

AMENDED COMPLAINT

I, Daniel B. Eller, am an elder at Greenville ARP Church and was serving as a delegate to the called meetings of Second Presbytery on Tuesday, August 13, 2024. During the course of the second called meeting, I filed a Complaint with the clerk alleging that the actions taken by Second Presbytery during the second meeting were unconstitutional as the entire meeting did not follow the Form of Government. I am now amending the previously filed complaint to include the following allegations:

1. “The General Synod is the highest court of the Associate Reformed Presbyterian Church, representing in one body all of its particular presbyteries. Its primary responsibility is the initiation, planning, organization, and administration of programs designed to enable it to carry on the mission of God in Christ's Church by word and deed in the General Synod, the congregation, the presbytery, and the whole world.” ***Manual of Authorities and Duties, Introduction, paragraph #1.***

2. “The General Synod is the highest court of the ARPC and represents all of its Presbyteries. It bears the title of the General Synod of the Associate Reformed Presbyterian Church and constitutes the bond of union, peace, and correspondence among all of its congregations and courts.” **Form of Government 12.1.**

3. “In its denominational administrative functions the General Synod has the power to...(D) Require all lower courts, institutions, and special ministries to observe the Standards;...(I) Oversee the affairs of the entire denomination, **directing** such measures as are necessary for the promotion of the peace, purity, and prosperity of all congregations under its care.” **Form of Government 12.24 (D) & (I).**

4. Pursuant to the Form of Government (9.30) ministers take several vows, including the following pertinent vows:
 - a. Do you accept the government, discipline, and worship of the Associate Reformed Presbyterian Church as agreeable to and founded on the Word of God?
 - b. Do you promise to submit in the spirit of love to the authority of the Presbytery in subordination to the General Synod, and to promote the unity, peace, purity, and prosperity of the Church?

5. Similarly, the Form of Government (8.17) states the vows that elders are to take, including the following pertinent vows:

- a. Do you accept the government, discipline, and worship of the Associate Reformed Presbyterian Church?
 - b. Do you promise to submit in the spirit of love to the authority of the Session and to the higher courts of the Church?
 - c. Do you promise in all things to promote the unity, peace, purity, and prosperity of the Church?
6. Regardless of whether one is a minister or an elder, both have vowed to accept the government of the Associate Reformed Presbyterian Church. Furthermore, Ministers of the word have vowed to “submit in the spirit of love to the authority of the Presbytery *in subordination* to the General Synod, and to promote the unity, peace, purity, and prosperity of the Church.” Elders likewise vow “to submit in the spirit of love to the authority of the Session and to the higher courts of the Church and to promote the unity, peace, purity, and prosperity of the Church.”
7. The highest court of the Associate Reformed Presbyterian Church, The General Synod, held its annual meeting in June of 2024.
8. As a result of the 2024 meeting of The General Synod, eight (8) recommendations from the Special Committee to Investigate Second Presbytery’s Handling of Allegations Against Chuck Wilson were passed, along with two additional clarifying motions. The pertinent recommendations to this complaint were:
 - a. That Second Presbytery be dissolved as of September 1, 2024;
 - b. That the churches of Second Presbytery in South Carolina be moved into the bounds of Catawba Presbytery¹;
 - c. That the churches in Georgia be moved into the bounds of Tennessee-Alabama Presbytery;
 - d. That the General Synod encourage members of Second Presbytery to transfer their credentials to Catawba or Tennessee-Alabama presbyteries (depending upon their geographical location);
 - e. That the Moderator appoint a commission in order to oversee the transfer of assets and dissolution of Second Presbytery;
 - f. That the General Synod encourage Catawba and Tennessee-Alabama presbyteries to use assets received for the purpose of church

