

*Catawba Presbytery*

*Associate Reformed*

*Presbyterian Church*

2021-2022

Volume II

**APPENDIX TO VOLUME II**

Motion to Disqualify from Mr. Eric Ruschky, Counsel for Mr. Prato

Motion to Appeal from Mr. Eric Ruschky , Counsel for Mr. Prato

Response to Appeal from Mr. Ken Wingate, Counsel for First Presbyterian Session

Mr. Ruschky's Response to Mr. Wingate

Appeal of the Ruling of the Commission from Mr. Henry Foster

In  
Catawba Presbytery  
Associate Reformed Presbyterian Church

In re: Complaints of Jeffrey Prato

MOTION TO DISQUALIFY

Appellant Jeffrey Prato hereby challenges, and moves to disqualify, the following from rendering judgment in any way on his Appeal, which was filed with Catawba Presbytery on January 7, 2022:

1. all ministers and elders of First Presbyterian Church, Columbia, SC;

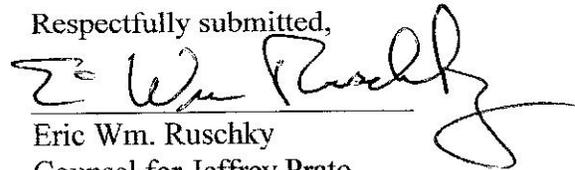
2. the following members of the Special Commission appointed on March 10, 2019:

Rev. John M. Rogers, Rev. Kyle Sims, Rev. L. Charles Hammond, Rev. J. Barry Dagenhart, elder Thomas Roper, elder Rick Bradley, elder Thomas Roper, elder Jeff Culp, and elder Marty Cope; and

3. the following members of the Judicial Commission appointed May 6, 2020:

Rev. Mel Wines, Rev. Alan Morrow, elder Larry Whitesides, elder Rex Casterline, and elder Steve Coker.

Respectfully submitted,

  
Eric Wm. Ruschky  
Counsel for Jeffrey Prato,

January 7, 2022

Catawba Presbytery  
Associate Reformed Presbyterian Church

In re: Complaint<sup>1</sup> of Jeffrey Prato

APPEAL

Pursuant to *Form of Government* 13.7 C, Jeffrey Prato appeals the Ruling of the “Judicial Commission on the Complaint of Prato Against The First Presbyterian Church of Columbia” for the following reasons:

1. The Commission incorrectly describes Mr. Prato’s Complaint as against the First Presbyterian Church of Columbia (FPC). Mr. Prato filed his Complaint against the Session of FPC.

2. The Commission wrongly asserts that the Complaint does not fit squarely within the process contemplated in the *Book of Discipline*. The *Book of Discipline*<sup>2</sup> provides for Complaints that do not arise out of the disciplinary process. Mr. Prato has not challenged the Session’s improper and unjust orders by disobeying them. Instead Mr. Prato has followed the procedure authorized by the *Book of Discipline*, Chapter X, E to question the Session’s improper and unjust orders.

3. The Commission Ruling does not accomplish its stated purpose “to glorify God and to promote biblical healing and closure to the Parties.” An overarching objective for Mr. Prato has been to obtain reconciliation with Campbell Johnson, even though he no longer wishes to marry her, and with Thomas and Julie Russell, his former best friends who are the ones who suggested that Mr. Prato move to Columbia, join FPC where Thomas Russell was the new organist, and who had introduced Mr. Prato to Campbell Johnson. The Ruling does not resolve the disharmony (*see* Phil 4:2 and 1 Peter 3:8-9) which has been caused and exacerbated by the Session’s refusal to follow the *Confession of Faith*, the *Book of Discipline*, and its own internal written guidelines for implementing church discipline. Moreover, the trespass notices of April 25 and December 19, 2018, are still in effect. The Ruling does not promote reconciliation (2 Cor. 5:18), because it leaves in effect the “no-contact” letters sent to Mr. Prato by Miss Johnson and the attorney for the Russells. (*See* copies attached.) In addition, the Commission’s Ruling does not restore Mr. Prato’s reputation. On October 2, 2018, Mr. Prato provided to the Session a written request, with the reasons, for a rumor investigation, pursuant to *Book of Discipline*, Chapter V, A.6. The Session failed to properly elect the Ad Hoc Committee to make the investigation.<sup>3</sup> Nevertheless, in its Final Report in March 2020, the Ad Hoc

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<sup>1</sup> The Commission uses this term to refer collectively to the Appeal/Complaint, Request for Review, and Report of Offense filed by Mr. Prato with the Presbytery on March 6, 2019.

<sup>2</sup> The now former *Book of Discipline* is referenced throughout for consistency, because these proceedings were commenced pursuant to the former *Book*.

<sup>3</sup> This is one instance of unrecorded negligence and irregularity in the Session’s records cited by Mr. Prato.

Committee stated that the committee knew “of no false statements made regarding Mr. Prato **by members of the church staff or church officers prior to the formation of the ad hoc Committee.**” (Emphasis added.) This carefully worded disclaimer did not address the reasons which Mr. Prato had identified in his request, and it did not address the continuing effects of the rumors about him. For example, when Mr. Prato visited another ARP church, he was identified to the minister of that church as the man who had stalked Campbell Johnson. Mr. Prato specifically denies that he ever stalked Miss Johnson. The articulated reason for the trespass notice of December 19, 2018, further damaged Mr. Prato’s reputation. By leaving the trespass notice in place, the Commission promotes a false reputation for Mr. Prato as a threat and does not promote Biblical healing.

4. The Commission is wrong when it says “there is insufficient evidence to substantiate the charges in the Complaints.” The Commission fails to identify the “charges” to which it refers. In fact, Mr. Prato brought three charges against the Session of FPC, and presented sufficient evidence to prove the following charges:

(1) The Session sinned against him because, without determining that Mr. Prato had committed a censurable offense,<sup>4</sup> the Session proceeded against him “by the power of the civil magistrate” using a trespass notice instead of “by the censures of the church.” Mr. Prato submits that the teaching of *Confession of Faith*, Chapter XX, ¶ 4 is that misconduct by a member must be addressed by using church discipline before calling the police. The evidence is undisputable that on April 25 and December 19, 2018, the Director of Finance and Operations of FPC issued trespass notices advising Mr. Prato he would be arrested for the crime of trespass if he entered certain property of FPC. The evidence is indisputable that the Session did not first proceed against Mr. Prato by the censures of the church. There is no evidence that Mr. Prato’s conduct was “destructive to the external peace of the church and of civil society,” which is the requirement for proceeding against him “by the power of the civil magistrate.” Instead, the evidence is that Miss Johnson invited Mr. Prato to a New Year’s Eve party on December 31, 2017. Thereafter Mr. Prato revealed to Miss Johnson his interest in marrying her. However, on February 10 Miss Johnson, who had become Rev. Derek Thomas’ administrative assistant, texted Mr. Prato to stop contacting her and blocked his number. Miss Johnson did not obtain assistance from her father in dealing with this unwanted suitor. Instead, Rev. Squires started

