

IN THE COURT OF THE RPCNA SYNOD'S COMMISSION
for the repentance, reconciliation, and restoration of Jared Olivetti

THIS MATTER COMES ON FOR HEARING this 19th day of January, 2023, upon the occasion of Mr. Jared Olivetti actively partaking of the Lord's Supper while under the censure of Deposition from office accompanied by Suspension from the privileges of membership.

WE FIND and ADJUDGE that Mr. Olivetti, by knowingly and without justification violating the terms of his censure, has aggravated the underlying offenses that initially warranted his Deposition and Suspension.

Narrative

The facts are largely undisputed. Mr. Olivetti admits to being well informed of the judgment of Synod's Judicial Commission (announced March 10, 2022), which was sustained against all complaints by the Synod at large (June 23, 2022).¹ Being well informed of his Suspension from the Lord's Supper, Mr. Olivetti testified to the Commission that prior to December 2022, he had not partaken of Communion at Immanuel Reformed Presbyterian Church pursuant to the Suspension. This fact was affirmed by the Session of the Immanuel Reformed Presbyterian Church ("IRPC"), where Mr. Olivetti remains a member.

On November 18, 2022, the IRPC Session prayed the Commission by letter for restoration of Mr. Olivetti to the Communion table.² Despite the encouraging signs presented by IRPC Session, the Commission was not of one mind to lift the Suspension, and communicated its decision and rationale to IRPC Session on November 28, 2022³. IRPC Session renewed its appeal in a subsequent letter to the Commission dated November 30, 2022⁴, and by oral argument with the Commission in a specially called meeting December 2, 2022.

The Commission was not persuaded at the meeting of December 2, 2022, to lift Mr. Olivetti's suspension; and on the Lord's Day, December 4, 2022⁵, received notice by letter from IRPC Session of its intent to re-admit Mr. Olivetti to the Communion Table. Later in the day, Mr. Olivetti emailed the Commission stating that he had "celebrated communion today with our congregation, under the oversight and by the invitation of my elders."⁶

Mr. Olivetti's Argument

Mr. Olivetti does not deny having taken Communion. Rather, Mr. Olivetti asserts that he has not sinned by taking Communion because (i) IRPC Session (and not the Synod) holds jurisdiction over him with respect to the privileges of membership; and (ii) that this is so because (a) pursuant to the Synod's censure of Deposition on him, he is now simply a non-ordained member of the RPCNA; and/or (b) in removing jurisdiction of the sex abuse matter at IRPC from the Great Lakes Gulf Presbytery, the Synod did not specifically assert its jurisdiction over him.

We disagree.

¹ See 2022 RPCNA Synod Basic Minutes, p. 18, line 20-21

² November 18, 2022 IRPC Session Letter to Commission

³ November 28, 2022 Commission Memo to IRPC Session

⁴ November 30, 2022 IRPC Session Letter to Commission

⁵ December 4, 2022 IRPC Session Letter to Commission

⁶ December 4, 2022 Olivetti email to Commission

Does the Session have exclusive jurisdiction over the membership?

With regard to jurisdiction, Mr. Olivetti correctly states that while “[the] session is subordinate to the higher courts and shall be governed by their decisions,”⁷ but asserts that the term ‘subordination’ “presumes that the higher court will be making decisions that are within their bounds to make.”

Arguing that the Synod (and by extension, this Commission of the Synod) is not within its bounds to suspend a member of a congregation, Mr. Olivetti cites from Chapter 4 of the RPCNA Directory of Church Government (“DOCG”) that “[the] session is the court having original jurisdiction over the members of a congregation,”⁸ that “[the] session alone admits to and dismisses from the membership of the congregation,”⁹ and that “[all] judicial action affecting the standing of the members of the congregation shall be initiated in the session.”

While phrases like ‘the session *alone* admits...’ and ‘*all* judicial action...’ would appear to reserve to the lower court certain powers that cannot be invaded by the higher courts, these sections of the DOCG cannot be read in isolation. To do so is inconsistent with the Presbyterian system of government, with its hierarchy of courts, placing the local sessions under the authority of their respective presbyteries and the presbyteries under the authority of the Synod.

Construing the RPCNA Constitution as a whole, we cannot ignore that “Synod ... may assume original jurisdiction over *all matters* affecting the purity and welfare of the church, and may, without complaint or appeal, investigate and adjudicate *any matter* requiring its attention...”¹⁰ (*emphasis added*). So while jurisdiction and authority of the session over the local flock is *ordinarily* reserved to the local session, in all matters affecting the purity and welfare of the church the higher court may assume original jurisdiction.

