution* and the ecclesiastical judicial process. The defendant and his counselors are taking the position that they need not participate in the judicial process—bypassing the court altogether; that one has the right to decide whether they will or will not participate in the courts of the church and, if not, to make a popular appeal of injustice or impropriety—even without evidence of such. The greatest harm of this approach is that it allows a party in the case to ignore the evidence, the accusations, and the testimony of witnesses in order to get a court decision that would help them avoid ever having to answer the charges. This is not Presbyterianism, and it is certainly not the system of government adopted and enforced by the RPCNA. It is the fair consideration of evidence, and witnesses, in a disciplined process along with the pursuit of repentance, reconciliation, and peace, that is envisioned by our standards. Deconstruction of the process disables the pursuit of those biblical objectives.

Mr. Olivetti's Complaint with SJC Response

Mr. Jared Olivetti notified the SJC on March 4, 2022 of his intent to complain of the March 7, 2022, trial to be had concerning him and against the proceedings of the trial to be in public by live stream. He formally filed his complaint with the SJC on March 10, 2022. As we here reply to his March 24, 2022, formal Complaint to Synod against the SJC for these things, we note at the outset that we have interacted fully with his former complaint, which is placed in this formal Complaint as Appendix 4. In some ways the complaints are the same. In other ways they differ, and we address those here.

Mr. Olivetti's formal Complaint to Synod is in two parts: I. convening the trial, and, II. the public nature of the trial. In the first part, he requests that the Synod sustain his complaint to "overturn the SJC's decision to convene the trial, and annul the results of the trial (*BOD*, 2.4.4)." In the second part, he requests that the Synod sustain his complaint and "rebuke and dismiss the SJC".

Here follows the SJC's engagement of the complaint.

I. CONVENING THE TRIAL

COMPLAINANT: "Summary: The Synod should annul the results of the trial as unbiblical and unconstitutional, as laid out in Appendix 1 ("Motion to Dismiss")."

SJC RESPONSE: The “Motion to Dismiss” was submitted to the SJC at the conclusion of the pre-trial hearing held on Purdue University campus on November 30, 2021, with the parties of the SJC, the Prosecution, and the Defense. In that meeting, Mr. Justin Olson (in working arrangement with two other licensed attorneys and Rev. James Faris) was counsel to and spokesman for Mr. Olivetti. Mr. Olson presented orally to the SJC the substance of the written “Motion to Dismiss.” Said document was provided in a bound copy to the SJC upon completion of the hearing. After the hearing, the SJC read the document and discussed it at length in its following meetings. After a thorough review, the SJC declined the desires contained in the “Motion to Dismiss”—to dismiss all charges, to remove all accusers, and to void the SJC investigation. The Commission found that the reasons given, whether touching procedure or substance, did not rise to such level. It gave a full distillation of reasons to the Defense on December 14, 2021. However, the SJC did, in response to the “Motion to Dismiss,” postpone the trial dates, begin to give more attention to a mediation option, reconsider and reverse its requirement for Mr. Olivetti and the ruling elders to refrain from exercise of office at that time, remove Mssrs. Pfeiffer and Blackwood from the Accusation of Sin directed against the 2020 IRPC session ruling elders, and explore allegations made in the “Motion.” The pre-trial hearing was not only to discuss the matters of a possible trial, but to hear from Mr. Olivetti if he had any plea or response to the formal accusations. He did not enter a plea.

COMPLAINT A. “The investigation and subsequent charges lacked appropriate procedural safeguards, committing what our *Constitution* deems ‘gross irregularities.’ For example:”

SJC RESPONSE: The SJC delineated its disagreement to the Defense in a December 14, 2021, communication. The Commission carefully sought to uphold the RPCNA *Constitution* at all points of its work and maintains that it has.

COMPLAINT A. Point 1. “The investigators lacked independence and presumed guilt.”

SJC RESPONSE:

1. Mr. Olivetti offers no evidence of the investigators’ presumption of guilt and biased motives (which the Commission understands as the gist of his phrase “lacked independence.” The Commission speaks to another nuance of the phrase in the complainant’s Point 2 following.) The SJC does not find that the often referred to comments made by one investigator months before appointment as an investigator express a presumption of guilt; they can also be seen as strong desire to know, and have known, the real truth of “this matter.” The SJC reviewed these and other matters with this investigator beginning in late June 2021 and found his desire and reasons for wishing to serve to be with-

out malice, conforming to the *Constitution*, and properly motivated. Relatedly, the SJC notes that the investigators are not one, or two, but four. To have multiple investigators provides a wide range of perspectives; they independently reached a unanimous conclusion about the basis for charges. We know of no evidence, nor have heard, that the common complaints about one investigator are to be applied to all four; thus we believe Mr. Olivetti's complaint is morally unsound at this point. If the investigators' investigation found Constitutional basis for charges of sin, the SJC anticipated that what could become a robust prosecution would be met with an equally robust, perhaps even stronger, defense. Under these factors, the deep truth of "this matter" would best become open and clear. Certainly Mr. Olivetti was given his own presumption of innocence right up until the verdict of the trial; the SJC ensured to see that.

2. The SJC affirms that the investigation considered church documents and actions of all courts; it also covered families, RPCNA members and non-members, and civil entities of various sorts. The investigators interacted with the very documents Mr. Olivetti references; and as an independent body from Mr. Olivetti and his immediate church setting of "this matter," drew conclusions differently than him. The SJC finds that the investigators were thorough. The Commission reminded them throughout the course of investigation that, if accusations resulted, they would have to demonstrate to the SJC that their unbiased evaluation of all findings during their investigation led to these accusations, were censurable, and were supported by at least two or three witnesses. The SJC finds the complaint that the investigators presumed guilt is not born out by any fact, but rather is a particular interpretation. The SJC notes that a proper consideration of guilt, is that it was found not by the investigation of investigators but by the Commission itself after the course of a valid trial.

COMPLAINT A. Point 2. "The investigation was incomplete and inaccurate. (We have repeatedly asked for an independent, professional investigation and been repeatedly denied. See Appendix 2 for one of these requests.)"

SJC RESPONSE:

1. The SJC is aware of Mr. Olivetti's request (with then counsel Mr. James Faris and Mr. Justin Olson) for an "independent, professional investigation," i.e., a non-RPCNA body. The SJC denied this claim after reviewing Mr. Olivetti's counsel's December 6, 2021, proposal. First, the SJC saw no compelling evidence that independence and professionalism were lacking. Second, administratively it would be a misstep to begin anew with a different investigation and irresponsible to turn over "this matter" with all its involved parts to another entity. Thirdly, the SJC was uncomfortable with the idea of other possible investigatory organizations, and was unsure how to monitor the proposed concern for bias. Finally, the SJC took seriously that the 2021 Synod appointed (via its

moderator) this very SJC body—and no other—to address “this matter.” Given that “this matter” is an ecclesiastical matter, and under the governance of this Church and its *Constitution*, the SJC declined Mr. Olivetti’s counsel’s proposal, and saw that the facts and accusations of “this matter” should be addressed either through a trial or in the Commission’s own mediation process. “Are you not competent to constitute the smallest law courts?” (1 Cor. 6:2)

2. The SJC additionally notes that, through the course of fulfilling its remit, independent and professional investigations did interface with Mr. Olivetti either as civil entities and proceedings, or in other-denomination counseling settings. In each venue where “this matter” pertained to their investigations involving him, Mr. Olivetti was later shown by trial testimony and evidence (to which we were then made privy) to have acted inappropriately in the ways charged. The SJC sees this as confirmation of its decision to trust the Lord’s use of His ordained courts and the Commission’s care to stay within Synod’s remit.

COMPLAINT A. Point 3. “The accusers failed to follow Jesus’ rule in Matthew 18.”

SJC RESPONSE:

1. To the contrary, Mr. Olivetti failed to follow Jesus’ rule in Matthew 18:15-17 by not presenting himself to the court of the church which was appointed by Synod to deal with “this matter.”

2. The SJC believes that “this matter” had been given to the Church already, and its “address” was to make clear previous components of “this matter” in that setting. The Commission has spoken to this matter at great length in response to Mr. Olivetti’s Appendix 4.

COMPLAINT A. Point 4. “The SJC was not qualified to adjudicate the matter. See Appendix 4 (“3-22 Olivetti letter to SJC”). In an email to our counsel on 12/2/21, Mr. Wing expressed frustration at the perceived tone of a previous document, and then stated, “At least in some sense, the defense put themselves in a bit of a hole...” This indicated to us that the SJC was disposed against us early in the process. See Appendix 5 (“12-2-21 Email from Mr. Wing”).”

