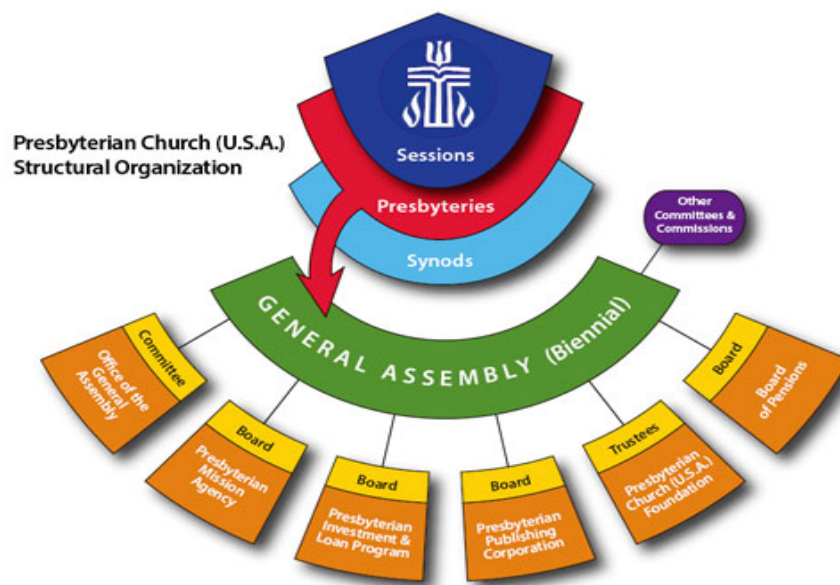


Minutes

The 55-1st Special Presbytery Meeting

The Lord Jesus Church,
Richmond, VA
February 2017, Mon. 6 : 30 PM



The Atlantic Korean American Presbytery
The Presbyterian Church (U.S.A)

2629 Centreville Road, Herndon, VA 20171

(301) 864-9255

www.akap.org

The 55th Special Presbytery Meeting

Atlantic Korean American Presbytery

Lord Jesus Church, Richmond, VA

February 20, 2017 Mon. 4:00 pm

[Time and Place] 제 55-1차 임시노회가 버지니아주 리치몬드 시에 소재해 있는 주 예수교회(담임 배현찬 목사)에서 2017년 2월 20일 오후 6시 30분에 열렸다. 교회에서 제공한 석찬을 나누는 후 본당에서 모여 노회장 조은상 목사의 개회기도에 이어 경건회를 가지다.

[Devotion] 경건회에서는 부노회장 박종우 장로(리치몬드 장로교회)의 기도, 임낙길 목사의 섹스폰 찬양(발도스타 장로교회) 이정남목사(웨잇빌한인장로교회)의 요한복음 11:105절을 봉독한 후에 “베다니에서의 예수님과 예루살렘의 교권”을 비교하면서 교회나 노회가 어떠한 사역을 하여야 할 것인가를 제시하다.”

[Welcome and Greetings] 이어서 호스트 교회 담임 배현찬 목사의 환영인사가 있었다. 배현찬 목사는 한인교회 전국총회 직전회장으로 섬겼으며 한미노회구성 Task Force의 위원장으로서 산과 역할을 한 바있으며 제 1 대 노회장으로 대서양한미노회를 섬긴바 있고, 환영인사와 더불어 권면의 말씀을 전하다.

[Enrollment & Qourum] 부서기 김응배 목사의 회원점명이 있었고 목사 23명 장로 5 명 총 29명이 참석하였고 세당회이상의 출석이 있어 정족수가 됨을 보고 받으므로 노회장 개회를 선언하다.

출석자: 권준, 김범수, 김성원, 김응배, 김정숙, 박관준, 박연익, 안현준, 윤치현, 이용일, 전은기, 조남홍, 조은경, 조은상, 전진은, 이정남, 이대성, 남부-최병호, 이내용, 임낙길, 신동욱, 김세준, 허성영, 박종수, 남윤상, (이상 목사) 조동열, 최창규, 박종우, 김형순, 김창수, (이상장로) Excuses: 강기석, 김신태, 하상범, 김춘호, (장) 남부:조진영, 이원걸, 결석:배현수, 이영호, 선우주현, 서보창, 김창환,

[Adoption of Docket] 침삭과 더불어 다음과 같이 임시로 회순 채택을 받다.

PM

- 06:00 1. 개회기도(Meeting Constituted with Prayer)
- 06:05 2. 경건회(Devotion)
 - ① 인도 : 조은상 목사 (노회장),
 - ② 설교 : 이정남 목사 (웨잇빌 한인장로교회)
- 06:30 3. 환영 및 인사(Welcome & Greetings) - 배현찬 목사(증경총회장, Host Church)
- 06:35 4. 회원 점명(Enrollment) - 부서기(Associate Clerk)
- 06:40 5. 회순 채택(Adoption of Docket)
- 06:45 6. 전회의록 통과(Minutes Approval)
- 06:50 7. 서기 보고(Stated Clerk's Report) - PJC 판결보고
- 06:55 8. 회계 보고(Treasurer's Report) - (Treasurer)
- 07:00 9. 임원회(Executive Committee) - 위원장
- 07:00 10. 임시노회 안건(Reports & Recommendations)

- 07:15 a. 헌법 수의안(Approval the Revised Book of Order, amended at 220 GA)
 06:25 b. 행정위원회 재구성(AC dismissal and Regoranzation)-임원회
 07:40 d. 공천 위원회(Nominating Committee) - 김형순 장로
 08:10 11. 특별 위원회보고 사항(Special Committees & Commission)
 a 총회에 상소의 건.
 b 기소위원회 구성 보고.
 09:40 12. 사무총장 보고 및 광고(Executive Presbyter's Report & Announcement)
 10:15 14. 폐회(Adjournment) 축도 : 노회장

[서기보고] 특별히 2 개의 공문을 받은 사항에 대해서 서기 조남홍 목사 다음 두 가지 공문을 설명 보고하다.

(통신)

- 접수공문-1. 공천위원회의 구성 및 역할에 대한 총회 유권해석(2017/01/20)
 2. 메릴랜드장로교회 당회 VS 한미노회 재판 판결문(2017/01/10)

공천위원회 구성 및 그 역할에 대한 총회의 유권해서는 제 55차 정기노회가 6시간 이상 공천문제를 놓고 쟁론한바 일부회원(이영호 목사, 공천위원)의 각교회 총대와 각 위원회에 공천 된 개교회의 장로들에 대하여 “당회의 인준”을 받지 않았다는 점을 지적하고 노회는 각교회에 위원회에 들어갈 수 있는 장로를 추천 받아야 한다는 주장을 피력하면서 총무의 해석에도 계속 의의를 제기하였고, 중앙 위원회에 At-Large 로 장로는 들어갈 수 없다는 주장을 했다. 심지어 공천위원회 가운데 한 사람인 이영호 목사와 노회장 전은기 목사는 총무에게 헌법적으로 자신 있느냐 추궁하기도 했다. 총무의 설명에도 불구하고 계속 이의제기를 하여 공천은 투표 결과 무산 되었다.(찬성 15대 반대 18표) 이에 대하여 사무총장은 총회에 문의 하여 유권해석을 다음과 같이 받다. (첨부파일 참조)

- (1) 공천위원회가 각 교회에서 차출하여 필요한 위원회에 공천한 시무, 혹은 휴무장로는 개교회에 그 인적 상황에 대해서 문의하여 참고할 수는 있으나 당회의 인준이 필요 없으며, 노회구성은 목회자와 회원권을 가진 교인(Clergy and congregational members) 임을 확인해 주었다.
- (2) 운영위원회(General Council)에 장로를 At-Large 로 공천하는 문제도 합법적이다. (55차 정기노회에서 공천위원회 공천이 유산 된 주요 원인이었던, 일부 회원(이영호 목사, 전은기 직전노회장의 주장은 장로교 헌법에 대한 이해 부족이나 영어이해의 부족으로 판단 된다)

남부노회 [Omnibus Motions & Reports]

1. 목회위원회 보고:

- (1) 신동욱목사 이명건
 (1 월 15 일 열린장로교회 사임. Presbytery of Sheppards and Lapsley 로 이명청원)
- (2) 박종식목사 청빙건 (2 월 19 일 열린장로교회 지정목사로 부임, 이명청원)

* 사례비: 펜션 포함 년 5 만불, * 이사비용: \$1500

(3) 임낙길목사 지정목사 연장건 (하인스빌장로교회 2년간 지정목사로 연장함)

2. 총무청빙위원회 보고

(1) 남부노회에서 조남홍 사무총장님 미지급 사례비 \$8,000 을 지급하기로 함

(2) 북부노회에서 \$10,000 이상을 모금해서 지급하도록 요청함

3. 가족수양회

(1) 일시: 2017년 7월 17일(월) - 20일(목)

(2) 장소: Sand Dunes Resort

(3) 회비: 어른 220 불, 중고 200 불, 교사/어린이: 100 불 (부모와 한침대 사용시 무료)

(4) 강사: 장학일목사(예수마을교회 담임), Fred Mangeni(웨잇빌장로교회)