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<sup>4</sup> In fact, in its Final Report, the Ad Hoc Committee of Session stated the following: “Based on the totality of its work to determine whether there are probable grounds for an accusation that constitutes a censurable offense, the ad hoc Committee finds that there are no disciplinary actions to be taken against Mr. Prato for his actions prior to the formation of the Committee [September 4, 2018], and that censures based on disciplinary action for his behavior subsequent to the Committee’s formation [September 4, 2018] are not appropriate.”

imposing restrictions on Mr. Prato, even though he was not a member of FPC.<sup>5</sup> At the Sunday evening service on April 15, 2018, Mr. Prato was sitting in his normal pew when Miss Johnson sat two rows in front of him. On April 18, Rev. Squires sent Mr. Prato the following email:

It's come to our attention that you have recently **initiated contact** with Campbell, **contrary to the clear instructions which we (the church) set before you**. As you may remember from the email dated 2/19 or the conversation with you, Henry [Foster] and me on 3/1 we stated that such action would necessitate a response from the church. Please be advised that you will be receiving a communication from our business manager, Chad Barrett, to coordinate a meeting between the two of you as well as a member of our security committee in order to discuss what that response will entail.

(Emphasis added.) On April 25, 2018, the Director of Finance and Operations and a deacon served Mr. Prato with a notice that if he entered the church office building<sup>6</sup> where Miss Johnson worked he would be arrested for the crime of trespassing. The requirement for proceeding “by the power of the civil magistrate” is that the member’s conduct must be “destructive to the external peace of the church and of civil society.” (*Confession of Faith*, Chapter XX, ¶ 4) Mr. Prato’s conduct was not “destructive.” Instead, the deacon involved admitted to elder Henry Foster that the purpose of the trespass notice was to intimidate Mr. Prato.<sup>7</sup> Mr. Prato appealed the trespass notice to the Session. On June 25, 2018, the Pastoral Care Committee rejected his appeal, even though the Session had not instructed that committee to act on the appeal.<sup>8</sup> On July 5, 2018, elders Foster and Ruschky filed a Complaint concerning the irregularities of the trespass notice and the rejection of Mr. Prato’s appeal. Mr. Prato never violated this trespass notice.

On January 3, 2019, Mr. Prato was served with a second trespass notice. This notice had been issued on December 19, 2018, and banned him from all church property, including the sanctuary. In addition, the Session prohibited him from participating in any church activities, even off-campus. He was not proceeded against “by the censures of the church.” On January 17, 2019, a Session committee claimed the justification for the trespass notice was a “threat assessment” that Mr. Prato was a “potential threat” to members of the congregation. Again, his conduct was not “destructive.” Mr. Prato has not violated this trespass notice, or

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<sup>5</sup> It was not until March 19, 2018, that Mr. Prato was received as a new member.

<sup>6</sup> Mr. Prato often spent Sunday afternoons between church services at the church’s coffee shop on the first floor, because it had Wi-Fi, and was the location for congregational interaction. He also visited the church library on the second floor. Mr. Prato rarely went to the third floor, where Miss Johnson’s office was.

<sup>7</sup> Much like the self-righteous Sanhedrin attempted to intimidate Peter and John in Acts 4.

<sup>8</sup> This is another instance of unrecorded negligence and irregularity in the Session’s records cited by Mr. Prato.

the order of the Session not to participate in any off-campus church activities.

(2) Mr. Prato alleges that the Session sinned against him by not obeying *Form of Government* 13.12. Mr. Prato has provided evidence that the Session had on two separate occasions in 2018 allowed two committees to act beyond their authority, which resulted in unrecorded neglect and irregularities in the Session's own records.

(3) The Session sinned against him because it passed an unjust sentence, slandered him, and stopped its ears against a just defense, all of which are sins prohibited by the Ninth Commandment.<sup>9</sup>

The trespass notices issued on April 25 and December 19, 2018, were unjust. The professed reason for the second trespass notice, which prohibits Mr. Prato from entering any church property, is the "threat assessment" from The Human Intelligence Group in Atlanta, Georgia. On June 9, 2020, elder Henry Foster and the undersigned were allowed to read the "threat assessment." On February 26, 2021, counsel for the Session submitted the 52-page threat assessment to the prior Commission under a "protective order." The Human Intelligence Group admits it never interviewed Mr. Prato, but gratuitously asserts that Mr. Prato exhibited multiple behaviors which are consistent with an elevated risk for a future act of violence and that he poses a potential threat to Miss Johnson or possibly others whom he might consider responsible for perceived injustices. The report recommended that appropriate steps be taken to ensure that Mr. Prato was no longer granted access to the church campus by issuing a trespass notice. Mr. Prato was also informed that the Session had prohibited him from participating in church activities off-campus. Mr. Prato has fully complied with the Session's unjust orders since he has been a member of FPC.

On January 17, 2019, the Ad Hoc Committee of the Session advised elder Henry Foster and the undersigned that the December 19, 2018, trespass notice was issued because Mr. Prato was a potential threat. Arguably that information created a duty on the Session to inform the congregation of the danger. Therefore, the Ad Hoc Committee was asked if the congregation would be so advised. The response was "no" because that would be "slander."<sup>10</sup>

Mr. Prato has never been allowed to confront, cross-examine or challenge the "threat assessment," or to defend himself by pointing out flaws in the "threat assessment." (See Proverbs 18:17 and Acts 25:16).

Contrary to the concern of The Human Intelligence Group, Mr. Prato submitted to the unrighteous command of the Session that he not participate in church activities off-campus.

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<sup>9</sup> *Larger Catechism*, A. 145.

<sup>10</sup> Slander is making a statement damaging a person's reputation, knowing the statement is false. But apparently it was okay for the Session to rely on this slander.

5. The Commission is wrong that “the charges in the Complaints, if proven, would not constitute censurable offenses.”

The Session expelled Mr. Prato from the congregation contrary to the Standards of the ARPC while claiming that he is a member in good standing. To do anything contrary to the Standards is an offense. (*Book of Discipline*, Chapter II, A.1.)