SJC RESPONSE:

1. The SJC has spoken to this matter in its response to Mr. Olivetti’s Appendix 4. As an echo of the SJC’s response to Point 2 above, and contrary to the complaint, the 2021 Synod believed that this SJC would be “qualified to adjudicate this matter.” It demonstrated this by deciding to have its Moderator so appoint the makeup of the Commission, as he afterward did prayerfully.

2. Mr. Olivetti is wrong to say the commissioners were not qualified to adjudicate the matter, because Mr. Olivetti misreads, and misuses, the intent of Mr. Wing’s statement in the December 2, 2021 email. Mr. Wing was responding to the clearly different tone of the “Motion to Dismiss” document in comparison

to the somewhat more-restrained manner of the counselor's personal presentation of it. While Mr. Olson first told the SJC (during the pre-trial hearing) that they were irresponsible and incompetent, to later read that its Constitutional process of investigation was a "sham," "fundamentally unfair" (p. 3), "a farce" (p. 5), with biblical and catechetical principles "trampled by...the SJC" (p. 8), and that "the Accusers and the SJC collectively communicate the Old Western justice sentiment to pastor Olivetti...we're gonna have to give you a fair and impartial trial before your hanging." (p. 15), was insulting. Mr. Wing drew attention to the inappropriate and unprofessional manner of communication (and not merely the tone) set by the Defense, saying in response, (Here is the full quote Mr. Olivetti only partially used), "At least in some sense, the defense put themselves in a bit of a hole to start by choosing to use inflammatory language aimed at all the appointees while trying to put forward their objections."

COMPLAINT B. "The charges failed to meet the requirement of reasonable specificity."

SJC RESPONSE: The Commission discussed this matter at length in its meetings. Over time there was a refinement of the accusations to be more specific in their formal presentation. The formal accusations that were presented to and approved by the SJC flow from the summary to the specific—from accusation to counts and then to specifications (circumstances). These accusations were judged to be in conformance with the requirements of the *Constitution*, but the burden to prove the accusations remained on the accusers, and not the defense, throughout the judicial process. As further testimony to the details that would be presented in the trial, the Prosecution provided a complete mapping of all the evidence into the accusation framework so that the Defense would know what evidence supported which aspect of the accusations. (Our SJC legal counsel considered this very gracious, acknowledging that such deference is rare in civil courts.) So much of this evidence had already been a part of the investigative record and was very familiar to Mr. Olivetti. Several opportunities were given Mr. Olivetti to discuss with his accusers (at trial), or with them with SJC's mediator (in mediation before trial), a specific list of 115 paragraphs of allegations of fact or wrongdoing that the Prosecution intended to reference at trial, and for the greater clarity and stewardship of the trial, stipulated beforehand.

COMPLAINT B. Point 1. "The *Book of Discipline* (II.2.1) requires that 'a charge...shall name the specific offense, the time, place and circumstance of its commission.' The charges failed to do this. Even now, after the conclusion of the trial, it is unclear to me what I am being called to repent of."

SJC RESPONSE:

1. Mr. Olivetti may be unclear in his own mind as to the clarity of the charges, circumstances, and specifications, but it is set forth in the formal Accusa-

tion and related materials presented to him. Supplementary information was provided him in the order of 115 paragraphs that detail the mechanics of how these components relate to each other. This specifically was given to him for the purposes of either mediation and/or trial preparation in view of this very complaint made by Mr. Olivetti's counsel (Mr. Olson) at the pre-trial hearing of November 30, 2021. Mr. Olivetti never responded to the SJC or interacted with them, or the mediation parties, over this information given him. Mr. Olivetti has yet to respond to the accusations as such.

2. The SJC affirms that the relevant information regarding charge, specification, and circumstance was given to Mr. Olivetti so that he would have clear knowledge of accusations brought against him.

3. There is some variance of practice in the RPCNA as to how charges, specification, and circumstances are laid out formally and particularly in discipline cases handled in accordance with our *Book of Discipline*. The SJC did discuss this at length in its meetings. Eventually it concluded that the essence of the *Book's* requirements pertaining to framed charges had been met, though arranged in a way that may vary from other instances of discipline cases throughout the RPCNA.

4. In this case specifically, a number of the transgressions cited were not discrete acts, but wrongdoings that were repeatedly, persistently sustained over the course of several months, such that the actions could not be specified as taking place on a single date.

COMPLAINT B. Point 2. "The accusations alleged character defects instead of transgressions, character defects which the accusers could not prove and which the defense could not fairly refute."

SJC RESPONSE: The SJC finds that the accusations pertain to character defects, not in a general sense as common to all believers, but as pertain specifically to biblical qualifications for church office. The Commission considered what Mr. Olivetti here calls "character defects" as biblical transgressions and of a nature that could have disqualified him from office, if proven. The Commission notes that these accusations were proven in a legitimate trial; it regrets that Mr. Olivetti did not appear to answer them, and that he believes he could not refute them fairly. (The SJC is unsure how the word "fairly" relates to refuting accusations that Mr. Olivetti was urged many times to answer.)

COMPLAINT B. Point 3. "In allowing such charges, the burden of proof was placed solely on the shoulders of the accused, which is both unbiblical and unconstitutional."

SJC RESPONSE: The SJC denies that the burden of proof ever rested on Mr. Olivetti. At no time did it in any way impose such a requirement. We again reference the *Book of Discipline*, "The burden of proof rests upon the prosecution." (E-15, II.3.13) In that vein, the standard of proof set by the SJC was not

mere “preponderance of evidence” but “clear and convincing.” The Commission further denies any and all connection between Mr. Olivetti’s phrases “allowing such charges” and “the burden of proof was placed solely on the shoulders of the accused.” The first never led to the second. The prosecution was reminded of their burden, and it was stated again (as the trial record shows) during Mr. Olivetti’s trial.

COMPLAINT C. “Both the prosecutors and the SJC refused to consider prior repentance. In their announcement of the verdict, the SJC called for my repentance, omitting that I have repented deeply and often over the past two years.”

SJC RESPONSE:

1. The investigators’ conclusion, having reviewed all the documents Mr. Olivetti still cites for his defense and complaint, was that repentance had not happened biblically, as is elucidated at *Westminster Confession of Faith*, 15:2, 5-6. Confession of sin was made at points, though in generalities, and to the exclusion of other necessary elements of biblical repentance, as well as to all persons offended. Mr. Olivetti made several confessions of sin, but these were broad and general (rather than particular) and were not made to a number of specific persons offended by actions taken by him in the course of “this matter.”

2. The opportunity to present information and evidence as to what already had been repented of was provided in the mediation framework. The SJC has directly sought the response of the Defense with regard to the accusations. Now, after the judicial process is complete, Mr. Olivetti still claims he has repented of some sins charged in the accusations. It is very difficult to understand how Mr. Olivetti can claim that the accusations against him are unfounded, while at the same time attempting to say that he has expressed repentance of the sins in the accusations.

COMPLAINT C. Point 1. “The primary purpose of discipline is repentance. When repentance happens, “... there must be forgiveness and reconciliation, and the matter shall be closed. You have won your brother.” (*BOD*, I.3.3) Instead, my repentance has been ignored or, when acknowledged, subject to doubt and judgment.”

SJC RESPONSE: The trial uncovered instances in which repentance hasn’t happened, per above. Moreover, Mr. Olivetti has failed to quote fully the *Book of Discipline*, which continues, “Such closure may include counsel or censure appropriate to the circumstances.” (E-4, I.3.3)

COMPLAINT C. Point 2. “The Shepherding Committee’s Report (Appendix 3) confirmed our repentance and rejoiced that we had been won as brothers.”

SJC RESPONSE: The Shepherding Committee report at the same time conveyed matters of Mr. Olivetti’s repentance that, upon investigation, were seen to be incomplete and/or unresolved. These pertain to the nature and extent

of Mr. Olivetti's repentance as well as the sins repented of and their possible relation to disqualification from office. The investigation clarified this; then the accusations about it, tested in a judicial trial with witnesses and evidence, resulted in Mr. Olivetti's Deposition from office.

COMPLAINT C. Point 3. "At both the Presbytery and Synod level, investigators/prosecutors failed to attempt any reconciliation in good faith. Disregarding Matthew 18 and our *Constitution (BOD II.2.2)*, charges were made, received, and adjudicated without anyone meeting with me as a brother in Christ to win me to their point of view."

SJC RESPONSE:

1. Mr. Olivetti was approached by persons about "this matter" over the past two years but, as the witnesses testified under oath, Mr. Olivetti cut off the conversation when the offended person failed to accept Mr. Olivetti's account of the matter. Hence, Mr. Olivetti was called to mediation or a trial to face his accusers according to Matthew 18:17.