지단10년간 한미노회년도별상회비납부내역

회원교회명 및 담임목사	교인수	의무액	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
가나안교회 (문석)			800	500	0	0	0	0	0	0	0	0	0	0
누푹누스장로교회 권준)			0	0	0	0	0	0	900	900	0	0	0	0
리치몬드장로교회 이영호			6,000	6,680	6,000	6,000	5,000	7,257	7,000	6000	5000	5000	7000	
리치몬드중앙교회 전은기			4,200	작년포함		2,000		1000	2000	3250	1750	1850		
메릴랜드제일장로교회 조은상			2,000	1,200	4,000	3,320	2,675	500	2,320	1000	1500	1500	2000	
덴버한인장로교회 강기석										1250	1250	1250		
메릴랜드장로교회 안현준										500	1400	0	800	
솔즈베리사랑의교회 정태은			0	0	0	0	0	0	0	0	0	0	0	0
솔즈베리장로교회 전은진			2,000	3,000	1,200	1,200	2,000	2,500	3,750	3750	3750	2000	2000	
수도장로교회 조명철			1,400	1,400	1,400	1,000	1,000	0	0	0	1000	1000	0	
시온장로교회 김신태			1,500	1,500	0	0	2,000	2,000	2,000	1000	1500	1500	1500	
예루살렘장로교회 명돈의				1,000	1,000	1,000	1,000	1,000	0	500	500	0	0	
예찬교회 허상범											가입	0	0	
위싱턴동산교회 김범수			1,000	1,000	1,000	1,000	1,000	500	0	1000	500	0	600	
위싱턴소망교회 배현수			0	400	0	0	0	0	0	300		0	100	
위싱턴에덴장로교회 김응배			2,000	500	0	0	1,000	1,000	1,000	1000		2000	625	
월민본장로교회 박연익				300	300	300	300		658	2400	5844	300	300	
코너스톤장로교회 이승환			600	600	600	600	600	0	0	0	0	0	0	
평강장로교회 서보창			0	0	0	0	0	0	0	0	0	0	1000	
필리제일교회 김요셉			0	0	0	0	0	500	0	0	0	0	0	
해거스터운교회 윤치현			가입	가입	0	0	1,000	0	0	1500	2223	500	750	
행복한교회 임용락			100	200	0	0	100	0	100	100	0	0	0	
퀘잇빌장로교회 이정남			2,000	5,000	5,000	4,000	4,000	4,000	6,000	8000	6000	6000	6000	
총 계													25775	
	상회비 산정 방법	=교인수 x \$25 불=상회비												
		발전기금산정방법=상회비의 50%												

부부지역용



* 2012년까지 전체 통계를 내지 않은 이유는 중간에 없어지거나 옮겨간 교회가 있기 때문임
 * 상회비와 선교비를 합한 금액임
 * 각교회의 참여도 및 공천위원등 필요한 일에 도움을 주기위하여 참고용으로 작성 된 것임.

2016 REVENUE

대서양한미노회

12월 말현재

교회및담임목사	상회비	발전기금	재난헌금	목회자위기	총계
가나안교회	0.00	0.00	0.00	0.00	0.00
뉴퓿뉴스한인장로교회	0.00	0.00	0.00	0.00	0.00
덴버중앙장로교회	625.00	625.00	487.00	0.00	1,737.00
리치몬드한인장로교회	7,000.00	0.00	0.00	0.00	7,000.00
리치몬드중앙장로교회	1,850.00	0.00	0.00	0.00	1,850.00
메릴랜드제일장로교회	2,000.00	0.00	0.00	0.00	2,000.00
메릴랜드장로교회	800.00	0.00	0.00	0.00	800.00
솔즈베리사랑의교회	0.00	0.00	0.00	0.00	0.00
솔즈베리한인장로교회	2,000.00	0.00	0.00	1,330.00	3,330.00
수도장로교회	0.00	0.00	0.00	0.00	0.00
시온장로교회	1,500.00	0.00	0.00	0.00	1,500.00
에덴장로교회	625.00	0.00	640.00	0.00	1,265.00
예루살렘장로교회	0.00	0.00	0.00	0.00	0.00
예찬교회	0.00	0.00	0.00	0.00	0.00
워싱턴동산교회	600.00	0.00	0.00	0.00	600.00
워싱턴소망교회	100.00	0.00	0.00	0.00	100.00
월빙턴한인장로교회	300.00	0.00	0.00	0.00	300.00
코너스톤장로교회	0.00	0.00	0.00	0.00	0.00
평양장로교회	1,000.00	0.00	0.00	0.00	1,000.00
해거스타운한인교회	750.00	0.00	0.00	0.00	750.00
행복한교회	0.00	0.00	0.00	0.00	0.00
웨잇빌한인장로교회	6,000.00	0.00	0.00	440.00	6,440.00
총회그랜트	0.00	0.00	0.00	0.00	0.00
전년도이월금	10,700.41	0.00	0.00	0.00	10,700.41
남부한미노회상회비	11,714.08	0.00	0.00	0.00	11,714.08
기타	412.50	0.00	6,184.25	0.00	6,596.75
총계	47,976.99	625.00	7,311.25	1,770.00	57,683.24

클러지펀드총액 1,499.47 (As of 16/12/31)

* 위의 목회자위기관리헌금은 클러지펀드계정에 아직 이관되지 않았음

2016 Expenditure

대서양한미노회

항	목	총수입	총지출	항목별지출액
총수입		57,683.24	47,661.66	
상회비				
	총회			12,311.00
	대회			568.50
선교비				
	노회선교비			0.00
	기타선교비			2,575.00
노회운영비				
	회의비및출장비			4,215.69
	각위원회회의비			2,101.91
	총무활동비			13,525.41
	렌트비			3,500.00
	유틸리티			1,735.72
	각종세금			160.53
	주정부세금			50.00
	소모품비			2,208.70
기타				
	예비비			473.55
	기타			4,235.65
지출합계				47,661.66
총수입및지출		총수입 57,683.24-총지출 47,661.66=잔고 10,021.58		

기타선교비 = 월밍턴장로교회 리펀드 (유인우목사)

보고사항 및 경과사항

- 1) 뉴퓏뉴스한인장로교회의 상회비를 55 차 정기노회시에 수령했으나 누락되어 금년도에 추가할 것을 보고하다.
- 2) 2016년 12월 31일자의 모든 회계관계를 회계 김형순 장로에게 인계하고 2017년 1월 28일 임원회 시작전에 은행관계 업무와 장부등 일체를 인계하다.
- 3) 노회장 위의 2)번 사항에 대한 질의 응답을 받은 후 표결에 부쳐 회계보고를 인준하다.

제 76차 임원회 회의록

운영위원회가 구성 되지 않아서 내규에 따라 임원회로 모이다.

때: 2017년 1월 28일 장소: 노회사무실

결의사항 :

1. 메릴랜드장로교회 행정위원회 구성안
2. 공천위원회 2017년도 공천
3. 총회헌법 수의안
4. 기타 보고-총회의 노회 수의안, 조사위원회 보고 무산으로, 기소위원회 구성안

위의 안건에 대한 설명을 듣고 질의 응답을 거쳐 임원회 회의결의보고를 받아 인준하다.

행정위원회 구성에 대한 노회 결의안

다음과 같은 행정위원회 구성에 대하여 찬반 토의가 있을 후 표결에 부쳐 18명 찬성 3명 반대로 통과하다. 한편 반대 표결을 한 회원 두명이 이름을 기록해 줄 것을 요청하다: 전은기, 김범수

행정위원회 구성안

[Background] 2016년 8월에 신청하여 12월에 종료 된 6605 Mallery Dr. Lanha MD 20706 재산에 대하여 본 노회로 재산이 이전해 음에 따라, 재산권자(Deed Holder, Title Holder))로서 본 노회 재산을 사용하고 있는 메릴랜드 장로교회 당회에 본 노회 재단 이사회와 재산의 관리와 사용에 대한 협의를 요청했으나 협력이 이루어지지 않았다.

따라서 제 54차 정기노회에서 메릴랜드 장로교회에 대한 행정위원회 구성이 있었다. 이에 대하여 메릴랜드 장로 교회는 당회 이름으로 노회에 집행유지 및 교정 재판 소송을 제기하였다. 대회상임 사법위원회는 집행정지 신청을 허락하였고, 노회는 집행정지 반대 신청을 하였으나 받아들여지지 않았다.

노회는 총회에 다시 대회의 결정에 대한 집행정지 신청을 제소할 것인가 여부를 55-1차 임시 노회의 결정을 따르면서 90일 내에 결정하기로 한다.

한편 대회는 2017년 1월 10일 교정재판에 대한 공판을 진행하여 그 결과를 제소한 당회와 노회에 송부하고 후속 처리를 명령하였다. 대회결정의 주문은 한미노회가 54차 노회에서 구성한 행정위원회를 해산하고, 해당 교회 당회를 존속시키며 충분한 대화와조사를 위한 행정위원회를 다시 구성할 것을 권고한 것이다. 이에 본 노회는 행정위원회를 다음과 같이 구성한다.

[구성원칙]

- 1) 제 54차 노회에서 구성한 행정위원회는 재산문제에 연류 되어 있기 때문에 이사회 중심으로 구성 되어 있었다. 따라서 향후 이사회는 재산에 관련 된 사항들을 다루고, 행정 위원회는 그 외 사항들을 다룬다.
- 2) 재판 과정에서 원고의 증인으로 출두한 회원들은 원고와의 이해 관계가 있으므로 구성에서 포함 될 수 없다.