A Session may be censured for unrecorded neglect and/or irregularities. *Book of Discipline* Chapter X, B. 6 states the following: “If, however, the higher court is advised of unrecorded neglect and/or irregularities of a lower court, it shall cite the lower court to appear and answer the charges. If the charges are found to be true, the higher court shall impose such censures and give such orders as it may judge necessary in the case.”

Violating the Ninth Commandment as alleged by Mr. Prato in his Report of Offense is a censurable offense.

6. The Commission is not correct that prosecuting the Complaints would not advance the covenant to seek the peace, purity and prosperity of the congregation. Not prosecuting Mr. Prato’s Complaints leaves his allegations unresolved and the “parties” in *status quo ante*, which does not restore the peace of the congregation. Prosecuting the Complaints is the only way to restore the “peace, purity and prosperity” of the congregation, because the “peace, purity and prosperity” of the congregation were damaged when the Session expelled Mr. Prato from the congregation without church discipline and without affording him even a semblance of due process. The purity of the congregation cannot be maintained when a Session refuses to exercise proper church discipline. According to Article 29 of the Belgic Confession, “the true church can be recognized if ... it practices church discipline for correcting faults.” In an episode of *Blue Bloods*, a TV crime show, the police commissioner was commended for doing things by the book. He responded: “It doesn’t matter if nobody else reads the book.” From its actions, it appears that the Session has not read the *Book of Discipline*. Nor has it read or followed its own guidelines for implementing church discipline. Instead, the Session’s actions toward Mr. Prato confirm a pattern of following the “ABCs”: Anything But Church Discipline.<sup>11</sup>

For the reasons stated, this Appeal should be sustained in whole and the Ruling of the Commission set aside. Pursuant to *Book of Discipline* Chapter X, D. 10, this court should try the case itself, send the case back to the Commission for new proceedings, or elect a new commission or committee. (It should be noted

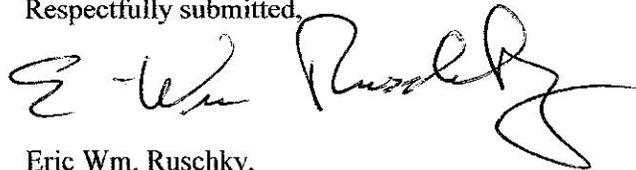
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<sup>11</sup> Counsel can present evidence of the Session’s failure to exercise discipline in at least three other instances.

hearings for arguments or testimony from witnesses who have information relevant to the Complaints, and which would enlighten the exhibits that have been presented by both counsel.)

Mr. Prato requests that the Presbytery instruct the Session to do the following: (1) repudiate the unBiblical “threat assessment” from the Human Intelligence Group, (2) repudiate that Mr. Prato is a threat of any kind, (3) rescind the trespass notices issued on April 25 and December 19, 2018, (4) exercise its Biblical ministry of reconciliation by: restoring Mr. Prato to full active membership in good standing, restoring his reputation which has been damaged without cause, and removing the disharmony between Miss Johnson and Mr. Prato, and the Russells and Mr. Prato, and (5) appear and explain the unrecorded neglect and/or irregularities in Session records. In addition, the Presbytery should determine why there are not probable grounds for an accusation of a censurable offense as a result of the failure to minister, failure to shepherd, obfuscation, and slander on the part of the Session of FPC that has continued for almost four years.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric Wm. Ruschky". The signature is fluid and cursive, with a long, sweeping tail on the right side.

Eric Wm. Ruschky,  
Counsel for Jeffrey Prato

January 7, 2022

Campbell Johnson  
Columbia, SC

.....

July 30, 2018

Jeffery Prato  
1622 Bull St.  
Columbia, SC 29201

Dear Mr. Prato:

Do not contact me or any member of my family. Please do not contact us in person, by phone, text message, email, etc. Do not have anyone contact us on your behalf. Please do not contact any of our friends or family. Do not go to our home, school, or places of employment. All contact from you is unwanted, and if it continues I will take further action. Thank you. There is no need to respond to this letter. If you have any questions, please contact Sgt. C. D. Bailey with the Columbia Police Department.

Sincerely,



Instructions for harassment victims: If you are being harassed by an individual, it is prudent to notify the offender in writing by way of certified mail. Go to your local post office, send a copy of this letter to the offender and keep a copy as well. This letter effectively prevents the offender from contacting you by law and you have several legal recourse should that offender contact you after receipt of said letter; restraining orders and courtesy summons. Reference South Carolina Code of Laws 16-3-1700 and 16-3-1750. The offender can be charged with this crime even if they live out of state.

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**BURRISS RIDGEWAY****INJURY LAWYERS**

WILLIAM H. "HANK" BURRISS  
E. WAYNE RIDGEWAY, JR.  
ALICIA S. HIGGINS  
Attorneys at Law

September 25, 2018

Mr. Jeffrey Prato  
6 Woodlands Ridge Lane  
Columbia, SC 29229

The Climb Studio  
1622 Bull Street  
Columbia, SC 29201

Re: Contact with Thomas Russell and his Family

Dear Mr. Prato:

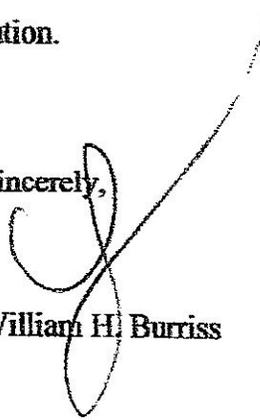
Please be informed that I have been contacted by Thomas Russell and his family concerning inappropriate and unwanted contact by you with the Russell family. This letter is to inform you that the Russell family to include Mr. and Mrs. Russell and their children, hereby request that you make no further contact with them either in person, by phone, by text message, by email or regular mail, either directly or indirectly, now and in the future. Further, they hereby request that you do not have anyone contact them on your behalf. Additionally, they would hereby request that you make no further contact with their extended family and/or friends.

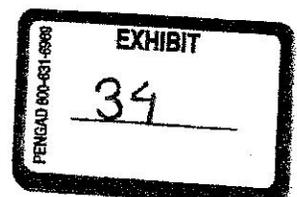
Although it is my understanding you both attend the same church, my clients hereby requests that you make no further contact with them during the church services to include approaching them before, during or after any church services or events, and also to include sitting by or near them during any church services or events. Any such contact would be considered by my clients to be unwanted. In fact, please understand that any and all contact in any form from you with the Russell's is unwanted now and in the future. If it continues, they have directed me to take further action to protect their interest. Also, there is no need for you to respond to this letter.

Thank you in advance for your cooperation.