2. The SJC denies Mr. Olivetti's allegation in the first sentence. The Commission many times urged Mr. Olivetti to face the accusations in a mediation process for reconciliation, as is documented thoroughly in our response to his Appendix 4. The Commission acknowledges that the mediation was unacceptable to Mr. Olivetti. But his statement is untrue that "investigators/prosecutors failed to attempt any reconciliation in good faith." It is no one but Mr. Olivetti who lacked "good faith" in reconciliation attempts through the SJC mediation framework. The SJC points to the growing success of the mediation framework with the three former ruling elders, who took it up in good faith.

COMPLAINANT RECOMMENDATION: "For all these reasons, the just action is to annul the trial. As I have said many times, I remain willing to submit to an impartial, professional investigation into this matter."

SJC RESPONSE:

1. For all our reasons, the just action was for Mr. Olivetti to keep his vows by engaging in the Constitutional process of the Church. That Mr. Olivetti continues in the same spirit as his refusal of mediation, and our lawful summons to come to trial, vindicates our additional censure of Rebuke for his contempt of court.

2. Having responded to these three reasons of Mr. Olivetti, and various supporting points for each, the SJC shows that a trial was convened justifiably. Mr. Olivetti was given an impartial, professional (ministerial) investigation and trial by brothers covenantally vowed to the truth and his good.

SJC RECOMMENDATION: *The SJC therefore recommends that the Synod not sustain the complaint, nor overturn its decision to convene the trial, nor annul the trial's results.*

II. THE PUBLIC NATURE OF THE TRIAL

COMPLAINANT: “As pointed out in the SJC’s own communications, the *Book of Discipline* requires protection of the accused: ‘The court shall seek to protect the sinner from undue exposure and those under its oversight must not engage in gossip or improper curiosity.’ (III.4.3.a) The decision to make the trial public failed to meet this biblical and clear call. In support:”

SJC RESPONSE:

1. Mr. Olivetti himself shows by his Constitutional citation that the SJC was conscious to follow the *Book of Discipline* (per E-7, I.4.3a). The Commission notes, however, that the passage Mr. Olivetti cites is in reference to disciplinary censures, and not to convening a public trial. Thus when the Commission announced the trial decision and censure, it did so in truth about “this matter” as well as with love for Mr. Olivetti. But even if this Constitutional statement is applied to the convening of a public trial, Mr. Olivetti was in no way given undue exposure. The Commission fails to see how this would be “undue” for a public minister of the gospel on matters that were of great public report.

2. Mr. Olivetti complains that “the decision to make the trial public failed to meet this biblical and clear call.” Views were held across the spectrum by relevant persons about whether the trial should be open, closed, and even entirely in executive session. All had valid reasons for their opinions. The SJC saw an appropriate and necessary balance between openness and closedness in trial settings and sought to apply the Constitutional statements accordingly with the difficult situation at hand. (*Directory for Church Government*, D-28-29, 4.5; D-47, 9.21; *Book of Discipline*, E-12, 3.2) Thus a live stream was offered to the immediately affected congregations of Immanuel RPC (IRPC) and RPC of Lafayette (RPCL). The elders of IRPC declined it, but RPCL desired it; some members from IRPC attended the live stream at RPCL. The SJC also deemed it wise to have up to six synodical observers of the trial for the purpose of overseeing a visible integrity about the trial. To retain its impartiality, the Commission requested Synod’s 2021 moderator to select the number of such observers as he could, if he agreed to the idea. The SJC was concerned for such matters as visible integrity, accessibility to involved persons, and confidentiality matters. Thus daily signed terms and responsibilities of all attendants—even of the SJC—were an attempt to hold people accountable for a responsible observation of the trial and its contents in a scenario of much public attention already. The Commission maintains its decision was the best that could be done and was a sound application of our Constitutional principles.

3. There was nothing about the charges levied against Mr. Olivetti that required a closed or private trial; this was not a trial about sexual offense among minors, but the handling of it by a church officer. Because it involved reference

to persons who required confidentiality (minors) or requested it (adults), the SJC was very conscious and vigilant to ensure aliases, redaction, and executive session (non-public, non-live streamed) were used accordingly.

COMPLAINT A. “The need for an open trial was never explained. The SJC received multiple communications from me pleading for them to protect me and my family by holding the trial in executive session. My request was refused without explanation.”

SJC RESPONSE: The SJC did not feel it needed to explain the clear Constitutional references above. Explanation of a partially open trial, and how the Commission ensured a more private means, is given above. The Commission does not conclude that its trial format for Mr. Olivetti left any of the Olivetti family unprotected.

COMPLAINT B. “The openness of the trial potentially failed to maintain the laws of confidentiality in the state of Indiana. (See Appendix 6, “Letter from Olivetti legal counsel”) Please note that clear reference to one of my children was made outside of executive session.”

SJC RESPONSE:

1. A broad, discreet reference to Mr. Olivetti’s child was made outside of executive session insofar as it was a part of the formal charges read about Mr. Olivetti at trial. In accordance with the SJC rules, this reference did not mention the name or identity of Mr. Olivetti’s child.

2. The SJC received Mr. Zimmerly’s letter, reviewed and considered it, and it is a part of our records. The SJC draws attention to Mr. Olivetti’s choice of the word “potentially” in reference to the SJC’s alleged failure to maintain the laws of confidentiality in the state of Indiana. The SJC believes it is improper to complain of this as an admitted potentiality.

3. In the “Letter from Olivetti legal counsel,” Mr. Zimmerly cites a ruling regarding a prohibition against disclosing information in court records “to the extent the party learned the contents of those records in the course of the proceedings or from the documents themselves.” The Indiana appeals court ruling Mr. Zimmerly cites makes an explicit distinction between confidential information learned through the civil court process and information learned outside of that process. Specifically, the court ruled that, “A party may well have obtained knowledge of facts underlying a juvenile proceeding outside of that proceeding. *Neither Indiana Code Sections 31-39-1-1 or -2 nor the holding in Shelbyville Newspapers requires information obtained outside the course of juvenile proceedings to be kept confidential.*” (Emphasis added.) The SJC did not gain its information about the relationship between Mr. Olivetti and the Offender from court proceedings; it was disclosed during the Synod last year and to the entire IRPC congregation in January 2021. The Commission believes there was no breach

of Indiana laws of confidentiality in mentioning Mr. Olivetti's household in the charges or proceedings.

COMPLAINT C. "Allowing members of the RPC of Lafayette to watch a trial against a pastor of another congregation is neither logical nor consistent. In contrast, other victim's families, interested parties, and pastors in our presbytery who had far greater involvement in this matter were excluded. This is concerning, as several of the members of the RPCL have engaged in slander and gossip against me and my family."

SJC RESPONSE: The Commission has explained its logic and consistency in its response at the beginning of Complaint II above. Mr. Olivetti here accuses several members of RPCL as engaging in slander and gossip against him but does not mention the people at RPCL who are aggrieved (some of them former members of his church) by his actions toward them, who thereby had a valid interest to observe the trial.

COMPLAINT D. "In an email to the entire denomination on March 3, the SJC noted that the relationship between the Immanuel and Lafayette congregations is heavily strained. By any logic or biblical thinking, making the trial public could only lead to more division, not less. It was inexplicably unwise and damaging."

SJC RESPONSE: The SJC offered to live stream the trial proceedings to both locations (IRPC and RPCL), but IRPC declined. So it was live streamed to RPCL where members from both congregations were allowed to attend. It deemed the live stream itself would have no effect on divisions, either creating more or healing them. As the Commission mentions above, some IRPC members observed the trial at RPCL.

COMPLAINT E. "Due to the severity of attacks against me and my family, in the civil courts, local and national news, and social media, the trial itself was extremely likely to cause greater harm to our family. Time will only tell the extent of the damage that has resulted to my family from this process."

SJC RESPONSE: The SJC knows of no "greater harm" to the Olivetti family. The commission went to great lengths to require all observers of the trial to covenant that they would not disclose any of the proceedings until the trial outcome had been finally adjudicated by the Synod. To our knowledge, none of the testimony disclosed in the trial has been revealed in the media. The Commission had a responsibility to know the truth of "this matter" it was to address, especially given the scenario Mr. Olivetti describes. The Commission made many attempts since November 2021 to avert a trial and urged Mr. Olivetti regularly to pursue mediation in view of the charges against him. In no way can the trial itself be a ground for Mr. Olivetti's troubles, as much as we regret them for him. A trial proved necessary to verify the truth of "this matter"

given to the SJC to address. To be perfectly clear, Mr. Olivetti's participation in his trial possibly could have led to his vindication, but his failure to be a part of the Constitutional process has brought self-inflicted wounds from resisting the appeals of his brothers.

COMPLAINANT RECOMMENDATION: "For these reasons, the Synod should rebuke the SJC for its decision to make the trial public. In support of these requests, please read and consider fully the appendices."

