

**SPECIAL COMMISSION RE REFERENCE NO. 1, 2023**  
**PRESBYTERY OF WESTERN HA-CA RE CORRECTIVE CASE**

To the Venerable, the 149th General Assembly:

**PREAMBLE**

The Rev. Sungill Tim Choi, Director of the Edmonton Urban Native Ministry, initiated a corrective case against the Presbytery of Western Han-Ca on May 25, 2022. Shortly thereafter, in a related matter, the Rev. Alfred Lee initiated a series of petitions against the Presbytery of Western Han-Ca. The Presbytery of Western Han-Ca decided that it was unable to conduct these cases because one of the parties involved in both cases was serving as presbytery moderator. Therefore, the decision was made to refer the matter to the Synod of British Columbia.

The synod executive, on May 16, 2023, submitted a reference to the 2023 General Assembly because it would not meet prior to the General Assembly. Therefore, it forwarded the complaint to the higher court; that one of the parties was the current moderator of synod; and that it did not have the capability to deal with documents in Korean. In its correspondence with the General Assembly, the synod stated, “Complicating matters is the fact that the Rev. Alfred Lee is currently the moderator of the Synod of British Columbia and many of the supporting documents are written in Korean, which no other Executive members can read, other than Rev. Lee.”

**TERMS OF REFERENCE**

The Terms of Reference for the Special Commission (A&P, 2023, p. 19–20) are as follows:

1. The commission is established under the authority of Book of Forms 290 having all the powers of the General Assembly within its terms of reference.
2. All parties shall be made aware that the judgment of the commission is final and must be obeyed (Book of Forms 290.4).
3. The procedures and actions of the commission shall be consistent with the laws of The Presbyterian Church in Canada, in particular, legislation regarding the conduct of a Corrective Case (Book of Forms 381 ff) and the principles of procedural fairness.
4. The commission shall be made up of five members of The Presbyterian Church in Canada with at least two of them being fluent in Korean and English.
5. The commission shall be given authority to call for, confirm and examine the judicial record (Book of Forms 378 ff) and any other records it deems to be relevant.
6. The commission shall be empowered to review and comment on the process and procedures followed by the Presbytery of Western Han-Ca and the Synod of British Columbia to arrive at its decision.
7. The commission shall be empowered to call before it, by citation, witnesses on behalf of the complainants and the respondent presbytery.
8. The commission shall meet expeditiously and, after its review and judgment, bring the matters to a conclusion with due regard for the best interests of all concerned and for the peace and harmony of the Church of Jesus Christ.
9. Reasonable expenses for the members of the commission to carry out their work shall be reimbursed according to provided guidelines.
10. The commission shall report its action to the 2024 General Assembly and shall use, insofar as is possible and appropriate, the following framework: Preamble, Terms of Reference, Membership, Procedures, Findings, Analysis, Decision and Judgment, Pastoral Comment.
11. The commission shall be supported by the Rev. Victor Kim (Principal Clerk) and Ms. Terrie-Lee Hamilton (Senior Administrator, General Assembly Office).

**MEMBERSHIP**

The members of the commission, including consultants, were: the Rev. Dr. Beth McCutcheon (convener), Mr. David Christiani, the Rev. Jinsook Khang, the Rev. In Kee Kim, the Rev. Dr. Jean Morris, the Rev. Victor Kim (Principal Clerk) and Ms. Terrie-Lee Hamilton (secretary).

Following the early stages of the commission's work, the Rev. Jinsook Khang was unable to participate further on the commission.

## **PROCEDURES**

The commission met on November 2, 2023 and determined that the complaint of May 25, 2022 of the Rev. Sungill Tim Choi was in order. Subsequent meetings were held to review the documentation provided by the Rev. Sungill Tim Choi and the Presbytery of Western Han-Ca and to arrange the January 2024 meeting to proceed with a corrective case (Book of Forms 381 ff). The commission met in the Vancouver area with the complainant and the presbytery over two days in January (January 11–12, 2024) with the hope of resolving the matter. No resolution was achieved. Therefore, the commission proceeded with a hearing that was held on March 7, 2024 in Vancouver.

The complainant, the Rev. Sungill Tim Choi and the respondent, the Presbytery of Western Han-Ca were advised that a hearing would be held on March 7, 2024. The commission cited the complainant and the respondent along with any witnesses to appear on that date at Kerrisdale Church, Vancouver.

Present at the hearing, in addition to the commission were: the complainant, the Rev. Sungill Tim Choi and his advisor, the Rev. Thomas Kim; the Rev. Dr. Cheol Soon Park, representing the Presbytery of Western Han-Ca, the respondent and the Rev. Hyo Jin Steve Park, Clerk of the Presbytery of Western Han-Ca and the following witnesses:

Requested by the complainant: the Rev. Henry Han, the Rev. Yongwan Cho and the Rev. Peter Baek.