With kindest regards, I am

Sincerely,

  
William H. Burriss





SWEENEY WINGATE & BARROW P.A.

January 21, 2022

Reply to: Main Office

**Kenneth B. Wingate**  
(803) 256-2233 x7133  
kbw@swblaw.com

**VIA E-MAIL and US MAIL**

Reverend Guy H. Smith  
3053 Baird Road  
Clover, SC 29710

RE: Reply to Appeal/Jeffrey Prato

Dear Guy:

As you requested, please find enclosed for filing with the Executive Committee a reply to the Appeal filed on behalf of Jeffrey Prato and the Complainants by Eric Ruschky.

By copy of this letter to Eric, I am providing him a copy of this communication.

Thank you for your assistance with this matter. If you need any additional information, however, please do not hesitate to call me.

Yours truly,

**SWEENEY, WINGATE & BARROW, P.A.**

Kenneth B. Wingate

KBW/ap

cc: Eric W. Ruschky (w/enclosures)  
Chris J. Daniels (w/enclosures)  
Gordon S. Query (w/enclosures)



After the ad hoc committee's work was completed, the Session did not change its original posture, which led to the formation of another judicial commission. Reverend Gregory C. Slater, as moderator of Catawba Presbytery, appointed a judicial Commission on May 6, 2020, to hear the Complaint against the Session of First Presbyterian Church of Columbia, South Carolina. Such Commission was chaired by Mr. Tom Roper. On May 11, 2021, Mr. F. Greg Delleney as moderator of Catawba Presbytery appointed another judicial Commission (the same Commission appointed on May 6, 2020, minus the original chairman) and designated Mr. Rex Casterline as the new chairman.

On December 30, 2021, Rex L. Casterline, as chairman of the Commission, issued the Commission's ruling that:

**“1. There is insufficient evidence to substantiate the charges in the Complaints;  
and/or**

**2. The charges in the Complaints (if proven) would not constitute censurable  
offenses; and/or**

**3. Prosecuting the Complaints would not advance the “solemn covenant with  
God and His Church...” that each communicate Church member makes to... “seek the  
peace, purity and prosperity of [the] congregation...” or of the Church.**

**AND FURTHER, THE COMMISSION'S RULING is that the Complaints be  
dismissed without further prosecution.”**

On January 7, 2022, Eric W. Ruschky filed an Appeal of such ruling.

The Session of First Presbyterian Church of Columbia, South Carolina (“the Session”) asserts that Chapter 13 of the *Form of Government* governs the formation and operation of commissions. It defines a Commission as “a body appointed and empowered by a court of the ARPC to examine, consider, and conclude certain designated business.” Section 13.7 *FOG* further

ARPC to examine, consider, and conclude certain designated business.” Section 13.7 *FOG* further provides that “a Commission may be formed to take testimony in judicial cases... to consider and seek solutions for problems of disorder within congregations... and to perform similar ecclesiastical functions.” Finally, Section 13.7 (A) also provides that “the action of a Commission may be amended or reversed by a majority vote of the appointing court,” and Section 13.7 (C) further provides that “the decision of a Commission appointed for judicial purposes may be appealed to the appointing court.”

Over the course of the last two years, the judicial Commission appointed to handle this matter involving Jeffrey Prato has received no fewer than twenty (20) different pleadings, notices, and motions filed by the Co-Complainants in the matter. At its request, the judicial Commission also received from the Parties hundreds of pages of letters, emails, text messages, committee minutes, Session minutes, Diaconate minutes, internal evaluations and reports, and other sensitive material. In the chairman’s words, they “collectively and as individual members, spent countless hours reviewing every document submitted by the Parties through their respective counsel, praying for God’s wisdom, and carefully evaluating application of the governing documents of the Associate Reformed Presbyterian Church” in making its findings and issuing its ruling that the Complaints be dismissed without further prosecution.

#### PROCEDURES FOR APPEAL

As noted in the *Form of Government*, the action of a Commission may be amended or reversed by a majority vote of the appointing court. It seems clear, in such an instance, that the Presbytery would become a committee of the whole to try the case, with all members of the Presbytery sitting as a jury. Before even considering how the Presbytery could tackle such a

process, however, it would be prudent to review the eight “grounds” on which the January 7, 2022, appeal is founded. Mr. Ruschky’s objections are as follows:

**1. The Commission incorrectly describes Mr. Prato’s Complaint as against the First Presbyterian Church of Columbia, rather than the Session.** This is a matter of semantics only, and does not in any way go to the heart of the issues or warrant any further action by the Presbytery on the Commission’s ruling. Everyone acknowledges that the Complaint was against the Session, not the church at large.

**2. The Commission wrongly asserts that the Complaint does not fit squarely within the process contemplated in the *Book of Discipline*.** The Commission was correct in its assertion that a Complaint against an entire Session of a church is of a different nature than many of the disagreements or matters addressed in the *Book of Discipline*, such as personal disputes or marital infidelities between communing members. Instead, the sum and substance of the Complaint is that the more than one hundred pastors, elders, and deacons of First Presbyterian Church who have been involved in the Prato matter from inception have all been wrong in their unanimous decisions in determining how to handle the explosive personal issues raised by his case. To simply and summarily state that the Session acted improperly and unjustly in its orders and decisions flies in the face of the substantial, written record of the case, including many hundreds of pages of letters, text messages, committee minutes, background information, and other careful deliberations and decisions by the Session which constitute the record in this case. Appellant has failed to assert a single detail in which the Session has abused its discretion or exercised its power and authority improvidently.

**3. The Commission does not accomplish its stated purpose “to glorify God and promote Biblical healing and closure to the Parties.”** What does that mean? God alone will decide if he has been glorified. As for promoting Biblical healing, Appellant continues to speak in terms of “reconciliation with Campbell Johnson, even though he no longer wishes to marry her, and with Thomas and Julie Russell, his former best friends.” The dismissal of this unfounded appeal will promote healing and closure for Campbell Johnson and Thomas and Julie Russell, who are the victims here. The Commission received and reviewed extensive correspondence and communications from and between Mr. Prato, Campbell Johnson, and Thomas and Julie Russell, the former of whom is the personal assistant to Dr. Derek Thomas and the latter of whom are the church organist and his wife. The Session previously determined, and the judicial Commission has ratified, that no further reconciliation is desired or warranted under the particular circumstances of those relationships.

**4. The Commission is wrong when it says, “there is insufficient evidence to substantiate the charges in the Complaints.”** In the opinion of the Session and of the Commission, the substantial volume and weight of the record more than support the Commission’s conclusion that the Complaints should be dismissed without further prosecution.