[위원회구성]

위원회는 목사 4 명과 장로 3 명으로 구성하며 교체 위원 1 명으로 구성하고 위원장은 장로와 목사 두 사람이 공동 위원장으로 한다.

[구성원] 박관준, 윤치현, 김영미(장), 이해경(장) 김춘호(장), 김신태, 강기석,
임원회의 재 조정을 통해 조은상 목사가 빠지고 강기석 목사를 추인하고 교체 위원
부분은 삭제하다

[임무]

- 1) 이전의 행정사법 전권위원회의 해산과 동시에 동 위원회에서 AC에서 다루지 못하거나 미진한 사항들,
- 2) 통합 이후의 2 년간의 재정 상황 및 사역 전반에 오류가 있었는지 검토,
- 3) 소송 당시 제기 된 사항들에 대한 조사,
- 4) 목회일반 사항(당회록,연말통계, 등 미진한 사항들 검토,
- 5) 장로공천 및 선출 방식등 헌법에 위배 되는 사항이 있는지 검토
- 6) 이사회와 협력하여 교회관리, 계약, 보험, 임대 등에 대하여 검토하여 적절한 조치 등,

위의 사항에 대한 처리에 모든 권한을 부여하고 임무가 끝났을 때 결과를 노회에 보고 한다.

공천위원회보고

2016년 공천위원장 : 김형순 장로

*회장: 조은상 목사, 부노회장: 박종우장로 (남부) 남윤상 목사

*임원회 (Executive Committee)-

노회장, 부 노회장 2인) 서기, 부서기. 회계 2인, 사무총장, 부 총무

*운영위원회(General Council):

노회장, 부 노회장, 각 부 위원장(목회, 후보생, 교육, 선교개발, 재정, 대표,공천, 상임사법,

이사회), 사무총장, 부서기 At- Large: 마종욱, 최동구,(목사.장로 균형을 위해 1명 추가공천 필요- (차후 운영위에서) ,

*운영위원회(남부지노회):

위원장-최병호(부서기), 목회위원장, 후보생위원장, 개척전도 위원장, 회계 ,

*사무총장/ 서기: 조남홍, 부서기:김응배, (남부)부서기: 최병호 감사:

공천위원회 보고 및 심의 중에 질의 응답 및 토론이 있는 후에 잠시 정회하고 헌법에 위배 되는 사안들을 조정하여 조정된 후 공천위원회 공천을 받기로 하다.

[정회] 5 분간 정회하기로 하다.

[속회] 최병호 목사의 기도로 속개하다.

공천위원회가 다음 같은 부분을 검토하여 보고 한 후 노회장 표결에 부쳐 가결하다.

첫째 김형순 장로는 회계로 이사회에서 빠진다. 단 자동적으로 투표권 없는 이사회원이 된다(헌법)
둘째 차기 총대223차는 목사 조은상 (노회장), 장로는 추후에 운영위원회에서 정하기로 하다.

각 위원회 공천 내역

년도	북부지역	남부지역	비고
이사회	이사회: 이사장 박관준		남.북 통합
Class 2017	1년조: 조명철, 이해경(장)	이원걸	
Class 2018	2년조: 박관준, 강기석, 최병호		
Class 2019	3년조: 김형순(장), 김영미(장), 이원걸		
상임사법위	상임사법위원회: 강기석	남북통합	
Class 2018	2년조: 박관준,심영순(장),김성웅		
Class 2020	4년조: 최창규(장),강기석,김세준		
Class 2022	6년조: 이원걸, 남윤상,김창수(장)		
목회위원회	목회위원회: 전은기	최병호	
Class 2017	1년조: 마종욱(장), 조은상, 윤치현,		
Class 2018	2년조: 전은기, 배현수, 최창규(장)		
Class 2019	3년조: 김희태(장), 김정숙, 최동구(장)		
후보생위원회	후보생위원회: 김정숙	허성영	
Class 2017	1년조: 이용일, 김정숙		
Class 2018	2년조: 조은경, 김성원,		
Class 2019	3년조: 서보창, 박종우(장)		
공천위원회	공천위원회:	김범수	
Class 2017	1년조: 이영호, 김신태		

Class 2018	2년도: 김응배, 조은상		
Class 2019	3년조: 박연익,이성자(장),김춘호(장)		
대표위원회	대표위원회: 윤치현	김선재	
Class 2017	1년조: 임용락, 김일배(장)		
Class 2018	2년조: 윤치현, 이정남, 김희태(장)		
Class 2019	3년조: 이대성, 김창수(장)		
교육위원회	교육위원회: 김신태	임기윤	
Class 2017	2년조: 전진은, 김범수		
Class 2018	3년조: 권 준, 김성원		
Class 2019	3년조: 김신태, 이정남		
선교개발위	선교개발위원회: 배현수	조진영	
Class 2017	1년조: 하상범, 이승환		
Class 2018	2년조: 배현수, 김순원(장)		
Class 2019	3년조: 안현준, 선우주현,		
재정위원회	재정위원회: 김형순(장)	김대왕	
Class 2017	1년조: 조동렬(장), 김형순(장)		
Class 2018	2년조: 권 준, 김일배(장)		
Class 2019	3년조: 박종우(장), 전은기		

 총무청빙위원회 7명 (위원장) 최병호 목사
 (북) : 전은기, 조은상, 김형순, 박종우, (남부지역) 최병호, 조진영, 남윤상
 내규 수정위원회 7명 (위원장) 배현수 목사
 (북): 배현수, 박종우, 김범수, 조명철 (남부) 김세준, 남윤상,
 2018 년도 총회총대 : 조은상 목사, 장로: 추후 운영위원회에서 결정
 대회총대 : 조남홍 목사, 김형순 장로

특별위원회 보고 사항

- 대회 상임사법 위원회의 결정을 총회에 상소할 것인가에 대하여 토의 한 후 상소하지 않기로 결의하다.
- 조사 위원회 기간 만료에 대하여 연장할 것인지 기소 위원회를 구성할 것인지는 차기 운영위원회에서 논의하기로 하다.

기타 사항

- 예산이 세워져 있지 않으므로 재정위원회에서 예산을 세울 때까지 총무의 사례를 월 1000불로 책정하여 지불하기로 결의하다. 이에 대하여 임시노회 안건이 아니라는 이의도 있었으나 55차 정기노회에서 2월 임시노회에 예산을 편성하여 보고하라는 결의가 있었으므로 회계 보고의 연장선상에서 할 수 있다는 유권해석이 있었다.

총무보고: 이미 앞서 다루어 졌으므로 사무총장 특별한 보고가 없음을 보고하다

폐회: 폐회 동의와 재청으로 노회장 조은상 목사의 기도로 회의를 마치다.

PROPOSED AMENDMENTS TO THE CONSTITUTION

Approved By The 222nd General Assembly (2016)

		No		
		Affirm.	Neg.	Action
16-A	Child/Youth Protection Policy—Amend G-3.0106 (Item 05-09)	29		
16-B	Parity in Committees—On Amending G-3.0109 (Item 06-05)	29		
16-C.1	On Amending F-3.0202 (Item 06-08, Recommendation 1)	29		
16-C.2.	On Amending G-2.0102 (Item 06-08, Recommendation 2)	29		
16-C.3.	On Amending G-2.0301 (Item 06-08, Recommendation 3)	29		
16-C.4.	Amend G-2.05, G-2.0501 (Item 06-08, Recommendation 4)	29		
16-C.5.	On Amending G-2.0701 (Item 06-08, Recommendation 5)	29		
16-C.6.	On Amending G-3.0307 (Item 06-08, Recommendation 6)	29		
16-C.7.	On Amending Titles (Item 06-08, Recommendation 7)	29		
16-C.8.	On Amending W-4.4001a. (Item 06-08, Recommendation 8)	29		
16-D.1.	On Amending G-2.0509 (Item 06-10, Recommendation 1)	29		
16-D.2.	On Amending D-10.0401 (Item 06-10, Recommendation 2)	29		
16-E.	On Amending G-2.1101 (Item 06-15)	29		
16-F.	The Ministry of Members—Amend G-1.0304 (Item 09-11)	29		
16-G.	Access to the Lord's Table—Amend W-2.4011 (Item 14-03)	29		
16-H.	On Replacing the Current Directory for Worship (Item 14-04)	3	24	2

Request for Stay of Enforcement

Signature of Three members of Permanent Jurisdiction Commission

To: Atlantic Korean American Presbytery(AKAP)

Stated Clerk, Atlantic Korean American Presbytery

From: the Session of Maryland Presbyterian Church(MPC)

Clerk of the MPC Session

Date : July 30, 2016

Complaint : Session of MPC

vs

Respondent : AKAP

We, Session of MPC are submitting this request with the complaints of remedial case for correcting irregularities by the AKAP.

AKAP decided to form an AC for the MPC by the motion from the Board of Trustees on the 54th Presbytery meeting with the reasoning as follows below

Rational 1 MPC did not pay the lawyer's fee for transferring the property to the AKAP. but this is false and irrelevant reason to form an AC. Book of Order G-4.0101 states that Presbytery has the responsibility to manage the rights of properties.