SJC RECOMMENDATION: Having responded to these five reasons, and various supporting points for each, the SJC shows that a public trial in a modified form was convened justifiably. ***The SJC therefore recommends that the Synod not sustain the complaint and its request.***

Synod Judicial Commission

Response to the Appendix 4 Complaints of Mr. Jared Olivetti Appendix 4 Complaint of Mr. Olivetti with SJC Response

Mr. Olivetti's Appendix 4 is a letter Mr. Olivetti sent to the SJC on March 4, 2022, outlining why he would not be participating in his then upcoming trial.

COMPLAINANT: "To the commission, I believe this will be my final communication to you regarding this matter. In what follows, the 'we' refers to me and Lisa alone."

"Re: the openness of the trial"

"We want to reiterate our strongest expectation and demand that, should you proceed with the trial, absolutely all proceedings be held in executive session. We have learned that you plan to allow RPCNA members to watch the trial remotely. Surely you know that everything not held in executive session will immediately be transmitted before the watching world. The fact that this matter involves children, on both sides, and given the devastating attacks against us in the media, any form of an "open forum" for the trial will only cause harm. As expressed in the letter from our attorney, Philip Zimmerly, the current course is not only problematic morally but also legally. In our view, the only way to possibly maintain the laws of confidentiality would be to use executive session throughout. **If I or my family are discussed outside of executive session, I will seek what legal option we have of redressing the resulting damage.** (The SJC notes that this bolded section and threat of legal action against the church was removed by Mr. Olivetti in his complaint to Synod—where it is simply indicated as "REDACTED"). According to our *Constitution*, you must 'protect the sinner from undue exposure.' Please fulfill this part of your responsibilities."

SJC RESPONSE:

1. The Defense has put forth varying perspectives on whether the trial should be open or not. At the pre-trial hearing (November 30, 2021), the coun-

sel for the Defense indicated that they were unable at that point to give a substantive answer to how open or not a trial should be. He acknowledged that a degree of openness could serve to combat the court of public opinion if appropriate precautions were in place for proper handling of things like sealed court documents and juvenile status. Both prosecution and defense acknowledged that some testimony regarding minors may need to be given in executive session. However, both indicated that there were pertinent matters that could and should be discussed openly. In subsequent communications there were indications that the Defense preferred a more closed trial process. Later the request came for the trial to be held in executive session. The SJC offered (February 22, 2022) to have the Defense present their case in executive session, but the Defense elected not to reply to that offer and later determined not to attend the trial at all.

2. As the *Constitution* testifies (*Directory for Church Government*, D-28-29, 4.5; D-47, 9.21; *Book of Discipline*, E-12, 3.2), the courts of the church are generally open, unless there are compelling reasons to provide restrictions on the information presented in that context. The matter pertaining to the response to cases of sexual abuse at IRPC has become a very public matter over the course of the two years the church courts have been dealing with it. The application of "*fama clamosa*" was referenced in the 2021 Synod, and it was included as part of the Moderator's guidance to the Synod's Judicial Commission appointed to look into the matter. Even before there were accusations, there were many public reports to be addressed. The church is called to conduct its business in the light to avoid the appearance of injustice or arrival at its claim by covert and questionable means. The number of people involved in the matter, and the impacts on the church at large, necessitated a hearing of both the prosecution and defense to ascertain the facts and evidence in the case in response to public reports. One major factor in the public reports prior to the appointment of the judicial commission was that too much of the response of the shepherds at IRPC had been hidden from the church. While it may be convenient for the courts of the church to conduct its business in secret, it is not in the best interest of the church.

3. A great deal of effort was taken by the Commission to ensure that sensitive names and information were not disclosed during the course of the trial. Instructions for these provisions were given to both the Prosecution and Defense. The Prosecution was actively engaged in helping formulate this strategy, but the Defense refused to engage in the dialog about how to protect sensitive information.

4. The invitation to observe the proceedings was extended to members of both IRPC and RPCL. These are the two congregations most directly affected

by events pertaining to the matter. The session of IRPC elected to not have the trial live-streamed to their location, but they did permit members to observe at the RPCL location.

5. Because of sensitivities about evidence, information and identities, several witnesses were offered the opportunity to give their testimony in executive session, and several of them took advantage of that opportunity. The SJC saw an appropriate and necessary balance between openness and closedness in trial settings and sought to apply the Constitutional statements accordingly with the situation at hand. (*Directory for Church Government*, D-28-29, 4.5; D-47, 9.21; *Book of Discipline*, E-12, 3.2) The Defense was given the opportunity to provide their entire case in executive session but chose not to appear or respond to that offer.

6. In his letter of March 4, 2022, to the SJC declaring that he was withdrawing from the judicial process and would not attend the trial, Mr. Olivetti further provided this warning statement: "If I or my family are discussed outside of executive session, I will seek what legal option we have of redressing the resulting damage." This threat of legal actions (something of which the *Constitution* alerts us to take note, per *Book of Discipline*, E-2, Introduction, para. 7) is of concern on many levels, and Mr. Olivetti chose to remove that statement from the record he submitted to Synod in his complaint. Had the Defense participated in the trial, they would have had every right to request additional portions of the trial be conducted in executive session.

COMPLAINANT: "Re: reasons for withdrawing from the trial"

"As you know, we have withdrawn from participation from the upcoming trial. We want to be clear about our reasons for not attending the trial next week. We do not believe that the process has been handled appropriately or biblically, in the following ways:"

(Here the Commission categorizes Mr. Olivetti's principal complaint-reasons in CAPS.)

I. COMPLAINANT: THE SJC INVESTIGATORS WERE UNTRAINED AND BIASED.

"The appointed investigators lacked proper training and were not independent. As a result, the investigation did not seek a balanced view of the truth, but instead assumed guilt (by building on the unjust and one-sided work of the presbytery commission) and simply worked to build a case against me. Because there has been no unbiased, professional investigation, there is absolutely no possibility that the trial will involve anything approaching the truth. We have asked for an independent investigation repeatedly and remain willing to submit to it. Until then, we cannot in good conscience submit to a trial based on the incomplete and biased work of our accusers."

SJC RESPONSE:

1. Regarding “proper training”—this matter is specifically about shepherding a congregation. The four investigators appointed are all teaching elders in the RPCNA with significant experience and training in shepherding. The Commission did not take original jurisdiction over the investigation of the cases of sexual abuse—that was left to the session of IRPC and the GLG Presbytery. The complaints that were presented to the 2021 Synod which resulted in the formation of the Commission had to do with the response to the cases of sexual abuse—the response of the shepherds.

2. The shepherding experience of the SJC and the investigative team in the offices of both ruling and teaching elder is extensive. The nine members of the SJC, by including the two alternates, have a total of over 240 years of shepherding experience. The four members of the investigative team have a total of 94 years of shepherding experience. This matter is directly and specifically about shepherding that this is an extremely well-trained and experienced group of men. The SJC and investigation team represent 13 congregations and four presbyteries of the RPCNA. The ONLY body qualified to adjudicate the qualifications of Mr. Olivetti is the RPCNA and her Courts.

3. Regarding investigators as “not independent”—they represented two different presbyteries and four different congregations. They were tasked to investigate, to interview, to assess and to draw conclusions. Their conclusions were to be supported by facts and by the testimony of two or more witnesses. The evidence they compiled was presented at the trial and was open to the scrutiny of the defense if it was not factual. Further, witnesses were accessible in the trial for cross-examination in the event their testimony was not true or was unsubstantiated.

4. Three formal investigations have been conducted by the church. The session of IRPC conducted the initial investigation and those records were made available to the SJC investigators. The investigation of the first GLGP appointed judicial commission was commended by the 2021 Synod Committee of the Day which was tasked to review the complaints. Those records were made available to the SJC investigators. In the directives given to the investigators appointed by the SJC, they were instructed to draw on prior investigations, but not to limit their conclusions to that information only. They were further directed to engage with people directly, including those who were victims of the cases of abuse as well as those in authority at the time the abuse was taking place. This direction was given so that the results of prior investigations could be independently confirmed. The view that the results of the investigation are not acceptable to the accused doesn’t present any proof that the investigation was flawed.

5. The body of evidence and the list of witnesses were presented to the accused along with the formal accusations as required by our *Constitution*. Additionally, going above the requirements of the *Constitution*, the Commission requested the investigators present a mapping of all the evidence to the specifications of the charges to show the accused how the volume of evidence would be presented in the trial. It is noted that, when presented with the full body of evidence, the accused did not present any objections during the pre-trial hearing (or subsequently) about the details of the evidence and/or the proposed list of witnesses. It was never proven, or even challenged, that the supporting evidence was not truthful.

6. This complaint is irrelevant as it assumes there was an investigation of handling a child safety case. The SJC was not chartered to investigate the actual cases of minor-on-minor sexual abuse. Rather, the complaints to the 2021 Synod were focused on the shepherding responses to the cases of sexual abuse. This matter is one of shepherding of God's people—protecting, guiding, correcting and care. This was a matter of adjudicating the qualifications of Mr. Olivetti to be an ordained member of the RPCNA.