**5. The Commission is wrong that “the charges in the Complaints, if proven, would not constitute censurable offenses.”** Mr. Ruschky is simply wrong when he asserts that the Session expelled Mr. Prato from the congregation. The Session properly imposed certain conditions and parameters on Mr. Prato’s involvement in the life of the congregation, for prudent reasons, both for his and the congregation’s safety and wellbeing. Acting in the

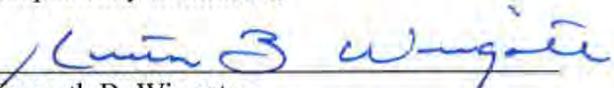
best interests of the Church is exactly what the Session was charged to do in this and every situation. The judicial Commission's ruling correctly provides that "the charges in the Complaints, if proven, would not constitute censurable offenses."

**6. The Commission is not correct that prosecuting the Complaints would not advance the covenant to seek peace, purity and prosperity of the congregation.** The judicial Commission, in asserting that the prosecution of the Complaints would not advance the peace, purity and prosperity of the congregation, has taken a sound and sensible position. One cannot imagine the complexity or the futility of receiving live testimony from twenty-five or thirty witnesses, each recounting their own version of "he said/she said," when the written record studied by the Commission has covered all such conversations in exhaustive detail.

REQUESTED DISPOSITION

In light of the foregoing, the Session of First Presbyterian Church, by and through its undersigned counsel, hereby respectfully requests that Catawba Presbytery receive and affirm the December 30, 2021, ruling of the Commission, and dismiss the Complaints without further prosecution.

Respectfully Submitted,

BY: 

Kenneth B. Wingate  
Christopher J. Daniels  
Gordon S. Query

AS COUNSEL FOR THE SESSION OF  
FIRST PRESBYTERIAN CHURCH OF  
COLUMBIA, SOUTH CAROLINA

Date: 1/21/2022

Catawba Presbytery  
Associate Reformed Presbyterian Church

In re: Complaint<sup>1</sup> of Jeffrey Prato

RESPONSE TO REPLY TO APPEAL

On January 7, 2022, Counsel for Jeffrey Prato appealed the Ruling of the Judicial Commission. On January 21, 2022, Mr. Wingate, as Counsel for the Session of First Presbyterian Church, filed a Reply to the Appeal. Mr. Wingate's Reply demands a Response.

In the "BACKGROUND" section of the Reply, Mr. Wingate states that this matter was commenced March 6, 2019, by the filing of three pleadings "by the above-referenced Complainants,<sup>2</sup> each of whom specifically signed the pleadings as a Co-Complainant." Mr. Wingate is wrong.

In fact, only Mr. Prato signed the original three pleadings which he filed with the Clerk of Presbytery on March 6, 2019. The five "Co-Complainants" filed their Complaint on April 9, 2020, because it appeared that the Session had failed to address the matters raised by Mr. Prato.<sup>3</sup>

Mr. Wingate then proceeds to address the six objections to the Judicial Commission's Ruling:

1. Mr. Prato's appeal points out that the Judicial Commission incorrectly described Mr. Prato's Complaint as "against The First Presbyterian Church of Columbia."

Mr. Wingate concedes that the description is, in fact, wrong. However, he dismisses this as "a matter of semantics only."

There is a clear distinction between the Session and the church at large. The fact that the Judicial Commission did not distinguish between the Session and the church at large belies the claim that "the Commission, collectively and as individual members, spent countless hours reviewing every document

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<sup>1</sup> The Commission uses this term to refer collectively to the Appeal/Complaint, Request for Review, and Report of Offense filed by Mr. Prato with the Presbytery on March 6, 2019.

<sup>2</sup> The "above-referenced Complainants" are "Jeffrey Prato, Henry D. Foster, Jr., Eric W. Ruschky, Gary W. Scott, Susan Scott, and Marshall L. Foster."

<sup>3</sup> On May 21, 2019, the special commission appointed by Presbytery reported it was taking no action on the matters raised by Mr. Prato, until the Session had addressed them. By April 9, 2020, the Session had failed to act. Therefore, five members of First Presbyterian Church joined Mr. Prato in filing a Complaint concerning the failure to act.

submitted by the Parties” and calls into question the Commission’s entire Ruling.

2. Mr. Prato’s appeal objected to the Judicial Commission’s assertion that the Complaint does not fit within the process contemplated in the *Book of Discipline*.

Mr. Wingate does not address the merits of this objection. Instead, he asserts that “a Complaint against an entire Session of a church is **of a different nature** than many of the disagreements or matters addressed in the *Book of Discipline* ....” (Emphasis added.) Just because it is “of a different nature” does not mean it does not “fit squarely within the process contemplated in the *Book of Discipline*.”

The former *Book of Discipline*<sup>4</sup> defines Complaint as “a representation made to a higher court in respect to a decision of the lower court regarded as being irregular or unjust.” (Chapter X, E.1.) Thus, a Complaint could be filed concerning the Session’s decision to change the color of the choir robes. On March 6, 2019, Mr. Prato made three allegations: (1) the decision of the Session<sup>5</sup> to issue a trespass notice to him, a member in good standing, banning him from all church property, instead of exercising church discipline, was both irregular and unjust; (2) the decision of the Session Pastoral Care Committee not to rescind the trespass notice issued on April 25, 2018 was irregular, because that committee had not been duly instructed by the Session (*see Form of Government* 13.12) and the action of the Session Ad Hoc Committee to make the rumor investigation requested by Mr. Prato was irregular because the Session never elected the Ad Hoc Committee to make that investigation, as set out in *Book of Discipline* Chapter V, A. 6.

Mr. Wingate then mischaracterizes the Mr. Prato’s Complaint, stating that “the sum and substance of the Complaint is that the more than one hundred pastors, elders, and deacons of First Presbyterian Church who have been involved in the Prato matter from inception have all been wrong in their unanimous decisions in determining how to handle the explosive personal issues raised by his case.” Mr. Prato’s Counsel does assert that “all synods or councils since the apostles’ times, whether general or particular, may err, and many

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<sup>4</sup> These matters were commenced pursuant to the former *Book of Discipline*. Mr. Prato’s Counsel assumes that these proceedings will continue to be governed by the former *Book of Discipline*.