Did the Synod assume original jurisdiction over Mr. Olivetti?

According to the RPCNA Constitution, it is the presbytery “...who holds original jurisdiction regarding the deposition of a teaching elder from his ordination¹¹ ... [with] power to ordain, install, try, remove, suspend or depose teaching elders.”¹² As Mr. Olivetti served as a teaching elder in the Great Lakes Gulf Presbytery (“GLG”), the presbytery held original jurisdiction over Mr. Olivetti *until* the Synod voted (June 17, 2021) to assume original jurisdiction.¹³ This vote came on the recommendation of a Judicial Committee of the day whose task was to address Communications 21-16, 21-17, and 21-18 (all having to do with the integrity of GLG judicial processes against IRPC elders, including Mr. Olivetti).¹⁴

Having lawfully assumed jurisdiction, the Commission is unaware of any action of the Synod returning jurisdiction over Mr. Olivetti either to the presbytery or the local Session.

⁷ DOCG Ch. 4 ¶8

⁸ DOCG Ch. 4 ¶11

⁹ DOCG Ch. 4 ¶16

¹⁰ DOCG Ch. 8, ¶ 12

¹¹ DOCG Ch. 3 ¶ II.E.6.b; *See also* BOD § II Ch. 1 ¶ 5 “*The presbytery has original jurisdiction in relation to suspension, deposition, or excommunication of teaching elders.*”

¹² DOCG Ch. 6 ¶ 13; *See also* BOD § I Ch. 4 ¶ 3.b “*...Any censures of suspension, deposition, or excommunication shall remain with the presbytery or the court holding his credentials.*”

¹³ 2021 Synod Basic Minutes, p. 20, lines 14-18

¹⁴ *Id.* “*We recommend that Synod assume original jurisdiction in the matter of GLG and Immanuel, and the moderator appoint a seven-man judicial commission to address this matter.*” *See also* 2022 Report of the SJC, § 1 ¶ c, p. 1-3

Did the Synod lose jurisdiction over Mr. Olivetti by virtue of his Deposition?

Mr. Olivetti asserts that “Once the SJC took away my ordination, I was simply a member of a congregation whom they had no right to discipline.” We can think of nothing more absurd than a court, exercising jurisdiction over a man, would by the very exercise of jurisdiction lose its jurisdiction.

Nevertheless, we direct Mr. Olivetti to the Book of Discipline, that first, reserves jurisdiction over the Deposition and Suspension of teaching elders to the presbytery;¹⁵ second, directs persons under censure seeking restoration to come “before the censuring court” to ask for the lifting of censure¹⁶ and reserves to the presbytery jurisdiction over restoration of a teaching elder from the censures of suspension, deposition or excommunication¹⁷; and finally, expressly allows the censure of Deposition to be “accompanied” by suspension.¹⁸

Wherefore we answer that Synod, having assumed jurisdiction, continues in its exercise of jurisdiction over the combined Deposition and Suspension of Mr. Olivetti.

How can the Commission say “You cannot come to Christ”?

As elders in the RPCNA, we confess that “The Lord Jesus, as King and Head of His Church, hath therein appointed a government, in the hand of Church officers”¹⁹ and that “To these officers, the keys of the kingdom of heaven are committed: by virtue whereof, they have power respectively to retain, and remit sins; to shut that kingdom against the impenitent, both by the Word and censures and to open it unto penitent sinners, by the ministry of the Gospel, and by absolution from censures, as occasion shall require.”²⁰

Judgment having been rendered against Mr. Olivetti by the RPCNA Synod, we as Commissioners of the RPCNA Synod are not at liberty to re-try the case or alter the judgment. Instead, we are tasked with the continued work of church discipline, involving oversight of Mr. Olivetti’s “repentance, reconciliation, and restoration.”²¹

Notwithstanding IRPC Session’s error (i.e., exceeding their authority by admitting to the Lord’s Table a man under the Suspension of the Synod), we find Mr. Olivetti’s arguments specious and hold Mr. Olivetti responsible for his own actions as a former teaching elder. Our rationale for refusing to lift Synod’s Suspension was provided to IRPC Session²² as follows:

1. “The Commission is concerned about submission to the authority and discipline of the church, as this is a vow Mr. Olivetti took for Ordination and for communicant membership. We acknowledge that Mr. Olivetti has *followed* the court’s instructions (and we have been most appreciative of his willingness to meet with us) but we are still waiting to see a greater measure of *acceptance* of the Synod’s brotherly counsel.”