7. This complaint alleges improper motive and discrimination. This complaint impugns the spiritual and moral character of the investigators. The four investigators represent 4 RPCNA congregations and 2 presbyteries. The SJC-appointed investigators represent 94 years of experience as elders/shepherds in Christ's church. While most of the attacks have been towards one investigator, the complaint impugns all four investigators, for it implies the other three investigators had no influence or accountability for the one, or they were complicit in discrimination. This is simply false. The four Teaching Elders selected to investigate, all in good standing with outstanding reputations, are men who have dedicated themselves to serving the church above and beyond what could be reasonably requested. That the one investigator—three months prior to being selected as an investigator—expressed anger at heinous sin, is not a disqualification. Our Lord's treatment of the religious money-changing leaders in the temple is a case in point. It implies that having an anger towards sin prevents one from being objective. This is a false conclusion, and we believe misapplied to an investigator.

II. COMPLAINANT: THE CHARGES WERE VAGUE.

"The charges submitted against me are vague and ambiguous. It is still unclear what I am being charged with, or what standards will be used to judge things like "urgency" and "reputation." As written, the charges pre-judge this matter, and put the burden of proof on the defense and not the prosecution. How do I prove that I have a good reputation? What number of people do I need to bring to testify? Without being judged against a written standard,

coming to the trial would mean subjecting myself to the opinion of seven men. This is not biblical!”

SJC RESPONSE:

1. The formal accusations that were presented to and approved by the SJC flow from the summary to the specific—from accusation to counts and then to specifications (circumstances). These accusations were judged to be in conformance with the requirements of the *Constitution*, but the burden to prove the accusations remained on the accusers, and not the defense, throughout the judicial process. As further testimony to the details that would be presented in the trial, the Prosecution provided a complete mapping of all the evidence into the accusation framework so that the Defense would know what evidence supported which aspect of the accusations. (Our SJC counsel considered this very gracious, acknowledging that such deference is rare in civil courts.) So much of this evidence had already been a part of the investigative record and was very familiar to the accused.

2. Several opportunities were given Mr. Olivetti to discuss with his accusers (at trial) or with SJC’s mediator (in mediation before trial) a specific list of 115 paragraphs to be referenced at trial, and for the greater clarity and stewardship of the trial, stipulated beforehand.

III. COMPLAINANT: MATTHEW 18 WAS NOT HEEDED.

“My accusers have been allowed to disobey Jesus’ clear commands in Matthew 18. This is not a *fama clamosa*, as demonstrated by the fact that the charges contained accusations I had never heard before November 2021. Instead of being won as a brother, I have been treated with contempt.”

SJC RESPONSE:

1. “This matter” has become widely known as a result of investigations and public reports by the IRPC session, a GLG advisory committee, a GLG shepherding committee, a GLG judicial commission and public complaints to the RPCNA Synod as a whole in 2021. The reports have extended beyond the church to the public, social media, and news agencies. There can be no rational defense of the claim that this matter is not represented in public reports. Mr. Olivetti has known this matter all throughout, and there is nothing new for Mr. Olivetti to learn. This “*fama clamosa*” provision of our *Constitution* is in place in order to ensure that the reputation of the church and its shepherds are both protected and called to account. The aim of the investigation was to ascertain whether the public reports were true or not.

2. Throughout the judicial process the accused have been given multiple opportunities to respond to the accusations, or in the event that a guilty plea was entered, an appropriate censure or reconciliation could occur. In the pre-trial hearing, held more than four months before the trial, the SJC invited ob-

jections to the accusations. Objections were given by the accused, but they were focused on the judicial process and investigative personnel—not in addressing any allegedly false accusations. Further, the mediation framework was designed to have the Prosecution and Defense address the accusations. The Defense was invited to demonstrate how the accusations were flawed, or how the accusations had already resulted in repentance and reconciliation. The Prosecution would have been required to amend the accusations to account for any errors in the accusations. A great deal of emphasis was placed on the mediation process by the SJC, but, sadly, the Defense, in this particular case, simply chose to ignore that opportunity.

3. Furthermore, in the most structured opportunity to provide a defense against the accusations, the case was brought to trial. The SJC had anticipated a vigorous prosecution of the case as well as an equally vigorous defense. The Defendant, however, elected not to appear, nor to refute the accusations, nor to present evidence and testimony as to his innocence, nor to present a defense of his actions in light of the accusations.

4. Finally, there have been many opportunities to respond to the accusations, but the Defense has only chosen to challenge the judicial process which is laid out in detail in our *Constitution*. As of this writing, there is still NO response from the defendant with regard to the accusations.

Additional Response: Questions have been raised concerning whether the Investigators appointed by the 2021 SJC followed Matthew 18:15-18. By the time the Investigators were appointed, “this matter” was referred to as a “*fama clamosa*” by the Moderator of Synod after its reference in Synod communication 21-16 and in his appointment of the SJC. The phrase “*fama clamosa*” is clearly appropriate because at the congregational meeting of the IRPC held January 2, 2021 “this matter” was made public—it was “told to the church.” In March 2021, the Judicial Commission (IJC) of the Great Lakes Gulf Presbytery (GLGP) revealed “this matter” to the GLGP—it was “told to the church.” Finally, it was told to the 2021 Synod through the complaints registered. In light of Matthew 18:15, an individual(s) went personally to Mr. Olivetti and the ruling elders who were serving on the session at that time expressing concern that the sinful behavior of a minor was not reported to all members of the congregation with sufficient urgency once the offender’s behavior was discovered. While some individuals heard Mr. Olivetti’s confession of sin concerning the matter with those individuals, others were not told in a timely fashion what was happening until others told them. When others approached Mr. Olivetti, they were not satisfied with his response. In fact, we learned as a result of the investigation and trial that Mr. Olivetti refused to respond to overtures from some members of the congregation when approached by them concerning the offender’s behav-

ior (Matthew 18:16). The matter became a public issue, which as a "*fama clamosa*," involved reported scandalous behavior, inordinate public attention, rumor, not scoffers but good men led possibly into such things as evil suspicion, disrepute and mis-repute of others—things that a "*fama clamosa*" ("noisy rumor") historically illustrates. Hence "the church" was told. Further, the word was already spreading in both public and social media making it even more public and unresolved by the church. When the matter was brought to Synod, it was already a public matter after the first two steps of Matthew 18 were followed. Synod ruled the matter—now brought to the church—must be handled by a commission of Synod, still "the church." The seven-member 2021 Synod Judicial Commission, with two alternates, was appointed.

At the November 30, 2021, pre-trial meeting, the Commissioners made it clear that Matthew 18:15-17 does call for a trial if the matter cannot be solved through mediation. Terms of mediation were established by the Commissioners in their meeting of January 4, 2022, and Mr. Keenan, the SJC's counsel, was authorized to initiate mediation between Mr. Olivetti and the accusers. Instead of seeking his own counsel, Mr. Olivetti wanted to be adjudicated with the ruling elders who were charged separately. It is to be noted, Mr. Olivetti's charges were not the same as those of the ruling elders.

The narrative from Mr. Olivetti, the ruling elders, and supporters of Mr. Olivetti, has always been that they are the victims of an unjust investigation which in their view led to an unjust trial "because Matthew 18:15-17 has not been followed." The decision of the 2021 Synod indicated "the matter" was now "taken to the church" according to Matthew 18:17.

Sadly, Mr. Olivetti failed to enter into mediation because the Commission would not do what he wanted the commissioners to do—disband and form an independent, professionally trained body of investigators to do the investigation. At that time, Mr. Olivetti indicated his disregard for his ordination vows by not submitting to the prescribed way forward to clear himself of the accusations by answering the counts delineated by the investigators/prosecutors.

When a person's sins are public, he is able to clear himself either through mediation in which counts are resolved one-by-one, or in a trial when accusers may be cross-examined. Sadly, Mr. Olivetti decided to dictate the terms, and when they were not followed, he withdrew and enjoyed the support of those who from the very beginning did not want the Commission to do what was done.

IV. COMPLAINANT: I WAS DISRESPECTED.

"I was removed from the pulpit without notice or explanation. The disrespect shown to me as a man and as a pastor is more hurtful than I can express. Throughout this process, there has been no willingness or ability shown to care

for me or my family, and thus I have no expectation that the trial will be handled carefully or in accord with God's Word."

SJC RESPONSE:

1. The *Constitution* provides the court the latitude to take temporary measures for members under discipline while the judicial case is being carried out (per *Book of Discipline*, E-12, II.2.9).

2. In the pre-trial hearing, the Defense requested a reconsideration of the original decision which was, in fact, overturned allowing time for more detailed evaluation of the accusations pending.