<sup>5</sup> It is now known that the Strom Law Firm letter attributing this action to the Session was incorrect. The decision was actually made on December 17, 2018, by the Security Commission of the Session, which had just been elected. On September 1, 2020, Mr. Prato’s Counsel filed a Motion to Amend the pleadings by adding the Security Commission and the Ad Hoc Committee as parties.

have erred.” (*Confession of Faith*, Chapter XXXI, ¶ 4) Mr. Prato’s Counsel also asserts, based on the Standards of the ARP and the facts known to counsel, the Session should have used church discipline first to handle the so-called “explosive personal issues” in this case. The Session admits it did not use church discipline first. Mr. Prato’s Counsel submits that the Judicial Commission should have required the Session to justify its action in not using church discipline first, or explain why it was not necessary to use church discipline first. The Judicial Commission’s superficial treatment, and Mr. Wingate’s unsubstantiated representations, do not negate the specific allegations by Mr. Prato that the Session erred, and that the Judicial Commission erred.

Mr. Wingate represents that the decisions were “unanimous.” Mr. Wingate needs to check the record. On July 20, 2020, Session passed Motion #2020-060 recommended by three committees of Session that the Session authorize and instruct the Chairman of the Administration Committee “on behalf of Session to offer an apology to Jeffrey Prato **for the manner and location** of the meeting that occurred on April 25, 2018<sup>6</sup> at the offices of Sweeny, Wingate & Barrow, **which was not approved by Session at that time.**” (Emphasis added.) On August 17, 2020, Mr. Wingate moved (#2020-069) to amend motion #2020-060 and to amend the minutes of the July 20, 2020, Session meeting, to eliminate the clause: “which was not approved by Session at that time.” The motion to amend passed, but there were three nay votes, and two abstentions. This is not unanimity. At the October 19, 2020, Session meeting, Motion #2020-084 passed, revoking Motion

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<sup>6</sup> This was the occasion when a deacon served Mr. Prato with the first trespass notice, for the church office building. There is no evidence that anyone other than Rev. Josh Squires was involved in the “inception” of this “decision.” No one has explained what Mr. Prato did to warrant this trespass notice. The deacon who served Mr. Prato claimed that Mr. Prato had been texting Miss Johnson without her consent. The evidence is that on December 30, 2017, she texted him to invite him to a New Year’s Eve party. On February 10, 2018, she blocked his number, so he could no longer text her. Another possible explanation comes from an email Rev. Squires sent to Mr. Prato on April 18, 2018, in which Rev. Squires claimed that Mr. Prato had “initiated contact with Campbell, contrary to the clear instructions which we (the church) set before you.” The evidence will show that Mr. Prato was already sitting in his usual place for the evening service on April 15, 2018, when Miss Johnson sat two rows in front of him.

On July 30, 2020, Mr. Wingate stated that Mr. Prato aggressively persisted in pursuing an unwanted relationship. When asked why the Session resorted to the civil magistrate before first using church discipline, Mr. Wingate answered using the language of the *Confession of Faith*, that Mr. Prato’s conduct was “destructive to the external peace of the church and of civil society.” Mr. Wingate did not explain how his conduct was destructive.

#2020-069 in its entirety as well as Motion #2020-60. Elder Ree Hart<sup>7</sup> abstained from voting on the motion. This is not unanimity.

3. Mr. Prato's appeal objected to the Judicial Commission's assertion that the Ruling promoted "Biblical healing and closure."

Mr. Wingate asserts that "dismissal of this unfounded appeal will promote healing and closure for Campbell Johnson and Thomas and Julie Russell, **who are the victims here.**" (Emphasis added.) Mr. Wingate fails to explain how Miss Johnson and the Russells are victims.

Mr. Wingate further asserts that the "Session previously determined, and the judicial Commission has ratified, that no further reconciliation is desired ...." It is wrong for the Session to determine "that no further reconciliation is desired."<sup>8</sup> Reconciliation is the primary desire of Mr. Prato's heart. Reconciliation and resolving disharmony among members is a ministry of the Session. Mr. Wingate stating the contrary does not make it so. God gave us the ministry of reconciliation. 2 Corinthians 5:18. It is not optional.

4. Mr. Prato's appeal objected to the Judicial Commission's assertion that there is insufficient evidence to substantiate the charges in the Complaints.

Mr. Wingate asserts that "the substantial volume and weight of the record" more than support the Commission's conclusion. The point of the Appeal is that the Ruling is conclusory. The Ruling does not identify the "charges" made by Mr. Prato, nor does it explain why the volume and weight of evidence which Mr. Prato submitted in support of those "charges" is insufficient.

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<sup>7</sup> Elder Ree Hart was Chairman of the Session's Administration Committee in 2018, and was assigned to "shepherd" Mr. Prato after the second trespass notice was issued on December 19, 2018. There is reason to believe that Elder Hart was appointed as a way of monitoring Mr. Prato because there was a concern about Mr. Prato's anticipated response to the trespass notice. Upon information and belief, Elder Hart is of the opinion that Mr. Prato is not a threat.

<sup>8</sup> When the first trespass notice was issued on April 25, 2018, Mr. Prato inquired about reconciliation with Miss Johnson. According to the deacon who served the trespass notice, a retired FBI agent who was there for the purpose of intimidating Mr. Prato, this response suggested a personality disorder, because it was not completely rational—there was no relationship to reconcile.

At the meeting on July 30, 2020, Mr. Wingate stated that reconciliation was not necessary, because Mr. Prato had apologized and Miss Johnson had accepted his apology. Mr. Wingate failed to address the Columbia Police Department form "no contact" letter from Miss Johnson, the "no-contact" letter from the Russells' attorney, and the two trespass notices, which are all still in effect. Mr. Prato continues to abide by all of these clear boundaries.

Mr. Prato has argued from the inception that Chapter XX, ¶ 4 of the *Confession of Faith* mandates that a member's misconduct should be dealt with by church discipline, administered by the Session, and if that misconduct is also "destructive to the external peace of the church and of civil society," then the Session may also resort to the "power of the civil magistrate." Neither the Session nor the Commission has refuted Mr. Prato's interpretation of the *Confession of Faith*. The evidence is irrefutable that Mr. Prato was never "called to account, and proceeded against by" church discipline. The Session has never explained why it did not use church discipline, and the Commission's Ruling does not address this key issue.

5. Mr. Prato's appeal objected to the Judicial Commission's assertion that the charges in the Complaints do not constitute censurable offenses.

First, "unrecorded neglect and/or irregularities of a lower court" are censurable. *See Book of Discipline*, Chapter X, B. 6. Mr. Prato provided details of two instances of "unrecorded neglect and/or irregularities": (1) on June 25, 2018, the Pastoral Care Committee of Session acted without authority when it refused to rescind the trespass notice which had been issued on April 25, 2018 (*see* copy of letter attached); and (2) the minutes of Session fail to document that the Session complied with the *Book of Discipline* by electing the Ad Hoc Committee to make the rumor investigation which Mr. Prato had requested, pursuant to *Book of Discipline*, Chapter V, A. 6.