Rationale 2. AKAP tried to contact with MPC through e-mail to consult the management of the property but MPC Session has not responded for past 8 months. This is a false and irrelevant statement. Board of Trustees did not contacted with the MPC session not only through email but also any other way.

Rational 3. MPC did not cooperate with AKAP but protested to the NCP about the transfer of property. But this is false and irrelevant statement.

Rationale 4. Currently there are only 1 or 2 families left from Hana Church who have contributed to purchase the MPC property. This is an irrelevant and false reason to form the Administrative Committee (AC).

Rationale 5. "Currently Now the MPC is in violating the Book of Order of the PCUSA." . This is false. This statement does not point to which portion of the Book of Order that MPC is violating

Rational 6. According to G4-0101 the Board of Trustees do not have the right to dissolve the session so Board of Trustees' motion to form an AC and dissolve the session is violating the Constitution of PCUSA.

As we explained above, all the reasons to form an AC for MPC are false and irrelevant. So the decision to form an AC for the MPC by the 54th presbytery meeting aggravated the rights of the session and the rights of the congregation also violated the Constitution of the PCUSA.

Now the presbytery's action need to be restrained by allowing the request of stay of enforcement until the deliberation of PJC's Judgment.

If this is not allowed, there might be taken place a great damage to the presbytery as follows

1. Constitution of the PCUSA will be destroyed and great confusion will about to happen in running all the presbyteries.
2. There will be started more conflicts and distrust between presbytery and the local churches.
3. The relationship will be worsened between the members of the presbytery and the local church's leadership.
4. The rule of PCUSA will be down and lost identity of the presbyterian
5. A lot of losses and damages will be given to the members of MPC.
6. so many law suits are filed

So we request the stay of enforcement until all the errors and irregularities are corrected by the proper judgment of PJC.

Complaint : Session of the MPC the Clerk of the Session Dong Yul Chough

Respondant : AKAP

집행유예 신청

날짜 : 2016 년 7 월 30 일

고소나 상소를 접수하는 상임 사법전권위원회의 위원 3 명의 서명 요구서

고소인 : 메릴랜드교회 당회

대

피고소인 : 대서양한미노회

본 고소인 메릴랜드 교회 당회는 2016 년 7 월 19 일자 제 54 차 노회의 결의가 위법이 되었으므로 상임사법전권위원회의 판결이 있을 때까지 집행 유예를 위한 이 요구서를 제출합니다

이유 : 행정위원회를 구성해야 하는 이유로서 다음과 같이

1. 노회가 지불한 변호사 비용을 본 당회가 지불하지 않았다고 하는 이유는 행정위원회를 구성할 이유와 아무런 관계가 없는 사항입니다. 이는 노회의 이사회가 재산권 보존이나 이전을 위한 책임을 진다는 것이 헌법에 명시되어 있기 때문입니다.(G4-0101). 이 비용을 지불하지 않았기 때문에 행정위원회를 구성한 노회의 결의는 헌법을 위반한 행위를 함으로 본 당회를 해산시키는 중대한 손상을 입혔고 본 교회 존속에 중대한 손해를 초래 했습니다.
2. 본 노회가 본 당회와 재산권 이전 후의 후속조치를 함께 협의하고자 공문을 보낸 것은 여러 번이 있으나 8 개월간 아무 응답이 없었다는 것은 거짓입니다. 여러 번이 아니라 딱 한번 공문이 왔습니다. 그 이메일에 우리 당회는 즉시 질문으로 회답을 하였고 노회에서 이사회를 통해 보내겠다고 한 변호사의 법적 서류를 기다리고 있었습니다. 그것이 사실임은 증거로 제출한

이메일의 날짜가 3월 16일 인 것으로 볼 때 8개월은 분명히 거짓입니다. 그리고 없었다고 하는 기간도 없었던 것이 아니라 4월 이후 이사회를 통하여 집행하기로 약속된 이사회 의 서류를 계속 기다린 것입니다.

3. 본노회의 요청은 무시하고 수도노회에 재산권 이전을 항의하였다는 것은 거짓입니다.

법률관계에 대해 우리 교회와 수도노회와의 재산권에 대한 과거의 선례를 문의했을 뿐 항의했다는 것은 근거없는 거짓입니다. 그리고 증거로 첨부한 이메일에 보시는 바와 같이 사무총장의 공문에 거짓말이 들어가 있음을 밝힌 증거가 있기 때문에 거짓말이 들어간 공문을 발송한 사무총장의 책임도 함께 물어야 할 것입니다

4. 현재 메릴랜드장로교회의 교인 중에 재산형성 과정에 참여한 교인이 한두 가정 뿐이라고 한 이유도 거짓입니다. 한두 가정이 아니라 13 명이 남아 있습니다. 그리고 그것이 행정위원회를 구성하는 이유와는 전혀 관계없는 이유입니다.

5. 무조건 현재 메릴랜드 장로교회는 헌법을 어기고 있다고 하는 애매한 주장과 노회에 손해를 입힐 가능성이 있다고 하는 이유는 지난 40년간 수도노회에 재산권 문제로 손해를 입히거나 행정위원회가 구성된 적이 없다는 점으로 보아 근거 없는 주장이고 행정위원회를 구성할 이유에 해당되지 않습니다.

5. 이사회가 당회를 해산하는 권한이 없다는 헌법 G4-0101 조항을 위반하여 이사회가 당회를 해산하는 행정위원회를 구성하는 동의안은 PCUSA 헌법을 위반했습니다

이와 같이 행정위원회를 구성한 이유가 전부 거짓이거나 관계없는 이유를 들어 행정위원회를 구성하기로 한 노회의 결정은 노회에 소속된 본 당회와 교인들의 권리를 심각하게 해치고 정당한 노회의 활동을 통하여 이루어야 할 본교단의 헌법을 위반하는 결과를 초래하였습니다.

만일 취해진 결정이나 결의가 유예되지 않을 경우, 다음과 같은 해(불이익)가 일어날 것입니다

1. 장로교의 헌법질서가 무너지고 노회 운영은 대 혼란에 빠지게 될 것입니다
2. 교회와 노회 간의 불신과 분쟁이 유발하게 될 것이며
4. 노회 회원간이나 일부 평신도 리더십들과의 관계가 악화 될 것이며
5. 미국장로교회의 법은 무용지물이 되어 정체성을 잃게 되며
6. 모두에게 말할 수 없는 손실이 발생하게 될 것으로 사료되며
7. 고소 고발이 잇따르게 되는 사태가 오게 될 것입니다

노회에서 결정한 메릴랜드장로교회의 행정위원회 구성을 재판을 통하여 잘못된 오류들이 바로 잡아질 때 까지 집행을 유예해 주시기를 신청합니다



고소인: 메릴랜드 장로교회 당회 서기 조동열

피고소인: 대서양 한미노회

OBJECTION & ANSWERS To Remedial Case

Preamble

Before answers are given, the counsels of Atlantic Korean American Presbytery (hereafter, “AKAP”) appeal to review again the request of stay of enforcement because the clerk (Elder Dong Yul, Cho) filed it individually in the name of his session but it turned out it was done without approval of the session of the Maryland Presbyterian Church, hereafter “MPC”). The witnesses will appear to stand at hearing to testify about it with other problems in their midst. It is a violation against the Book of Order (D-6.0202(3)). Also he is not able to be an elder commissioner as the presbytery had never been reported him as 2016 commissioner even it was mistakenly listed on the 54th dockets. It is also a violation against Book of Order. (D-6.0202(1)). He has only once attended the Stated Presbytery Meeting. Therefore, the stay of enforcement filed in the name of him with his title is not able to be validated.

The complainer blames the presbytery that no opportunities were given to them but ironically no opportunity was given to its member(s) for filing this complaint. The session is consisted of four members (pastor and three elders), but it was turned out that no session meeting was held to take any legal action. It is serious violation against the book of order. Power is not shared but the clerk with his pastor becomes the “lord of the session.” (F-3.0305, F-3.0308) Therefore, it is seriously concerned about the possible alteration of the session records on his part, as the session has never submitted them to be reviewed by the Presbytery (G3.0202c).

Also the complainer’s rationales are misinterpreted and intentionally mistranslated as well, in Korean reading. The complainer added a few lines to support his groundless assertion in English version. In Korean original text, no matching text exist in Korean original text. This is an intentional lie. (See, Attachment # 5 both Korean text and English translation, especially second line underlined with illuminated red color in its second paragraph).

The complaint rationales are not sole reasons to organize the Administrative Commission (hereafter, “AC”). They are “background histories” in brief what had happened in last for 8 months, after property transfer was complete, originally submitted by August 4, 2015 and approved December 8, 2015) (**Exhibit # 1**). Shorten statement of the motion for AC was to be helpful to reduce the large volume of dockets of 54th Stated Presbytery Meeting. The motion was seconded and unanimously carried after debate and discussion at the floor.

Whatever the case may be taken, hereby, the counsels of Atlantic Korean American Presbytery humbly submits answers before Permanent Judicial Commission against complainer’s each and every rationale in detail by dividing it into several sections.

Rationale 1-1

MPC did not pay the lawyer's fee for transferring the property to the AKAP but this is false and irrelevant reason to form an AC. Book of Order G-4.0101 states that Presbytery has the responsibility to manage the rights of properties.