3. The decision to require Mr. Olivetti to refrain from the exercise of office while the trial was pending came after extensive consideration and discussion.

4. Within three weeks of the SJC taking this action, Mr. Olivetti elected to resign his office (January 15, 2022, effective January 29, 2022). This was a more severe measure than the Commission's requirement for him to refrain from the exercise of office, of which he had earlier complained.

Additional Response: On November 26, 2021, having been told that all communication with the four IRPC men should be directed through Mr. John Westercamp, their lead counsel, the Commission communicated its decision (later revisited) that Mr. Olivetti, Mr. Carr, Mr. Larson, and Mr. Magill would be required to refrain from the exercise of their office as of December 31, 2021. It was explained, "The SJC finds the nature of the accusations to be very serious and directly pertaining to the exercise of the duties of the office of the accused adding more weight to the consideration of this decision." This reason was essentially identical to the rationale given by the 2021 Synod Special Judicial Committee that addressed this matter: "Given the gravity of the accusations against the IRPC elders we recommend that Synod require them to refrain from the exercise of office until their case has been decided."¹ This recommendation was ruled out of order, as it came after the Synod had already assumed original jurisdiction over "this matter," but it could not have come as a surprise to anyone when the SJC later took the same action.

This action had not been announced publicly and was discussed in the pre-trial hearing held on November 30, 2021. Mr. Justin Olson, speaking as one of the counsels for the four men, urged that having all four refrain from the exercise of office would severely harm the congregation. Mr. Magill similarly expressed his concern that Immanuel RPC might be "irreparably" harmed if all four of its resident elders were simultaneously required to refrain from service. After consideration of a defense petition to reverse this action, the SJC agreed to do so on December 11, 2021.

¹ Report of the 2021 RPCNA Synod Special Judicial Committee to Address Communications #21-16, #21-17, #21-18, *2021 Minutes of Synod*, p. 301

This action provoked a further petition from the Prosecution, which, though willing for the ruling elders to continue actively, was deeply concerned that the accusations against Mr. Olivetti were so serious that he ought to be required to refrain from office during the adjudication of his case. After considering the matter further, on January 4, 2022, the SJC concluded—in keeping with the arguments presented by the Defense counsel at the pre-trial hearing—that requiring Mr. Olivetti to refrain, while keeping in place the ruling elders, would permit continued care of the Immanuel congregation by the remaining local elders with the additional help of the provisional elders.² This decision was communicated to Mr. Olivetti (again, per his instructions, through Mr. Faris, who had become the lead counsel for the four men), on January 5, 2022. Although the SJC Moderator offered (through Mr. Faris) to speak to Mr. Olivetti personally about the requirement to refrain, Mr. Faris responded that a call from the Moderator was not “needed or desired” by Mr. Olivetti. On January 6, 2022, the Commission gave an update to the denomination of its work and stated, “As permitted by the RPCNA *Constitution Book of Discipline* (II.2.9), the SJC has imposed the requirement for Mr. Olivetti to refrain from the exercise of the office of teaching elder until the judicial process is complete. By imposing this requirement, the SJC in no way pre-judges the case, but acknowledges the gravity of the accusations against Mr. Olivetti. The SJC has not imposed the same requirement to refrain on the ruling elders at this time.”

Therefore, Mr. Olivetti’s claim is both untrue and unreasonable. The fact that he was not communicated with directly about the decision for him to refrain was at his own request, and the fact that the requirement to refrain was based on the seriousness of the charges against him had been stated repeatedly.

In this context, we would further point out that the January 15, 2022 decision by all four men to resign was not sought by our commission, but was initiated by the elders themselves. We regarded it as baffling (and still do) that, having argued to us at the pre-trial hearing that the proposed action to require the four men to refrain from the exercise of office would be highly damaging to the Immanuel congregation, they decided, of their own volition, to cease serving in office anyway after we had made a decision leaving three of them in place.

V. COMPLAINANT: THE SJC WAS UNCOMMUNICATIVE.

“Our congregation has labored to great ends to communicate with the commission respectfully. In response, they received silence, then a brief form letter which did not meaningfully address their communications and concerns.”

² Notably, while the commission’s December 11, 2021 decision to reverse the “refraining” requirement for the ruling elders passed by a wide margin, the vote to rescind requiring Mr. Olivetti to refrain from the exercise of office passed narrowly, by a single vote. When the petition to require Mr. Olivetti to refrain was taken up again in January, it passed by a majority greater than two-thirds.

SJC RESPONSE: Serving as a judicial commission on behalf of the Synod, the SJC had an obligation to remain impartial to facts and evidence in the case as well as opinions and conjecture. Members of the IRPC congregation sent several communications seeking to influence the work of the SJC and/or provide information that was out of order for the unfolding judicial process. The SJC respectfully declined to engage in information exchanges with any parties other than the Prosecution and Defense. Therefore, some communications were not answered. Other replies that were needed or deemed appropriate and useful, however, were given.

VI. COMPLAINANT: THE SJC WAS ONLY OPEN TO TRIAL, NOT MEDIATION.

“Our *Constitution* calls for the commission to “seek a solution of the case without formal trial.” We have asked for those plans, begged for them, and submitted our own, only to be rejected. Unfortunately, the mediation situation that was finally offered was doomed to failure both in its timeline and in its structure. We remain open to a mediation process that allows for a meaningful exchange and true reconciliation.”

SJC RESPONSE:

1. The opportunity to seek a solution without trial was designed into the mediation framework, discussed with the parties in December 2021, and presented to the Defense in January 2022. This would have allowed both the Prosecution and Defense to present perspectives on the accusations and offer facts to refute the validity of the accusations. It further gave opportunity for the parties to refute the accuracy of facts in the case allowing for a clearer understanding of evidence and testimony that may be in dispute.

2. While the defendant presumes that the process was “doomed to failure,” it turned out to be quite the opposite for the defendants in the other case. When the former ruling elders took up the mediation process seriously, positive results came relatively soon thereafter, illustrating the truth and value of our Lord’s words, “Make friends quickly with your opponent at law while you are with him on the way, in order that your opponent may not deliver you to the judge.” (Matt. 5:25) In the case against the former ruling elders of IRPC, both the Prosecution and Defense took opportunity to discuss the accusations, and, in the end, a mediated agreement was forged which addressed much, but not all of what was contained in the accusations. As of this writing, that process continues with the quest of reconciliation among the parties affected. This is a work of the Lord in the pursuit of peace, for which we are glad.

3. The following is a timeline of SJC encouragement to engage in meaningful mediation:

- a. The SJC considered the option for mediation or other alternative processes in the pre-trial hearing held on November 30, 2021. We invited the Defense to propose options and suggestions for paths that could avoid a trial.
- b. On December 14, 2021, the SJC reiterated our openness to an “alternative process” that would lead to reconciliation of the accusations without proceeding to a full trial.
- c. On December 21, 2021, the SJC authorized its counsel, Mr. Keenan, to contact both the Prosecution and Defense to explore their willingness to engage in a process of mediation. The Prosecution was willing, but the Defense first wanted to discuss what the SJC would do if the defendants resigned their offices.
- d. On December 23, 2021, Mr. Keenan made the initial contact to the Prosecution and the counsel for the Defense to explore their willingness to engage in a meaningful process of mediation. The Prosecution was ready and willing to do so. The counsel for the Defense indicated their interest in a different topic, specifically, what the SJC would do if all the defendants resigned their positions. The SJC replied by asking the counsel to clarify what this would entail. No response was ever received.
- e. On January 4, 2022, the SJC approved a mediation framework and process and commissioned Mr. Keenan to contact both the Prosecution and Defense to present the framework to them. Mr. Keenan had contracted COVID-19 and was unable to call until January 10, 2022.
- f. On January 10, 2022, Mr. Keenan contacted the counsel for the Defense to present the mediation framework. However, the counsel for the Defense desired to talk about a different question and postpone the discussion about mediation.
- g. On January 14, 2022, the SJC was informed by the counsel for the Defense that they had withdrawn from the role of counsel.
- h. On January 15, 2022, Mr. Olivetti (as well as the three ruling elders) tendered resignations at IRPC, effective January 29, 2022, and informed the SJC of it. Mr. Olivetti there complains of too broad evidence to prepare for a trial, prefers mediation, complains that the SJC does not appear committed to it, and finds fault with the SJC as refusing to submit to trained professional judgment. Of the three possibilities Mr. Olivetti envisioned—pursue mediation, plead guilty, or proceed to trial—he did neither of them, and withdrew from all process.
- i. On January 17, 2022, Mr. Keenan contacted the defendants to continue to encourage them to engage in the process of mediation.