Second, Mr. Prato alleged that the Session passed an unjust sentence, slandered him, misconstrued his intentions, words, and actions, and stopped its ears against a just defense. These are all sins forbidden in the Ninth Commandment (*see Larger Catechism*, Q&A 145). As such, they are censurable. The Commission fails to explain why it considers sins forbidden in the Ninth Commandment not censurable. What the Session did to Mr. Prato is reprehensible. Equally reprehensible is the way the Session did it. He was not allowed to challenge his accusers or defend himself. (*See Proverbs 18:17 and Acts 25:16.*)

Mr. Wingate asserts that "Mr. Ruschky is simply wrong when he asserts that the Session expelled Mr. Prato from the congregation." Using the definition in *Book of Discipline* Chapter II, B. 1 (e): "Expulsion is the judicial dismissal of an offender from membership in the church," Mr. Wingate is technically correct that the Session did not censure Mr. Prato with expulsion. However, the practical effect of the letter from the Strom Law Firm was to expel Mr. Prato from the congregation. He was told not to enter any property of

First Presbyterian Church, on penalty of being arrested for trespassing, and not to “attend any church events or participate in any church activities held off campus.” (See copy of letter attached). And it was done without even the pretense of any judicial process.

6. Mr. Prato’s appeal objected to the Judicial Commission’s assertion that prosecuting the Complaints would not advance the peace, purity and prosperity of the congregation.

This matter has become overly adversarial and contentious. Mr. Prato’s Counsel does not agree that “receiving live testimony” would be futile. Indeed, it might just be what is needed, to verify and explain the documents that have been submitted. On the other hand, live testimony might not be needed.

The issue in this case is whether Mr. Prato has submitted sufficient evidence to support his allegation that the Session has violated the Standards of the ARP by utterly failing to shepherd him. (See *Form of Government* 6.8 A)<sup>9</sup> The undisputed evidence is that, instead of shepherding Mr. Prato, the pastoral staff and Session went “off the tracks,” using trespass notices enforced by the police. The Session has not justified its decisions and actions as grounded on the Standards of the ARP.<sup>10</sup> Instead, the Session has obfuscated, dissembled, gaslighted, hunkered down, and circled the wagons. The Commission’s Ruling adds more wagons to the existing circle. Scripture admonishes us to “reason together.” (Isaiah 1:18) Until that is done, Mr. Prato will continue to seek reconciliation, vindication, and restoration.

Respectfully submitted,



Eric Wm. Ruschky

Counsel for Jeffrey Prato

January 24, 2022

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<sup>9</sup> Ironically, the theme for the First Presbyterian Church officers’ retreat on February 11-12, 2022, with Rev. Harry Reeder is “Shepherding.”

<sup>10</sup> We know **what** the Session did wrong, although we do not know **why**. The Session still has not explained what Mr. Prato did wrong.

The First Presbyterian Church

1324 Marion Street  
Columbia, South Carolina 29201

June 25, 2018

Personal and Confidential

Mr. Jeffrey Prato

PO Box 12932

Columbia, SC 29211-2932

Dear Mr. Prato:

Thank you for giving the Pastoral Care Committee (through Chairman Steve Joye and member Mark Baumgartner) the opportunity to meet with you and Henry Foster on Wednesday, May 16, 2018, to discuss the matter of the trespass notification you received on April 25, 2018.

We appreciate your concerns. This is a matter that our church leadership and the members of this committee take very seriously. I am sure you understand that Campbell Johnson and her family also take this matter very seriously. However well-intended your actions toward Campbell may have been, they have resulted in much emotional distress and fear for her personal safety and well-being. We have considered all of the information you have provided to us in our meeting with you and in your letter with attachments dated May 3, 2018, as well as information provided by Rev. Josh Squires. We have also considered input received from Campbell and from Thomas and Julie Russell.

Our entire committee has bathed this matter in much prayer and discussion. After doing so, we have unanimously decided that the trespass notification should not be rescinded at this time. Frankly, we had hoped to perceive in you a spirit of humility and contrition over your actions this matter, but we did not. It is our conclusion that a safe harbor should continue in effect until circumstances substantially change. In the Lord's providence, it may be that such a result could occur in the future.

Finally, as you know, this committee is empowered to make recommendations to the Session regarding church discipline. While we sincerely hope that there will be no basis in your future actions to warrant that we take church disciplinary steps, please be mindful that any further conduct by you that threatens the personal safety of any of our church members will not be tolerated and will leave us no choice but to take swift and effective action. Our hope and prayer is for a better outcome. Our desire is to come alongside you to help you grow in Christ and emerge even more devoted to your Savior and Lord.

One resource that we encourage is the Christian Counseling Center. Should specialized counseling be needed outside of the scope of the Christian Counseling Center, financial assistance may be available through the Deacons' fund or other church resource on a needs-assessed basis.

Finally, as your brothers in Christ, we remain available to meet, talk and pray with you through this. In the meantime, know that our prayers will continue for you and for Campbell and her family.

In Christ,



Steve R. Joye, Chairman  
Pastoral Care Committee



J. P. STROM, JR. P.A.  
MARIO A. PACELLA\*  
JOHN R. ALPHIN  
BAKARI T. SELLERS  
JESSICA L. FICKLING  
ALEXANDRA BENEVENTO  
AMY E. WILLBANKS\*

\* ALSO ADMITTED IN GA AND N.Y.  
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**STROM**  
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WWW.STROMLAW.COM

January 2, 2019

VIA HAND DELIVERY

Jeffrey Prato  
6 Woodlands Ridge Lane  
Columbia, South Carolina 29229

Re: Trespass Notice for First Presbyterian Church of Columbia

Dear Mr. Prato:

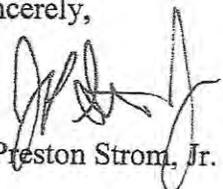
I represent First Presbyterian Church. Please find the enclosed Trespass Notice. You are not permitted to enter any property of my client pursuant to and identified in this Trespass Notice. My client reserves all legal rights should this Trespass Notice be violated. Please also be advised that you may not attend any church events or participate in any church activities held off campus, with the exception of those activities listed below.