Answer 1-1-1

The complainer pointed it out only a partial truth without mentioning what happened in past or how the process has been done. The fee issue originally came from National Capital Presbytery (hereafter, "NCP."). NCP offered to share the legal fee (50%) arising from Property transfer (Exhibit #1-3) and AKAP responded to it to share a half.

With the background explanation, it was delivered to the pastor of the church whether or not to take charge of it as benefiter using and occupying the property (Exhibit # 2). Then, he pledged to consult with his session, but no single word or phone call has been received up to now (6 months) since then (February 11, 20016).

The Executive/Stated Clerk wrote a warning letter personally not officially to him in order to avoid possible trouble with the presbytery in future. If it is read by any Korean, it will be clear what it is; none is writing an official letter like that way. If it was regarded in official letter, confirmation step must be taken first by him or his session.

Owing to keep in silence over the suggestion since March 3, 2016 (Attachment # 3), AKAP paid it and the presbytery has received another tax bill relating the property for 2016-201. (Exhibit # 1-2).

Answer 1-1-2

It is true, as the complainer quoted it as "the presbytery has responsibility to manage the rights of properties." The property is not trusted by MPC, but owned by the presbytery (AKAP) as "Deed Holder" titled by Atlantic Korean American Inc. Therefore, if any parties who wants to use it, they must cooperate with its presbytery, unless otherwise they should move out for the mission and ministry of AKAP. The complainer's argument is so contradictive in this regard. Furthermore, if they have no intention to leave this denomination like ceaseless rumors and complains in Korean Community surrounding the leadership and the session in their midst.

Rationale 1-2

According to Attachment 1 translation and original language, Presbytery AKAP contacted with MPC through email to consult the management of the presbytery but MPC Session has not responded for past 8 months this is a false statement.

Answer 1-2-1

“No response for last 8 months” is a technical mistake of 6 months miscalculated but if it is counted from December 8, 2015 it is true. Whatever, the truth cannot be changed because the email suggesting legal fee for property transfer was sent on February 11, 2016 (**Exhibit # 2**) seeking quick answer because the due day of payment was passed almost three months and due to this outstanding the deed of property were not able to be receivable. Since then, not a single word has been heard of it

...We have been in conversation with Rev. Nam Cho through email (see Attachment # 3-10),

Answer 1-2-2

This is not true Rev. Nam Cho talked about once in person before the email written February 11, 2016. Also the attached complainer’s evidences are not related to the original request for an answer, (**Exhibit #2**), other emails listed in Attachment 3-10 of the complainer are not able to be counted and does not make sense, as they are irrelevant to the original request forwarded on February 11, 2016.

For examples, Attachment # 2-3 of complainer were never received by presbytery office or Executive/Stated Clerk or Chair of Board of Trustee. It is first time to see those attachments as it was never delivered to right person(s) or right committee. None of presbytery or committee has received them. As shown in addressees, it is easily turned out they were delivered to wrong persons, even though the title of email shows one of addressees is Rev. Nam Cho, EP. Those emails had never come in and it was cheated

Attachment #3 of complainer is unacceptable, crafty, because it is not related to the offer of legal fee written February 11, 2016. It was written April 24th, 2015 and so it is nothing to do with the current issue. This shows how much the church leadership has been disconnected with this small community, and how much they have been in ignorance of the life and mission of the presbytery. No single commissioner was present in any and every Presbytery meeting(s) and gathering(s). So the complainer’s argument has no validity.

Attachment # 4 of complainer was sent to National Capital Presbytery not Atlantic Korean American Presbyter. It is no relevant to communication with the presbytery. It shows that the session had no intention to cooperate with his presbytery.

Rational1-4

...and his letter to us on attachment 5 and attachment 5 translation stated that Board of Trustees will contact MPC Session to consult the issues so we were waiting until now for 3 months to hear from the Board of trustees.; however; we never received any messages regarding the matter or any contact.

Answer 1-4-1

It is a plausible excuse. Attachment # 5 of the complaint is a warning email personally written by Rev. Nam Cho, March 3, 2016 because of no response on the email dated on February 11, 2015, in a concern about the possible trouble with the presbytery as the stated presbytery meeting was at hand. More serious problem than any other ones here in this discussion is this one; the complainer altered and added a few lines of sentence in English translation. There is no corresponding or matching or parallel content to Korean original text. (See the second lines underlined and illuminated area in red color of second paragraph. (Attachment # 5). It is not a technical mistake or typos but sentences were purposely added.

Also the English translation is so awkward and misled. It is necessary to be read by Korean native. Why? None is writing like that way of official letter. It is a piece of informal advices. If it was taken seriously as its claim, the session must confirm it first to the presbytery as it was a pastoral letter to Rev. An so that he may be encouraged to take some action upon the request as he pledged to consult with his session. There is no indication as it is official letter to the session but to the pastor. Therefore it cannot be a valid vindication to wait for 3 months to hear from the Board of Trustees. As it can be seen in complainer's Attachment # 3, 4, 6, and 8) the session kept contacting the National Capital Presbytery (NCP) instead of AKAP without a single word to AKAP what to do for Executive Presbyter's suggestion. AKAP has never heard of anything about it just like, "Yes," or "No" or "Just wait," or "Hold on," "Let's us think about it," and the likes.

Attachment # 6 of the complainer is the one which is not related to this presbytery. This email was sent to different presbytery (NCP, not with AKAP) it cannot be also a response to the presbytery.

Attachment # 7 of the complainer is the EP/Stated Clerk's comments to the messages of the National Capital offered, and it is no relevant to the contact with the Presbytery. It also cannot be a communication with the presbytery, either.

Attachment # 8 of the complainer is also no relevant to the AKAP but a commentary of EP of NCP. It is not communication with the Presbytery.

Attachment # 9 of the complainer are questions about Attachment # 4 which needed not to answer because the session listened fully enough what they wanted from NCP through visitation and consultation without informing AKAP. NCP, however, informed us what it was.

Attachment # 10 of the complainer is asking Rev. Nam Cho for answer of their inquiry to help for “witch hunting” in their midst. What AKAP wanted was an answer upon a suggestion but the session has worked hard for unrelated businesses instead of replying to the offer.

Attachment # 11 of complainer was written after AC was organized. It cannot be a correspondence to the category of “no response for last 8 months.”

Rationale1-5

....As can be seen in attachment 2 and attachment 2 translation, we tried to keep contacting with the Board of Trustees and the Stated Clerk of the AKAP. I can forward to you the email.

Answer1-5-1

Attachment # 2-3 were never received by presbytery office or Executive/Stated Clerk or Chair of Board of Trustee. It is first time to see those attachments and it was found that those two emails were sent to wrong persons and wrong time. One is sent to wrong person, the other was sent to the previous chair in the year 2015 which is not relevant to the current issue. This means how much the pastor and session clerk have been in disconnected to the presbytery and in ignorance of the life and mission of the AKAP as answered in the above.

.... We did not have a fair opportunity to explain our situation about this misrepresentation from the Board of Trustees when Presbyter Meeting was deciding on the motion.”

Answer 1-5-2

It is not true. Fair opportunities were given enough but they have abandoned their right to tell to the presbytery by themselves. None interfered or restrained the right to say was, is, and, will be in any single meeting(s) or gathering(s) but neither their commissioner nor their pastor attended in any single meeting or gathering. Also there many chances to talk through web site or Presbytery chatting room, formally and informally as all presbytery businesses frequently discussed first through social like “Kakapo Talk (chatting and messages carrier). Even at regular different Korean Pastor’s meeting, Executive/Stated Clerk has been available but no response or conversation was done regarding the matter. This is why blaming the presbytery does not make sense.

The complainer's arguments are to escape their responsibilities to take and but it is like to lay their faults at our threshold.

Rationale 2

According to Attachment 1 and translation, MPC did not cooperate with AKAP but protested to the NCP about the transfer of property. But this is false statement. MPC session asked about the rights of ownership of the property to the NCP, and NCP gave the answer to both our session and the presbytery AKAP as you can see from attachment, 4,6,7,8. We never protested to the NCP or to the AKAP. Our intention was to clarify our understanding of the issue by acquiring further information form the NCP, not to protest or blame anyone. Therefore, the statement of the Board of Trustee's motion is not true.

Answer 2

MPC does not object to the phrase, "Not cooperated with AKAP," but very sensitive about the word "protest." Visiting to NCP is indirect protest with hidden agenda. The complainer's argument regarding this is the wrapped form of vindication. There were no reason to do that if it was not wanted to trace up and investigate the whole transaction between two presbyteries in distrust of its own presbytery. At that time, AKAP was waiting for answer over the offer mentioned above from MPC but instead of replying to it, MPC was contacting with NCP behind the scene and NCP informed AKAP of it. It is a clear example of coming in the spirit of no trust and no cooperation with its own higher governing body.

Rational 3

This is an irrelevant and false statement to form the Administrative Committee (AC). However, we have 13 members from Hanna Church, and this cannot be the reason to form A.C. Because MPC session formed just 2 years ago by the AC from the AKAP which is never dissolved by the Presbytery meeting.