¹⁵ BOD § II Ch. 1 ¶ 5 “The presbytery has original jurisdiction in relation to suspension, deposition, or excommunication of teaching elders”

¹⁶ BOD § I Ch. 6 ¶ 1. *See also* BOD § 1 Ch. 6 ¶ 6 “Restoration of a person under censure should be made only by the court that imposed the sentence or with its advice and consent.”

¹⁷ BOD § I Ch. 6 ¶ 4

¹⁸ BOD § I Ch. 4 ¶ 1.d “[Deposition] It may also be accompanied by suspension from church privileges.”

¹⁹ WCF Ch. 30 ¶ 1

²⁰ WCF Ch. 30 ¶ 2. *See* Matthew 16:19; Matthew 18:18

²¹ 2022 Basic Minutes of Synod, p.19, ¶ 2

²² Commission Letter to IRPC Session (via email) November 28, 2022

2. "The Commission is also concerned about Matthew 5:23-24 (i.e., putting reconciliation ahead of worship) as there are still unresolved conflicts: with believers in the community, with former IRPC members, and with RPCNA brothers in the Presbytery or the Synod. We believe that part of our task is to help restore Mr. Olivetti's ability to live at peace, as far as it depends on him. Romans 12:18"

The Lord's Table is for believers (sinners that we all are); however, it is right and proper for the church to guard against believers coming to Christ in an unworthy manner.²³ For the reasons cited above, the Commission is not *yet* prepared to lift Mr. Olivetti's suspension.

It is our sincere hope *and expectation* for Mr. Olivetti, that he would begin to see the events of the last several years, the discipline of the church, as an *assignment* from God instead of an *obstacle* to be overcome. In that expectation *we eagerly anticipate* how God will use Mr. Olivetti's gifts and the spotlight that has been placed on him, for His glory and for the good of His church.

Conclusion

Mr. Olivetti's arguments fail to justify his actions in defiance of the Synod. Wherefore, Mr. Olivetti, by knowingly and without justification taking Communion while under the Censure of the Synod, is judged to have sinned by aggravating the underlying offenses that initially warranted his Deposition and Suspension.

²³ See WSC Q 97 and Scripture proofs. See also Directory of Public Worship, Ch. 3 ¶ 11 "Persons whose manner of life is notably inconsistent with their Christian profession, or who are unknown to the Session in charge of the Table, are not to be invited to commune."

TO: Jared Olivetti
CC: IRPC Clerk of Session (Josh Karshen), GLG Clerk (Adam Kuehner), GLG AIC Clerk (Richard Blankenship) & Moderator (David Hanson)
FR: Olivetti Restoration Commission
RE: Communing while under Suspension of the Synod
DA: January 20, 2023

Jared:

The Commission has considered your response and the arguments, oral and written, given to justify your having taken Communion despite the Synod's Suspension. In our deliberations we did not receive any unsolicited input; and we have sought at all points to afford due respect your viewpoint, though we must disagree.

Having carefully considered the matter, we have adjudged that by knowingly and without justification violating the terms of your censure, you have aggravated the underlying offense that initially warranted your Deposition and Suspension. Please see attached our Ruling, addressing your arguments in detail. In brief, by taking Communion while under the Synod's Suspension, we see you continuing in the core underlying offense: the willful casting off of the church's authority.

Wherefore we continue in our endeavor to call you to repentance for the particular offenses that are clearly explained in the Synod's censures of Deposition and Suspension.

When you met with us, we talked about changing the conversation from 'what sin has been perpetrated against me that must be argued and defended' to 'how might our Sovereign God be glorified by my response to the events – and the censures – of the last several years?'

The mark of unrepentance is the 'refusal to listen' of Matthew 18. Will you continue to argue the matter of your sin that was settled by the Synod who granted you your ministerial credentials? Have you considered the implications of 'refusing to listen' even to the church? It is our continued prayer that we may still be able to work toward your restoration and reconciliation, but we must see that heart of repentance and submission to brotherly counsel.

When you have had a chance to read and digest our Ruling, we expect to hear from you with your acknowledgement of sin for having taken Communion December 4. We also expect a commitment that you will again refrain from the Table until the Suspension is lifted.

You have our assurance that lifting of the Suspension has not been, nor will it be, arbitrarily withheld. Please afford *us* the courtesy of letting us complete our work.

11 My son, do not despise the Lord's discipline
or be weary of his reproof,

12 for the Lord reproves him whom he loves,
as a father the son in whom he delights.

Proverbs 3:11-12

13 Whoever conceals his transgressions will not prosper,
but he who confesses and forsakes them will obtain mercy.

Proverbs 28:13

Respectfully,

Jonathan D. Parnell, Clerk on behalf of
Olivetti Restoration Commission