Please be advised, this is a security matter and not a matter of church discipline. Thus, the Session is making the following available to you off campus:

The Lord's Supper officiated by a Minister and at least one Elder  
Prayer with a Pastor  
Prayer by a Minister before or after any medical procedures  
Pastoral Counseling with a Minister  
Bible Study with Elders  
Psychiatric evaluation paid for by the church

If you have any questions or concerns regarding the Trespass Notice, you can contact Elder Scott Timmons, Chair of the Security Commission of the Session, whose telephone number is (803) 413-5372. If you have any questions regarding your participation in any of the activities listed above, you can contact Rev. David Lauten of the Ad Hoc Committee, whose telephone number is (803) 807-1753.

Sincerely,

  
J. Preston Strom, Jr.



**HENRY DORROH FOSTER, JR.**  
4815 PORTOBELLO ROAD  
COLUMBIA, SOUTH CAROLINA 29206

TEL: (803) 960-6806  
EMAIL: FosterHD@aol.com

Sunday, January 23, 2022  
by USPS and by email

Rev. Guy Smith, Clerk  
Catawba Presbytery  
3055 Baird Road, Clover, SC 29710  
(GuySmith@comporium.net)

RE: "Judicial Commission on the Complaint of  
Prato Against  
the First Presbyterian Church of Columbia"

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Dear Mr. Clerk,

It has recently come to my attention that the Judicial Commission has issued a ruling in which it holds that my rights are impacted thereby. I wish to exert my right to appeal that RULING.

Attached is my APPEAL OF RULING in the above-captioned matter before Catawba Presbytery. Please distribute it to the members of Presbytery promptly so that they may have been able to give it due consideration while they review the original RULING and before the matter is taken up on the floor of Presbytery.

Very Truly Yours,

  
Henry Dorroh Foster, Jr.

enclosure (two-page document)

In Catawba Presbytery  
Associate Reformed Presbyterian Church

In re: "Judicial Commission on the Complaint  
of Prato Against the First Presbyterian  
Church of Columbia"

**APPEAL OF RULING**

To: Catawba Presbytery  
Rev Guy Smith, Clerk  
3055 Baird Road, Clover, SC 29710

I understand that on or about December 30, 2021, the above-captioned Judicial Commission issued a Ruling in which, among other things, it held that the rights of others, including me, as "Endorsing Parties", "may be" impacted by that Ruling. I am not represented by counsel. I ask the Presbytery directly to consider the following:

**AS BACKGROUND**, Beginning in January 2018, because I had seen what happened firsthand, I made exhausting efforts seeking to work for reconciliation in the matter between Mr. Prato, Miss Johnson, and the pastors of First Presbyterian Church of Columbia. I met first with the pastors who had acted. Then I met with numerous elders of the church. I saw firsthand the unjust manipulation of facts used in the Session committees to avoid the true issues. When Mr. Prato finally appealed to the Presbytery in March 2019, I was encouraged that his three pleadings had been received and assigned to the Commission on the Minister and His Works. Thirteen months passed. There appeared to have been no progress made, so on April 9, 2020, my wife and I, along with several other members of First Presbyterian Church filed a COMPLAINT with the Presbytery, citing relevant information and our concerns about the inordinate delays that First Presbyterian Church and the Presbytery Commission were taking in addressing this serious pastoral care issue. We believed that Catawba Presbytery would make things right and fair.

After my initial filing, I received no further notice of Commission appointments, hearings or opportunities to interact with whichever Commission was considering the matter at the time. Despite being willing to share with the Commission the facts that I knew and those of other witnesses, I have had no opportunity to address any of the various Commissions during their deliberations. In my understanding, there have been no hearings.

The history of my wife and me at First Presbyterian Church goes back through many generations to its inception, and we have loved and served that church whole-heartedly. While my Complaint of April 2020 stated correctly that my wife and I were then communicant members of First Presbyterian Church of Columbia, our memberships were subsequently transferred to another ARP church in this Presbytery, I still have standing to appear before this Presbytery as a member in good standing of an ARP church and as an ordained ARP elder.

**FIRST**, I understand that many documents have been furnished to the Commission. While I am not privy to them all, I can assure the Presbytery that no matter what explanations have been given by the Session attorneys over the past three years, the core issue to be decided is whether the Session of First Presbyterian Church violated our published, agreed-to ARP Standards which we all profess to be Biblical and which we

swore to uphold. Mr. Prato's original COMPLAINT brought that squarely before the Presbytery for its decision. The size, wealth, number of elders, or influence of any particular church body should not matter in addressing any complaint. Again, the question begging for the Presbytery's answer is: **Did (or did not) the action that the Session took against a member of its congregation violate our ARP Standards?** It is a simple "yes" or "no" question. The Presbytery has plenty of authority, information, and ability to make that decision. I understand that it has the Biblical obligation to make things right.

**SECOND**, at the same time in March 2019, when Mr. Prato filed his original Complaint, he also filed a REQUEST FOR REVIEW, which, along with further attendant documents, provides details of instances in his case in which the Session's (and its committees') actions and Minutes do not comport with our ARP standards. This is a separate matter that demands the attention of the Presbytery. The Presbytery has plenty of authority, information, and ability to perform this task, and it should do so. The safety of accountability is one of the hallmarks of Presbyterian polity and is a Biblical obligation.

**THIRD**, Mr. Prato's third pleading of March 2019 was a REPORT OF OFFENSE in which he alleged that the Session had violated the Ninth Commandment, wrongly branding him and acting as if he were a "potential threat" of violence whose very presence constituted a physical danger to Miss Johnson and to others. Here, also, the Presbytery has plenty of authority, obligation to investigate, and ability to bring charges if the investigation warrants that.

**FINALLY**, Any one of these three issues is a serious enough matter for the Presbytery's full, focused attention. All three together constitute an imperative. If the Commission's Ruling to dismiss without further prosecution stands, it stands adverse to anyone's ability to pursue the issue further and seek harmony and fairness within our church. The pursuit of the health and integrity of our denomination has been my deep concern from the onset of this situation, and it is the sworn obligation of every member of our Presbytery. We all understand that a church that exercises no accountability should not call itself presbyterian. A church that will not exercise pastoral discipline should not call itself a church. We simply must stand strong in our convictions and face the current situation without avoidance. The very character of our ARP denomination is on display.

**THEREFORE**, Pursuant to our ARP *Form of Government* (13.7C) and *Book of Discipline*, I hereby appeal the Commission's December 30, 2021, Ruling to dismiss the above matter without further prosecution. I ask that the Presbytery overturn the Commission's Ruling, take back the matters from the Commission and deal directly with each of the three issues itself without delay.

Respectfully Submitted,

  
Henry Dorroh Foster, Jr.,  
(ordained as elder at First Presbyterian  
Church on January 10, 1982)

Sunday, January 23, 2022