Answer 3-1

As said in preamble, it is a background story not one of reasons to organize AC. n Hana had not contributed to purchase the property but participated in it partially after mergence and being allowed to use it but current leadership with handful members never contributed to it. If they are the ones who contributed to purchase it, the evidence must be submitted. The presbytery with Korean Community are well known about how the property has formed. The church has twice merged. The session did not attach any evidence regarding the membership. The session has never submitted its records to the concerned committee for annual/biannual review and even n annual congregational statistic reports were filed in General Assembly. If it is wrong information, evidences must be presented.

Regarding the AC issue, it is not true, if it is not dismissed the current session is not valid and no right to file such a complaint. The mission of then AC was defined its dismissal right after formation of session, whatever it was declared at the presbytery meeting or not. (Exhibit # 4, second page rea colored area) The 13 members of Hana are have never confirmed, as mentioned above, the session has never submitted minutes or records upon request. There is no supporting document, whatever it is false one or real one. Also if it is confirmed, there is no difference who formed the assets as mortgage was paid off almost 15 years ago.(2003) The current handful members is not able to use it without cooperation of the presbytery with no documentation.

....Currently there are only 1or 2 families left from Hana Church who have contributed to purchase the MPC property. This is an irrelevant and false reason to form the Administrative Committee (AC).

Answer 3-2

Hana church was merged into Old Maryland Presbyterian Church who contributed a great deal of mortgage not current handful members or Hanna members. Current small members came from YeRam church with the pastor and his followers included in the current clerk after a long internal troubles and they are the ones who caused to split of the United Presbyterian Church (National Capital Presbytery.) After leaving, they started with the name of Yeram, nearby the United Presbyterian Church. It was serious concerned by the COM and NCP. They have not given a penny to the purchasing of the church.

Rationale 4

... "Currently Now the MPC is in violating the Book of Order of the PCUSA." .This is false. This statement does not point to which portion of the Book of Order that MPC is violating

Answer 4

As earlier mentioned, they are not enough to state in details in the dockets in larger volume, do it was explained and debated at the presbytery meeting and approved. However, it can be listed as follows;

1. No Minutes submitted for reviewed and never participated. (G-3.0202c, G30108a)
2. Without consent, to rent sanctuary to a Latino Congregation (G-4.0206a, b.) 3. To rent a Baptist group irrelevant to PCUSA with no consent.(G-4.0206a.b)
4. Pastor's no cooperation of Investigative Committee (Exhibit #).
5. Pastor is accused of false statement at the 50-1st Called Presbytery Meeting.(Exhibit # 6)

6. No annual report to the GA(G-3.02029)
7. No fair process of elder election/hand pick level without voting.
8. Unsolved designated fund mishandled.(G 3.0205)
9. Unsolved the Pastor's embezzled the mission fund.(Exhibit # 5)
10. No commissioners to the presbytery(G.-3.0202a)
11. "Witch Hunting" in their midst to inform the errors (Attachment # 10)
12. No annual terms of call submitted.(G.30108)
13. Other mishandled financial issues since merge September 30, 2012

Rational 5

....And also there are risks to give financial burden to the AKAP but MPC session did not make any problems to give financial burden to the NCP 40 years.

Answer 5

The Presbytery did not mention any financial burden but the complainer misled to the truth. The presbytery suggested to share the legal fee as beneficiary but keeps protesting against and avoiding dialogue but blaming. If no intention to leave the denomination shown in many cases of some Korean congregations, the session should cooperated with the presbytery. The presbytery expressed concerns about possible damages if legal issues arising from any sue or accidents as having no insurance in the name of AKAP as the owner.

Also, current member are not qualified to acclaim their financial matter because none was involved in formation of the property purchase. So their 40 years of financial contribution is a lie. Most of the members came in when merged with small handful congregation.

Also without rental income it is well known already, the ministry will be dwindled or barely survived, and also designated fund has misused and pastor's embezzled a mission fund. As it can be seen in Exhibit # 5, a complaint about it was informed from NCP in the period of transition, but previous Administrative Commission had never reviewed financial records.

Rational 6

....According to G4-0101 the Board of Trustees do not have the right to dissolve the session so Board of Trustees' motion to form an AC and dissolve the session is violating the Constitution of PCUSA.

Answer 6

The complainer's argument is stemmed from his/her ignorance of the Presbyterian

Polity and Parliamentary Procedures of the Presbyterian Church (U.S.A.). Board of Trustee has never organized the Administrative Commission, but made a motion and General Council recommended it to the presbytery. Also it was seconded and carried after debates and discussion.

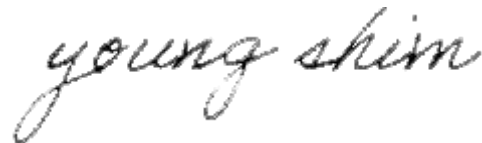
Hereby, the counsels of the Atlantic Korean American Presbytery appeal before Permanent Judicial Commission of Synod of Mid-Atlantic that in your discernment the stay of enforcement with a remedial complain should be turned down in order that the mission and ministry of the Atlantic Korean American Presbytery should be done in decency and order.

Counsels of the Korean American Presbytery

Rev. Dr. David K. Kang

Rev. Chiheon Yun

Dr. Young Soon Shim





3601 Seminary Avenue, Richmond, Virginia 23224-3420 | www.synatlantic.org

Session, Maryland Presbyterian Church (Complainant), v.
Atlantic Korean American Presbytery (Respondent)
Remedial Case 2016-003

Trial, Decision and Order

Arrival Statement

This remedial case came before the Permanent Judicial Commission of the Synod of the Mid-Atlantic (SPJC) filed by the complainant, the session of Maryland Presbyterian Church (MPC), against Atlantic Korean American Presbytery (AKAP). While the complaint was initially addressed to AKAP, clearly MPC intended to file its complaint with the next higher Council of which AKAP is a part, and so this SPJC has received it as Remedial Case #2016-003. The complaint was dated July 30, 2016.

Jurisdictional Statement

This commission finds that it has jurisdiction, MPC has standing to file the complaint, the complaint was timely filed, and the SPJC can grant relief requested in the complaint.

Appearances

The trial was held on January 10, 2017 at the Hilton Garden Inn in Sandston, Va. Teaching elder (TE) Jon An, pastor, and ruling elder (RE) Dong Yul Chough, clerk of session, appeared on behalf of the complainant. AKAP was represented by its committee of counsel (COC), TE David K. Kang and TE Chiheon Yun. In addition, Synod Executive and Stated Clerk Warren Lesane, Jr. was present. Ten SPJC members were present and participating, meeting the quorum required by D-6.0103g for a trial: William Parish, Aaron Frank, Terry Sholar, John Goodman (clerk), Donna Graves, William Millsaps, Jr., Carol Haas (moderator), Helen Dean, Mack Dagenhart and Bob Riddle. James Pak, being a member of another church within the respondent presbytery, was recused from participating in this case under D-5.0205 and thus was not present and took no part in this trial. In addition, Freddie Peaco and William Pittman were not present and took no part in this trial. Currently no member from Shenandoah Presbytery serves on the SPJC.

History

MPC reported that on July 20, 2016 it received an email from the AKAP Stated Clerk reporting action taken by AKAP at its meeting of July 19, 2016 as follows:

As attachment, the 54th Stated Presbytery Meeting approved the organization of Administrative Commission who has all power to take care of Maryland Presbyterian Church. Accordingly your session was dissolved and your decision without approval of AC is void from the date. If you violated the rule, it will be disciplined according the the [sic] book of order.

According to the statement of complaint, the MPC Session reviewed AKAP's decisions and decided to initiate a complaint against AKAP concerning irregularities in the decisions made in that meeting concerning MPC. Claiming that AKAP's actions were "based on the groundless accusations and the false information from the Board of Trustees," the Session further chose to request a stay of enforcement of the actions taken at the July 19, 2016 meeting pertaining to MPC. The complaint stated what it called six "rationales" and "evidence" for the complaint:

1. **According to [AKAP's documents], AKAP contacted with MPC through email to consult the management of the property but MPC Session has not responded for past 8 months. This is a false statement. We have been in conversation with Rev. Nam Cho through email (see Attachment 3-10) and his letter to us on Attachment 5 and attachment 5 translation stated that Board of Trustees will contact MPC Session to consult the issues so we were waiting until for 3 months to hear from the Board of Trustees; however, we never received any messages regarding the matter or any contact.**
...we tried to keep contacting with the Board of Trustees and the Stated Clerk of the AKAP....We did not have a fair opportunity to explain our situation about this misrepresentation from the Board of Trustees when Presbytery meeting was deciding on the motion.
2. **According to [AKAP documents], MPC did not cooperate with AKAP but protested to the NCP about the transfer of property. But this is false statement. MPC session asked about the rights of ownership of the property to the NCP, and NCP gave the answer to both our MPC session and the presbytery AKAP....We never protested to the NCP or to the AKAP. Our intention was to clarify our understanding of the issue by acquiring further information from NCP, not to protest or blame anyone....**

3. **According to [AKAP documents] currently there are only 1 or 2 families left who have been contributed to purchase the property of members of the MPC from Hana Church who contributed to purchase the property left only 1 or 2 families. This is an irrelevant and false statement to form the Administrative Commission. However, we have 13 members from Hana Church, and this can not be the reason to form A.C. Because MPC session formed just 2 years ago by the AC from the AKAP which is never dissolved by the Presbytery meeting.**
4. **[AKAP document] also states, “Currently now the MPC is in violating the Book of Order of the PCUSA.” This is false. This statement does not point to which portion of the Book of Order that MPC is violating Board of Trustees did not provide any evidence that the MPC is violating the Book of Order....**
5. **And also there are risks to give financial burden to the AKAP but MPC session did not make any problems to give financial burden to the NCP for 40 years.**
6. **According to G-4.0101 the Board of Trustees do not have the right to dissolve the session so Board of Trustees’ motion to form an AC and dissolve the session is violating the Constitution of PCUSA.**

The complaint asked that AKAP’s action of July 19, 2016 to appoint an administrative commission with power to assume original jurisdiction be set aside, to set aside AKAP’s action to dismiss the MPC session, and to determine the source of misinformation which is being given to AKAP.