¹ Upon information and belief, a motion was made and passed to amend this recommendation to clarify that the bounds of Catawba Presbytery be expanded to include all of the South Carolina churches presently in Second Presbytery as it would be physically impossible to “move” the churches into the bounds of Catawba. The undersigned believes and asserts that a similar motion was made, and passed, concerning recommendation number 3 so as to expand the bounds of the Tennessee/Alabama Presbytery so as to include the churches physically located in the State of Georgia.

strengthening, already existing church plants, and new church planting, giving special consideration to the geographical areas of the former Second Presbytery;

The two additional clarifying Motions were made and passed, which state:

- g. That the Moderator establish a commission to oversee and distribute funds to fulfill and continue the existing financial obligations of Second Presbytery and that the same commission study the best use of the remaining funds for the furtherance of the gospel in our denomination; and
 - h. That the Moderator direct the commission to deal with funds of Second Presbytery and be allowed to deal with the dissolution of Second Presbytery and to handle any requests for churches in Second Presbytery to change from their new presbytery.
9. General Synod acted within its authority and for the purpose of promoting the peace, unity, and prosperity of the congregations under its care located in Second Presbytery when it decided to dissolve Second Presbytery.
10. Upon information and belief, the moderator called the first meeting and members of Second Presbytery, with knowledge of the actions of General Synod petitioned the moderator of Second Presbytery a second called meeting on August 13, 2024.
11. “If any matters which require immediate attention arise between the stated meetings, meetings shall be held upon the call of the moderator...At least one week’s notice of called meetings shall be given to all member of the Presbytery specifying the time and place of the meeting **and the particular business** for which the meeting is called. **No other business shall be transacted at called meetings except that specified in the notice.” Form of Government 10.12 (emphasis added).**
12. The notice of the first called meeting appeared, on its face, to include matters which did not require immediate attention. The undersigned (Dan Eller) issued a Point of Order at the outset of the first meeting of Second Presbytery petitioning the moderator to rule all of the agenda items, with the exception of the agenda item pertaining to the hiring of outside legal counsel to assist with the dissolution of Second Presbytery. The moderator agreed and ruled those items out of order.
13. The ruling of the moderator was challenged and overturned by the court. The first meeting went forward.

14. At the conclusion of the first called meeting, a second called meeting was held. The notice circulated to the presbyters for this called meeting stated that the purpose of the meeting was to: “Provide for open response and any actions related to the dissolution of Second Presbytery for congregations and ministers.”
15. Prior to calling the second meeting to order, the Moderator attempted to cancel the meeting and stated that the petition was out of order. Some members of the gallery of delegates became angry. There were threats made, including an attempt to remove the moderator and to declare Mark Wright as the new moderator. One delegate even shouted that the moderator and other officers were free to leave and that a meeting would still be held. After several minutes of commotion, the moderator succumbed and went forward with the second meeting.
16. During the second meeting a free for all ensued. First, a Motion was made by Peter Waid to forgive the debt of a Baptist Church. Regardless of the underlying merits of such a petition, it does not appear to be an emergent matter nor was this request specified in the notice of the called meeting. Second, a motion was made and passed to allow for churches to avoid all of the procedural safeguards of the Form of Government and to simply provide a notice to the clerk of their desire to be “dismissed” from Second Presbytery prior to September 1, 2024. Again, this motion does not appear to be an emergent matter, was not specified in the notice of the meeting, and more importantly—it calls for a procedure outside of the current Form of Government.

For the foregoing reasons, the undersigned hereby pray that the General Synod will review the actions taken by Second Presbytery at the called meetings held on August 13, 2024 and OVERULE and VACATE all such actions taken by Second Presbytery that were unconstitutional and contrary to the Form of Government.

This the 19th day of August, 2024.

s/Daniel B. Eller

Daniel B. Eller

WE HEREBY STATE THAT WE AGREE AND THEREFORE JOIN IN THIS COMPLAINT:

s/ Andrew Di Iulio

s/David T. Griffin

Rev. Andrew Di Iulio

Rev. David T. Griffin