- j. Between January 17, 2022, and March 7, the date set for the trial for Mr. Olivetti, Mr. Keenan had multiple phone or Zoom calls to encourage the defendants to engage in a process of mediation. During these calls, there were repeated verbal expressions of willingness to engage, but never any commitment actually to do so.
- k. On January 20, 2022, in a formal letter to the defendants, the SJC reiterated their desire to have the parties engage in a process of mediation which could offer alternatives to a full and formal trial.
- l. On January 26, 2022, in a formal letter to the defendants, the SJC again strongly encouraged the defendants to engage in a process of mediation.
- m. On February 8, 2022, the Prosecution offered paragraphs of alleged fact (115 for the pastor, 143 for the elders) to help the Defense better understand the accusations, and to further the mediation process. Mr. Olivetti's response was that it was not what was envisioned when the mediation process began. Instead he wanted an apology from the Prosecutors.
- n. On February 10, 2022, the SJC Moderator arranged a call with the defendants and Mr. Keenan, to urge them to engage in the process of mediation. They were reminded of their lack of good faith and of leading the SJC on while continuing to refuse to engage in the process of mediation.
- o. After the call with the defendants on February 10, 2022, the Moderator had two more discussions with one of the ruling elders (who was asked among the defendants to represent the defendants), and at least two emails, where pleas were offered for them to engage in good faith discussions with urgency since the trial for Mr. Olivetti was only a few weeks away. The pleas were met with "I'll talk to the others," but a commitment to do so was still lacking.
- p. On February 21, 2022, Wade Mann became counsel for the Defense for mediation, and was sent ground rules for mediation, which included absolute confidentiality, which included no mention of the fact of mediation at all (not only its discussed subjects).
- q. On February 22, 2022, Mr. Olivetti testified under oath at a juvenile hearing involving the offender, noting that his ministry was being worked out "in mediation," that is, in ecclesiastical mediation.
- r. From this point of February 22 – March 3, 2022, a mediation session had been taking place in the civil courts. The SJC extended the period for mediation right up to the point where it became clear that a judicial trial, long ago forecasted and once re-scheduled, was now of necessity to take place for Mr. Olivetti on March 6, 2022.

The SJC strongly denies that Mr. Olivetti was not given mediation opportunities, or that they were unfair.

VII. COMPLAINANT: THE SJC REFUSED TO RECOGNIZE MY REPENTANCE.

“Against God’s Word and the *Constitution*, the commission has refused to recognize my repentance in any way. To be put on trial for matters I have repented of is anti-grace, anti-gospel. We will have no part of a court that is set on vengeance and division rather than restoration and reconciliation.”

SJC RESPONSE:

1. The investigators’ conclusion was that repentance had not happened biblically, as is elucidated at *Westminster Confession of Faith*, 15:2, 5-6. Confession of sin was made at points, though in generalities, and to the exclusion of other necessary elements of biblical repentance.

2. The Commission certainly was not “set on vengeance and division rather than restoration and reconciliation,” but concerned to know the truth of all matters. The trial testimony and evidence revealed that proper repentance had not been displayed.

3. Again, the opportunity to present information and evidence as to what had already been repented of was provided in the mediation framework. The SJC has directly sought the response of the Defense with regard to the accusations. Now, after the judicial process is complete, Mr. Olivetti has still claimed that he has repented of some sins charged in the accusations. It is very difficult to understand how Mr. Olivetti can claim that the accusations against him are unfounded, while at the same time attempting to say that he has expressed repentance of the sins in the accusations.

4. The goal of the mediation framework, as evidenced in the other judicial case concerning the ruling elders, is to find the truth contained in the accusations, to hear confession and repentance and to seek reconciliation between parties in these matters. The entire judicial process, as described and provided for in the Constitution has as its end goal, the repentance of sin and reconciliation of the parties. The SJC followed the directives of the Constitution in every measure, and this cannot be considered as “vengeance and division” when it is designed for truth and reconciliation.

Additional Response:

Mr. Olivetti’s statements have been broad and have implied there should be no accountability or consequences following “confession.” When one is caught stealing, there are still consequences even if repentance is real. When held accountable, however, Mr. Olivetti responds with counter accusation. This is not a sign of true repentance. Mr. Olivetti’s repentance has lacked contrition and humility and been void of restitution toward those he has offended (cf.

Luke 19:8). The SJC has witnessed a rebellious and defiant spirit in its dealings with Mr. Olivetti.

COMPLAINANT: “We have these additional reasons for withdrawing:”

VIII. COMPLAINANT: THE SJC IS INADEQUATE TO JUDGE THIS MATTER.

“We do not believe the commission is adequately trained or equipped to judge this matter, which has been borne out by the decisions and actions rendered thus far.”

SJC RESPONSE:

1. The Synod of 2021, however, believes that the SJC is adequately trained and equipped to judge this matter. Criticism of the SJC in this way is to find fault with the 2021 Synod for its deliberated decision that the moderator appoint the particular presbyters as commissioners.

2. This is a judicial case addressing the shepherding of a congregation in a very difficult series of events occurring over several years. It is estimated that between 8,000 and 10,000 man hours have been expended by the SJC and investigators since July 2021. All of these efforts have been to draw on the experience of those appointed to this task and have been focused on the purity and peace of the church in the aftermath of a devastating storm of attacks by the evil one. We believe that the church, through its duly appointed courts, is qualified to make judgments in judicial matters, especially those involving the conduct of church officers.

IX. (IMPLIED COMPLAINT): THE SJC DID NOT TREAT ME WITH RESPECT.

COMPLAINT PART A. “Through the past couple of years, we have sadly had to work through various disciplinary processes in other arenas (e.g., civil court and a body overseeing sports involvement). These opportunities, as hard as they’ve been, have given us a standard by which to measure this process. They have shown us what it looks like when the accused are treated with respect and when everyone is held to previously-known standards. Though we didn’t like the end result, we trusted the process. In contrast, we have watched as this process has been invented along the way.”

SJC RESPONSE:

1. We do not believe that a civil court, nor an athletic oversight body, are necessary standards by which to measure the judicial process of the SJC. As to the allegation of disrespect, our consciences inform us of no such disrespect to Mr. Olivetti, but instead remind us of the many sincere, but unsuccessful attempts and calls for a personal participation in due process to address “this matter” with covenanted brothers.

2. The SJC would not consider its process one of “invention” but carefulness to apply the *RPCNA Constitution* diligently in the involved responsibilities that surfaced.

3. The SJC believes that Mr. Olivetti has himself pinpointed the very issue underlying his irritation with the SJC; he hasn't "trusted the process"—much to our deep regret.

COMPLAINT PART B. "The damage being done to my family throughout this process is not something I can, in good conscience, allow any longer. To hear you write "we love you" yet never to have any of you consider how our family is actually doing feels empty and hurtful. Let me tell you now, we are not doing well. We feel betrayed by this denomination and live in fear of the damage this church has done to our children's futures."

SJC RESPONSE:

1. The opportunity has been present since November of 2021 for Mr. Olivetti to bring forth evidence and to provide testimony to support his claim that all the damage has been done by the process of the church.

2. Regrettably, we fear that Mr. Olivetti's choices have further troubled his situation. The Commission has its own pain in love to Mr. Olivetti as Paul to the Corinthians: "Our mouth has spoken freely to you...our heart is open wide. You are not restrained by us, but you are restrained in your own affections. Now in a like exchange...open wide to us also." (2 Cor. 6:11-13)

X. COMPLAINANT: THE SJC HAS NOT ACTED IMPARTIALLY.

"Thus far, the commission has ruled in favor of the prosecution in all matters of substance. We lack confidence in the commission's impartiality and lack any assurance that we will have a fair and impartial hearing."

SJC RESPONSE: The SJC offers several facts that clearly dispute the claim above.

1. The SJC honored the request of the Defense to delay the trial by two months.

2. The SJC honored the request of the Defense to provide more information about the evidence outlined in the accusations.

3. At the request of the Defense, the SJC applied specific restrictions to information contained in civil documents.

4. At the request of the Defense, we provided all the formal documents received from the investigators at the conclusion of their investigation.

5. The SJC repeatedly extended the deadline for completion of the mediation process as requested by the Defense.

6. The SJC offered on Feb. 22, 2022 to conduct the entire Defense portion of the trial in executive session.

XI. (IMPLIED COMPLAINT): I AM UNABLE TO SECURE DEFENSE COUNSEL.

"As you know, I am without ecclesiastical counsel, and am unable to gain good ecclesiastical counsel. Who would stand by me now, likely to share the

burden of slander and shame at the hands of the church courts and the media? I cannot ask anyone I care about to suffer alongside me now.”

SJC RESPONSE:

1. In advance of the pre-trial hearing, the Defendant was able to secure four men to serve as counsel (three of which were attorneys). Shortly after the pre-trial hearing, two of them withdrew as counsel and a little over a month later, the other two withdrew. No explanation has ever been given to the SJC for these withdrawals.