Because the complaint included a request for a stay of enforcement, the SPJC officers followed the steps as spelled out in D-6.0103 in presenting the request for stay of enforcement to the full membership of the SPJC. The required number of SPJC members (D-6.0103d(2)) did indicate their concurrence with the statement required by the Rules of Discipline for approval of a stay, and so the request for a stay was granted. The Synod Stated Clerk communicated the Stay on August 23, 2016.

Subsequently, on September 12, 2016 the Synod Stated Clerk received from the COC an objection to the stay of enforcement, as provided for in D-6.0103g. As required by the cited provisions, the SPJC moderator called the commission to meet for a hearing for the sole purpose of deciding whether the stay of enforcement should be modified, terminated, or continued until the SPJC reaches its decision on the merits of the case.

Simultaneously with filing their Objection to the Stay, the COC also filed a second document entitled “The Objection & Answers to Remedial Case,” the substance of which closely paralleled the Objection to the Stay. Under the requirements of D-

6.0303, the Synod Stated Clerk was to have received a “concise answer” to the complaint. Since no document was received which bore the title of “concise answer” or which referenced D-6.0303, the SPJC inferred that “The Objection & Answers to Remedial Case” was intended to fulfill that requirement.

After receiving the complaint from MPC and “The Objection & Answers to Remedial Case” from the COC, the SPJC officers finalized and on September 27, 2016 distributed their findings with regard to the preliminary questions of D-6.0306, transmitting the findings to the SPJC members, to MPC, the COC, the stated clerk of AKAP, and the Synod Stated Clerk. The findings were as follows:

a. “the council has jurisdiction”

YES. The AKAP is a constituent presbytery within the Synod.

b. “the complainant has standing to file the case”

YES. The session of MPC is the council of a member church of AKAP.

c. “the complaint was timely filed”

YES. AKAP took actions at its 54th stated meeting, held July 19, 2016, which the session of MPC in its complaint dated July 30, 2016 alleges to have been irregular. Thus the complaint has been filed within 90 days of the alleged irregularities as required by D-6.0202a.

d. “the complaint states a claim upon which relief can be granted” **YES. The SPJC can grant relief as requested, to set aside AKAP’s action of July 19, 2016 to appoint an administrative commission which assumes original jurisdiction of MPC, and to set aside AKAP’s action to dismiss the session.**

Since neither party nor any SPJC member challenged these findings within 30 days, they stand as the findings of the full SPJC. But before the case could move to trial, the SPJC had to rule on the respondent’s objection to the stay of enforcement which was imposed at the request of the complainant (D-6.0103g).

Accordingly, on November 29, 2016 the SPJC conducted a hearing in Sandston, Va. with eight members present, exceeding the quorum requirements of D-6.0103g, and with the respondent and the complainant present and presenting their respective arguments with regard to the objection to the stay of enforcement. The SPJC ruled and ordered that the stay of enforcement was continued until the complaint would be tried and decided on its merits, and that said trial would take place January 10, 2017.

In anticipation of the trial, on December 6, 2016 the Synod Stated Clerk addressed a letter to the complainant, the committee of counsel and the stated clerk of the respondent, and the SPJC members. The letter confirmed the trial date, and requested materials for the trial including the following: “The SPJC Officers request that both parties prepare a brief to be submitted to the Synod Office no later than January 3, 2017 that indicates how the Presbytery fulfilled its responsibilities for a thorough investigation and full opportunity for the session to be heard prior to the Presbytery meeting on July 19, 2016 as outlined in G-3.0303e.”

On December 31, 2016 the complainant submitted its trial brief. A brief described as “Answers against the complainants’ brief” was received from the respondent on January 9, 2017

The brief which complainant submitted December 31, 2016, in response to the information which the SPJC officers requested in their letter of December 6, 2016, listed and discussed five “Specification of Errors” made by AKAP, as follows:

#1. The AKAP erred in the internal decision making process when it voted to approve the motion from the Board of Trustees meeting....

#2. The AKAP also had failed to follow another critical due process....G-3.0303e requires AKAP to conduct ‘thorough investigation and full opportunity’ to be heard for the MPC before sending the A.C. To our best knowledge, AKAP has never attempted to investigate the probably irregular matters AKAP might have presumed in our church before making decision to dissolve our session....

#3. AKAP formed a new AC without dissolving previous A.C. MPC has been already under the previous A.C. for merging two churches. The previous AC should stay until all the legal processes finalized not only transferring the title of the property but also paying the legal fee....

#4. CoC also did not seem to follow the due process preparing the objection document....

#5. CoC is slandering MPC session and pastor without evidence....

Prior to the date scheduled for the trial, on December 18, 2016 the AKAP Stated Clerk forwarded to the General Assembly’s Assistant Stated Clerk and Manager of Judicial Process and copied to Synod’s Stated Clerk a document which the AKAP Clerk described in his cover note as “a complaint against the Synod of Mid-Atlantic regarding the decision made by PJC of Synod of Mid-Atlantic on November 29, 2016.” The document itself carried the title, “Notice of Appeal” and “Complainant: The Atlantic Korean American Presbytery vs Respondent: The Synod of Mid-Atlantic.” Subsequently, the Manager of Judicial Process advised the Synod Stated Clerk that the GA PJC declined to accept the appeal, ruling that it could not consider such an appeal until the Synod PJC completed its actions on the case. Accordingly, this document was not shared with the SPJC, and the SPJC moderator continued in her call for the trial of the case to take place January 10, 2017.

The trial followed the Order of Events for the Trial, approved by the SPJC and sent in advance to all parties (copy attached). This allowed both parties to fully state their positions—with opportunities for rebuttal and for the commissioners to ask questions and/or make comments.

Specifications of Irregularities

(As in “rationales” and “evidence” of the original complaint)

Specification of Irregularity #1: AKAP alleged that presbytery contacted MPC through email to consult the management of the property but MPC session has not responded for past 8 months, which accusation was false.

No action was taken on this irregularity.

Specification of Irregularity #2: AKAP alleged that MPC did not cooperate with AKAP but protested to the NCP about the transfer of property, which accusation was false.

No action was taken on this irregularity.

Specification of Irregularity #3: AKAP claimed there are only one or two families left who contributed toward purchase the property from Hana Church, a claim which is false and irrelevant to formation of the administrative commission.

No action was taken on this irregularity.

Specification of Irregularity #4: AKAP alleged that MPC is violating the Book of Order but provides no evidence of such violation, and the accusation is false.

No action was taken on this irregularity.

Specification of Irregularity #5: In contrast to AKAP’s allegation, MPC session made no problems concerning financial burdens to National Capital Presbytery for 40 years.

No action was taken on this irregularity.

Specification of Irregularity #6: Motion of AKAP’s Board of Trustees to form an administrative commission and dissolve MPC’s session is in violation of the Book of Order.

This specification was sustained.

Decision

Forming an Administrative Commission to assume original jurisdiction of a church is an extraordinary step for a Presbytery to take. G-3.0303e provides a process for a presbytery to assume original jurisdiction over a particular church when it determines that the Session cannot or will not exercise its authority wisely. The prescribed process requires the presbytery to engage in a “thorough investigation” with “full opportunity for the Session to be heard.” The SPJC found that AKAP did not conduct a “thorough investigation” providing the Session with a

“full opportunity to be heard” prior to taking action on July 19, 2016. Further, the notification which the moderator and clerk of session of MPC received from the AKAP Stated Clerk included the word that AKAP’s action of July 19, 2016 was to “dissolve the Session” of MPC. While G3.0303e does provide requirements and steps for a presbytery to determine that a Session cannot or will not manage wisely its affairs and to appoint an administrative commission with full power of the Session, it does not empower the presbytery to “dissolve the Session.”

Order

IT IS THEREFORE ORDERED that the actions taken by AKAP regarding MPC on July 19, 2016, appointing an administrative commission “who has all power to take care of” MPC, and “dissolving” the MPC session be considered null and void effective immediately, and that AKAP take action to rescind those actions at its earliest opportunity, with MPC’s sitting session exercising the powers and responsibilities as a session effective immediately. Further, that in future exercise of authority over and care for its member congregations and their sessions, AKAP exercise great diligence in observing the “letter” of the church’s constitutional standards as well as their intentions and their “spirit”, honoring all safeguards provided for in our Constitution.

IT IS FURTHER ORDERED that the Stated Clerk of Atlantic Korean American Presbytery report this Decision and Order to the Presbytery at its first meeting after receipt, that the Presbytery enter the full Decision and Order upon its minutes, and that an excerpt from those minutes showing entry of the Decision and Order be sent to the Stated Clerk of the Synod of the Mid-Atlantic.

