

## **To the Administrative Commission:**

We appreciate the opportunity to engage with you on the evening of Monday, December 9, to discuss the AC's perspective on what it believes can and cannot be negotiated, as well as the requirements for further discussions.

Our Session expresses gratitude for TE Sean Hall, who, during the trial on November 23, proposed the possibility of mediation and encouraged all parties to explore resolutions or alternative paths forward beyond closing arguments. This suggestion raised our hopes for constructive dialogue and potential solutions.

As we stated at the trial, we were and remain willing to mediate the issue of membership rolls to facilitate Beverly Heights Presbyterian Church's progression toward a dismissal vote under the 5-10 process. We sought a good-faith conversation, aspiring to what Rev. Hall described as a "Christmas miracle."

Our commitment to mediation is not new. In March 2024, we participated in mediation with the hope of resolving these issues. During the subsequent workshopping of the final agreement language, we learned that the Presbytery interpreted certain sections differently. Through our attorneys, we repeatedly recommended returning to mediation, only to have these overtures ignored.

Entering the meeting on December 9, we were hopeful for meaningful discussions about mediation — a step we have consistently pursued in good faith. However, we were deeply disappointed by the outcome. The AC reasserted prior orders and clarified its refusal to engage in negotiations regarding our membership rolls.

From the meeting, we understand that, before mediation can even occur, Beverly Heights Session must:

1. Undergo a limited financial review.
2. Provide Session minutes from October 2023 onward.
3. Agree to distribute all AC communications to the congregation.
4. Require Pastor Devlin to undergo a clinical psychological evaluation.

Even if these requirements are met, the AC has indicated it will only consider negotiating the membership status of individuals received after October 9, 2023. They will not consider contested or former members.

We find the above three requirements for Session and the additional requirement for Pastor Devlin unnecessary stipulations laid upon Beverly Heights in order to proceed to negotiations and we find the limitations on negotiations surrounding members to be unjust.

As confirmed during the Zoom call, the AC's stipulations are tied to ongoing trial proceedings. If the AC asserts it cannot dismiss those charges, why are disputed elements of an active trial

being used as prerequisites for mediation? This approach undermines the principle of impartiality and suggests an unwillingness to engage in genuine dialogue.

Furthermore, the Honorable Judge Caruso already offered an opinion regarding new members during the original mediation discussion stating that new members of a non-profit in the Commonwealth are indeed members in every capacity and that their voting rights cannot be removed.

Finally, the AC's unwillingness to adequately address those who are on the AC's rolls who are deceased, those who have moved residence, and those whose membership is in dispute will lead to the disenfranchisement of the active members of the church.

The AC has claimed that this Session disenfranchises former members by not reinstating them per its orders. However, former members retain the constitutional right to request reinstatement of their membership (BOG 8-3.D.c). This Session has never barred individuals from making such requests or attending worship. The obstruction comes solely from the AC, which has hindered these individuals' ability to regain active status.

We reiterate our willingness to engage in goodwill negotiations or mediation regarding membership rolls. However, the AC's current demands and restrictions make it clear that this body is unwilling to mediate in good faith. Should the AC decide to approach this matter justly and seek to mediate, the Session remains open to dialogue.

Soli Deo Gloria,

**Beverly Heights Presbyterian Church Session**