2. The SJC repeatedly encouraged the Defendant to secure counsel.

3. There have been many in the GLG Presbytery who have advocated for the Defendant in communications to the GLG and in various actions proposed at the Presbytery level. It seems incongruous—and is—that many are seeking to come to the defense of Mr. Olivetti, but were not willing to aid him in the judicial process itself. The Commission notes that Mr. James Faris formerly was sole counsel to Mr. Olivetti after the November 30, 2021 pre-trial hearing, but then withdrew from participation in due process.

4. The SJC simply does not have awareness as to why counsel has not been sought or available to the Defendant.

XII. (IMPLIED COMPLAINT): PARTICIPATION IN THE TRIAL IS HARMFUL TO MY FAMILY AND ME.

“Any participation in the trial carries unknown, but very real, risks to our family. At this point, we must assume that anything we say to the higher courts of the denomination will be used to harm us, both in the media and the courtroom. We have sought counsel on this matter, and this has been affirmed: any participation in the trial provides more potential fodder for those attacking us. That the commission persists in moving forward with an open trial despite this highlights a callous disregard for our wellbeing. Because of these offenses and concerns, we believe that the trial itself is unbiblical and unconstitutional. Although I cannot name them for fear of reprisal, many trusted counselors have encouraged us in this decision as well. I would be disobedient to my call as a father and husband to willingly subject my family’s future to the damage of an unjust trial.”

SJC RESPONSE:

1. The SJC offered to the lead representative on February 22, 2022, to conduct the entire portion of the Defense’s case in the trial during executive session. The Commission, having been asked to communicate through him, must assume that he passed the information along to the defendants, including Mr. Olivetti. No response was ever received.

2. Whomever is counseling the Defendant not to participate in the judicial process specifically and thoroughly described in our *Constitution* cannot be ad-

vising with the interests of the church, or Mr. Olivetti, in mind. In his vows to the church, the Defendant has specifically and clearly affirmed his willingness to submit to the courts of the church and to the *Constitution* of the RPCNA. These vows may not be so lightly dismissed even if encouraged by others outside of the process.

3. Once again, the judicial process in our *Constitution* is specifically designed in favor of the well-being of all the parties of the case. It calls for the facts to be brought to the light. It calls for the validation of information on the basis of two or more witnesses. It provides for an objective and thorough hearing of all the evidence and testimony with cross-examination and counter-testimony. It places the burden of proof on the prosecution. It has all the provisions for the truth to be made known. The Defendant has simply chosen not to take advantage of the well-formulated judicial process. That decision has been much to his disadvantage and harm. The Commission again affirms that it was ready and willing to vindicate the defendant, if the testimony and evidence were both given by the Defense and were persuasive.

COMPLAINANT’S FURTHER REASONS:

FURTHER REASON PART A: “Re: Second trial date: We are aware that the *Book of Discipline* requires a second summons and a second trial date if the first summons is not heeded. I will not heed any summons given unless and until a professional, unbiased investigation is completed. As a result, please consider this letter my permission for foregoing this requirement.”

SJC RESPONSE:

1. The SJC notified the Defense in advance about the plan for the second summons.

2. The SJC honored the *Constitution’s* requirement to offer a second date for the start of the trial.

3. The Defense elected not to participate in the trial.

4. The trial proceeded as instructed by the *Constitution*.

5. Whatever is meant by “professional,” we as the SJC serve at Synod’s choice and authority, as is proper as an ecclesiastical matter. The “biased investigation” allegation is an argument from silence in the absence of involvement in the judicial or mediatory process.

FURTHER REASON PART B: “Re: Final statements: We continue to mourn over the damage done to so many, including those attacking us. We have believed the victims and sought to honor them. We pray for them often and trust God will bring them to a place of peace and healing.”

SJC RESPONSE:

1. This is properly a statement and not a complaint. Even so, we commend Mr. Olivetti for prayer for victim families and seeking the Lord’s peace and

blessing for them. We would only note that they may regard his statements in the same “empty” and “hurtful” regard that he (in a coming section) views our love for him.

2. The evidence and testimony presented during the trial seem to dispute the complaint’s PART C statement above. The Defense had opportunity to substantiate this statement with both testimony and evidence but declined to do so.

FURTHER REASON PART C: “We remain open to a professional, unbiased investigation as well as professional, unbiased Christian mediation. My biggest mistake was not immediately involving outside, professional help—but all we’ve seen is each successive court of the church repeat that mistake despite our heartfelt encouragement to learn from it instead.”

SJC RESPONSE:

1. This first “final sentence,” though not a complaint, encapsulates Mr. Olivetti’s attitude towards the courts of the Church: they are mistaken; he is right. He would rather listen to counsel outside the Church than from within the Church. He has become convinced he is right to ignore the courts of the Church for what is “professional”.

2. The SJC has sought carefully to follow the *Constitution* of the RPCNA, to which we are all sworn in our vows.

3. The SJC removed themselves from the investigation and from direct engagement with either Prosecution or Defense without the involvement of the other. We steadfastly refused to accept communication and statements from people seeking to influence our thinking on this matter, at least until the time for the facts, evidence and testimony came to be.

4. The process developed and followed by the SJC has been disciplined and rigorous, and it has been carefully and comprehensively documented for review by the higher court.

5. By the time this is finished, there will have been some 50 experienced elders of the RPCNA involved in the various dimensions of “this matter” over the past 2+ years. This is a lot of outside help and, sadly, nearly all of that help has been ignored, scoffed at, spurned and neglected.

FURTHER REASON PART D: “We have been and remain committed to safety, in our home, church and community. We have proven this commitment to the civil court, who have been much more gracious to us than our presbytery and synod. We have fully cooperated with every investigation.”

SJC RESPONSE:

1. While this is properly a statement, and not a complaint, the testimony of witnesses and trial evidence demonstrates that this statement is untrue.

2. There have been investigations conducted by many parties both inside the church and outside. The SJC would not necessarily consider the Defen-

dant's behavior throughout the judicial process as "fully cooperated." By his own admissions throughout this document, he has willfully and knowingly refused to participate in the steps of the process and has, in the end, even refused to come to his own defense.

3. This statement was called into question at the trial with regard to investigations conducted by those outside the church. Without a vigorous defense to be heard at the trial, this statement cannot be assumed to be true.

FURTHER REASON PART E: "I have walked a path of repentance: acknowledging sin and mistakes, seeking forgiveness, learning lessons and changing actions. I am sure God will continue to illuminate more that He wants me to see, but I am thankful to say before the Lord that my conscience is clear. I am grateful for our Savior's death and resurrection, and our congregation for sharing His grace."

SJC RESPONSE: While this too is a statement, and not properly a complaint, a presentation by the Defense with evidence and testimony to support this claim was hoped-for at the trial. Without that evidence, the statements of repentance have not addressed many of the facts cited in the accusation and have been targeted at only a few of the individuals aggrieved in this matter.

SUMMARIES

COMPLAINANT SUMMARY: "It is not too late to avoid a trial and the damage it will surely bring. Please find a way to honor the Lord by caring for people as shepherds."

SJC SUMMARY to Mr. Olivetti's Appendix 4 complaint: Simply put, Mr. Olivetti does not address the accusations. He disparages slander yet he does not hesitate to accuse many of being unjust, one-sided, biased, unprofessional, unbiblical, untrained, anti-grace, anti-gospel, inadequate, set on vengeance, and divisive. Ironically, he pleads for justice, yet refuses to present his case in the courts of the Church because he deems the Church incompetent in this case. He uses the courts of the Church to make complaints yet refuses to keep his vows to submit to the courts of the Church when it disagrees with him. Mr. Olivetti's actions are those of a double-minded man. Had Mr. Olivetti's concern been equal to those harmed, with a sense of contrition and humility, it is unlikely "this matter" would have come to this point.

With sobriety and sincere mourning, the SJC received clear and convincing, often compelling, evidence to find Mr. Olivetti guilty of the charged offenses. The SJC did not come to these conclusions hastily or with premeditation. It was not without thought to the complaints it had previously received. It was not without due diligence to the *Constitution of the Reformed Presbyterian Church of North America*. It was evidence, which Mr. Olivetti refused to confront or deny,

that bore our decision to depose Mr. Olivetti from office. The SJC respects the complaints offered, but earnestly and with genuine fear, maintains the importance of upholding this decision. The genuine fear is that the actions of misinformation and obfuscation, that have divided both a congregation and a Presbytery, not be given a foothold to divide a denomination. It is a fear that one is not able, as a law unto himself, to be given permission to refuse to submit to the Courts of the Church.

Respectfully and humbly submitted,

Members of the 2021 Synod Judicial Commission,

Bruce Backensto, John Bower, Brian Coombs, Tom Fisher, Kelly Moore, Tom Pinson, Keith Wing, mod. [Micah Ramsey, Andrew Silva, alternates]