IT IS FURTHER ORDERED that the Clerk of Session of Maryland Presbyterian Church report this Decision and Order to the Session at its first meeting after receipt, that the Session enter the full Decision and Order upon its minutes, and that an excerpt from those minutes showing entry of the Decision and Order be sent to the Stated Clerk of the Synod of the Mid-Atlantic.

Recommendations

It is further recommended that:

AKAP form an Administrative Commission WITHOUT original jurisdiction to work with the church Session to resolve issues. The AC and Session are encouraged to meet as soon as possible to begin their work.

AKAP clarify in its minutes that all previous commissions appointed to work with MPC be dismissed

AKAP and the Session each separately document their concerns and share them in writing with the other party.

Session work with AKAP's Board of Trustees to resolve issues related to the property: title, use, upkeep, maintenance, payment of the bills, long term rental to other parties, etc. It is the SPJC's opinion that the holder of the title should be responsible for paying the bill associated with the title transfer from National Capital Presbytery.

The Synod of the Mid Atlantic oversee the process between the AC and Session of MPC. This may be accomplished by inviting someone from another Presbytery to serve in this capacity.

ATTEST:

Carol Haas
Moderator

John Goodman
Clerk

January 10, 2017

ATTACHMENT:

“Order of Events, January 10, 2017””

RE: Nominating Committee

JL

Joyce Lieberman <Joyce.Lieberman@pcusa.org>

Reply |

Tue 1/10, 9:19 AM

You replied on 1/12/2017 4:42 PM.

To: Nam Hong Cho akap1997@hotmail.com;

Sorry, Nam. Your email was down deep in the pile that accumulated during the holidays. I hope my answers aren't too late.

So, as I understand the issue, your presbytery is having issues with the balance of ruling elders and teaching elders not only as commissioners to presbytery but for presbytery committees and commissions as well. Correct?

First, the easier answer is the one about the balance of committees and commissions of presbyter.

"Councils may designate by their own rule such committees and commissions as they deem necessary and helpful for the accomplishment of the mission of the church, and may create such structures jointly with other councils, in consultation with the next higher council. In appointing such committees and commissions councils shall be mindful of the principles of unity in diversity consistent with the provisions of this Constitution (F-1.0403, G-3.0103). A **committee** shall study and recommend action or carry out decisions already made by a council. It shall make a full report to the council that created it, and its recommendations shall require action by that body. Committees of councils higher than the session **shall consist of both teaching elders and members of congregations, with at least one half being members of congregations.**

A **commission** is empowered to consider and conclude matters referred to it by a council. The designating council shall state specifically the scope of the commission's powers and any restrictions on those powers." G-3.0109 "A commission of presbytery, synod, or General Assembly **shall be composed of ruling elders and teaching elders in numbers as nearly equal as possible and sufficient to accomplish their work.**" G-3.0109b. so, for a commission, the nominating committee nominates ruling elders and teaching elders in nearly as equal numbers as possible. Those ruling elders are not constitutionally required to be commissioners to presbytery unless your presbytery rules say they must.

And for a **committee** of presbytery, the nominating committee nominates church members and teaching elders to serve on committees. Those church members are not constitutionally required to be ruling elders or commissioners to presbytery and there is not constitutional requirement for the makeup of the committee to be in as equal number as possible between members and teaching elders.

Now to your more specific questions:

(1) Is it illegal if Presbytery nominating committee recommend someone who are not elder commissioner but serviceable? For him or her, nominating committee need to get approval from his or her session or minister?

See my answer above. It is not required to seek the approval of his/her session. However it might be wise to have some sort of reference checking with their congregation in terms of whether they work and play well with others and have the gifts and skills needed by the presbytery for the particular committee/commission work they are being considered for.

(2) Do we have any nominating guidance or procedure in Presbyterian way, if not, nominating committee can make any guideline or policy? Otherwise the presbytery should take any policy?

It is expected that presbytery will have its own rules about how the nominating process will be handled.

(4) For general council members we can use the term "member at large" for elders? We uses it for balance of clergy and elders in general council but someone argues against it asserting that the term uses for only clergy. But my understanding is that the member-at-large means the members who have no specified position just like chair but the one who serviceable in general and for balance of teaching elders and ruling elders as the council consist of chair of each committee and representative Presbyterian men or women...etc. Mine is misinterpretation?

This is up to your presbytery, about how you want to structure your general council which could include ruling elders who are elected as "members-at-large." You are free to use that term.

(5) For the balance of teaching elder and ruling elder, if the presbytery requests each session, to recommend more than one for elder balance to presbytery, is it the biggest sessions or congregations dominate whole presbytery as they want. Is it fair?

Most often I see presbyteries ask congregations to elect according to size. (See the number of GA commissioners elected in G-3.0501. Also, here is an example from the Presbytery of Santa Fe standing rules):

Ruling Elder commissioners shall be elected by each session according to the following table:

Church Membership Number of Commissioners

1-120: 1 Elder

121-190: 2 Elders

191-250: 3 Elders

251-500: 4 Elders

501-1000: 5 Elders

1001-1500: 6 Elders

1501-2000: 7 Elders

2001+: 8 Elders

Remember that commissioners are not elected to be “representatives” of the congregation. So, while in theory, the bigger congregations could “dominate the whole presbytery” all commissioners are to work together ... “not simply to reflect the will of the people, but rather to seek together to find and represent the will of Christ.” F-3.0204.

Does this answer your questions? Better late than never?

May you have a most blessed 2017?

In Christ

Rev. Joyce Lieberman

Associate Stated Clerk, Constitutional Interpretation
Office of the General Assembly
100 Witherspoon Street
Room 4617
Louisville, KY 40202
(502) 569-5434

From: Nam Hong Cho [mailto:akap1997@hotmail.com]
Sent: Wednesday, December 14, 2016 11:16 AM
To: Joyce Lieberman <Joyce.Lieberman@pcusa.org>
Subject: Re: Nominating Committee

Dear Joyce,

Greetings in Advent Season. Always thankful for your leadership and service for our Presbyterian System and Procedure.

This morning after presbytery meeting, I have a question to be clear.

As you might know we are small presbytery and have small congregations with session. That is why we are hard to organize presbytery committee to make equal or almost equivalent number of clergy and elders for its balanced nomination. We are serious unbalance of clergy and elder commissions. So we have tried to do our best.

Due to limited number of commissioners from member churches our Presbytery nominating committee has to recruit elders from member churches, firstly from regular elder commissioners

from organized churches, secondly, presbytery nominating committee recruit elders from the church that is in state of lack of quorum of session, and thirdly, we recommended the elders who are not in active service after three year service; inactive session members, even retired elders for full participation of all available elders. It has done through recommendation of session or directly contacted to the elders who are willing to elders according to the principle of G-3-3. It must be done by session? Nominating committee cannot do it?

My questions are,

- (1) Is it illegal if Presbytery nominating committee recommend someone who are not elder commissioner but serviceable? For him or her, nominating committee need to get approval from his or her session or minister?
- (2) Do we have any nominating guidance or procedure in Presbyterian way, if not, nominating committee can make any guideline or policy? Otherwise the presbytery should take any policy?
- (4) For general council members we can use the term "member at large" for elders? We uses it for balance of clergy and elders in general council but someone argues against it asserting that the term uses for only clergy. But my understanding is that the member-at-large means the members who have no specified position just like chair but the one who serviceable in general and for balance of teaching elders and ruling elders as the council consist of chair of each committee and representative Presbyterian men or women...etc. Mine is misinterpretation?
- (5) For the balance of teaching elder and ruling elder, if the presbytery requests each session, to recommend more than one for elder balance to presbytery, is it the biggest sessions or congregations dominate whole presbytery as they want. Is it fair?

Thank you in advance.

Nam Cho
Atlantic Korean American Presbytery
3211 Paul Dr. Wheaton, MD 20902
(301)864-9255

MEETING EXPENSE VOUCHERS

IRS Regulations require that expenses be reported within 60 days or the reimbursement becomes taxable.

MEETING OF: _____
 PLACE: _____ DATE: _____

EXPENSE DETAILS

Travel by auto (round trip mileage)
 Driver _____ miles _____
 Passenger Names _____

 Travel by Plane, Bus or Train **(Receipt required. See instructions #4)** _____
 Parking (Receipts required) _____
 Tolls (Receipts required) _____
 Cab Fare (Receipts required) _____
 Lodging **(Receipt required. See instruction #3 and #5)** _____
 Meals **(Receipts required for all expenditures over \$10.00) # of Meals** _____
(See instructions #3 and #6.)
 Other Expenses **(Receipts required)**

 Less Contribution to Presbytery as a tax deductible gift (_____) _____
 Less Deductions (Single Room/Spouse's Meals, etc.) (_____) _____
 TOTAL EXPENSES _____

PAY AMOUNT AND MAIL CHECK TO:

Check here if new

<p>PLEASE PRINT: NAME: _____ PHONE: (_____) _____ ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____ EMAIL ADDRESS: _____ SIGNATURE: _____</p>
--

address

Approved by: _____ (Committee Chair, Presbytery Staff Person)

NOTE: See instructions on reverse side for completing voucher. Please do not submit expense voucher without the required receipts, as it will delay processing.

OFFICE USE: Charge Account #: _____