Requested by the respondent: the Rev. Hyo Young Joo and the Rev. Kyung Dae Kim.

The hearing was conducted as follows:

Constitution of the Commission with prayer.

Welcome and introductions.

Affirmation of the citations circulated.

Attendance of the parties, advisors and witnesses.

Administration of the oath to the parties and witnesses.

Reading of the complaint.

Opening Statement by the complainant.

Opening Statement by the respondent.

Complainant presented evidence, called witnesses to address each point, witnesses were cross-examined by the respondent.

Respondent presented evidence, called one witness, the witness was cross-examined.

Commission posed questions for clarification.

Closing Statement by the Respondent.

Closing Statement by the Complainant.

The commission reconvened the evening of March 7, 2024 to deliberate and to reach a decision concerning the complaint.

The commission met with the parties on March 8, 2024 at Kerrisdale Church to render its judgement for which it provided rationale. It then administered the censure in private to the presbytery and the respondent, since it was an admonition.

## **FINDINGS**

The commission upheld the complaint of the Rev. Sungill Tim Choi.

The Presbytery of Western Han-Ca failed to follow the denomination's "Policy and Procedures for Addressing Harassment in the Church" (2021).

There was a significant delay in responding to the complaint of the Rev. Sungill Tim Choi dated May 25, 2022, against the actions of the Presbytery of Western Han-Ca. The delay at the presbytery level was compounded by a delay at the synod level.

The May 25, 2022 complaint of the Rev. Sungill Tim Choi is against actions of the Presbytery on May 17, 2022 related to his initial September 2021 complaint of harassment against another member of the presbytery. The commission

found that in the May 17, 2022 Presbytery minutes and other documents submitted to the commission, that the Rev. Sungill Tim Choi's complaint was not considered on its own merit but was repeatedly considered alongside concurrent petitions by the respondent. Multiple petitions were merged and considered simultaneously by the presbytery and the presbytery's investigative committee appointed to deal with the initial September 2021 complaint of harassment.

The individual named in the Rev. Sungill Tim Choi's September 2021 complaint of harassment was installed as moderator of the Presbytery before the matter was fully resolved.

Actions of the Investigative Committee and the Business Committee of the presbytery lacked transparency and accountability to the presbytery as a whole. There was secrecy in the name of confidentiality as the presbytery dealt with the original complaint of harassment and the May 25, 2022 complaint.

Presbyters exercised undue and inappropriate influence over each other.

There was an indiscriminate replacement of those in leadership roles as well as attempts to remove people in leadership roles.

Power was concentrated and authority was misused by individuals within the Presbytery.

## **ANALYSIS**

The Presbytery of Western Han-Ca failed to follow The Presbyterian Church in Canada's Policy and Procedures for Addressing Harassment in the Church (2021). The procedure in the presbytery was neither fair nor in order according to the church's polity and practice. Fairness is not just to the people involved but also to the process.

There was a significant delay in responding to the complaint. It took many months – well in excess of our practice and policy. The policy states:

On receiving the harassment complaint, the clerk or moderator shall forward the complaint to a committee of three individuals, at least one of whom is a member of the court of jurisdiction who shall promptly conduct an investigation. Since cases will vary in complexity, some investigations may be completed within a few days while more complex situations may take more time. Every effort should be taken to conduct the investigation and complete the report within 30 days, if possible.

In this case, there was a significant delay in dealing with this matter at the presbytery level and later at the synod level. A prompt response was expected from the synod and this would have helped with the process of the complaint. It would also have provided assurance to those involved that that complaint was being considered.

Any allegation of harassment must deal with that allegation on its own. The policy does not allow multiple petitions to be merged and considered simultaneously as they were in this case.

There was secrecy in the name of confidentiality as the presbytery dealt with the complaint. This is unacceptable. Secrecy can and does contribute to unhealthy power relationships. It fosters fear, anxiety, and a lack of trust. There are ways within the denomination's polity to ensure confidentiality without secrecy.

The individual named in the Rev. Sungill Tim Choi's September 2021 complaint of harassment should not have been installed as moderator until the matter was fully resolved. The Book of Forms 180 states that "when the moderator is a party concerned in any case before the court, the presbytery appoints another to take their place, who, for the time being, has all the rights and functions of moderator, but signs documents as "Acting Moderator".

In a presbytery meeting, the acting moderator, not the individual named by the Rev. Sungill Tim Choi, tried publicly to dissuade the Rev. Sungill Tim Choi from exercising his right to due process. No one challenged the acting moderator. The dysfunctionality of the presbytery contributed to the unfairness. Presbyters exercise undue and inappropriate influence over each other. The indiscriminate replacement of those in leadership roles and attempts to remove people in leadership roles, in addition to a lack of accountability, contributed to an erosion of trust, especially for the Rev. Sungill Tim Choi.

Power and authority were misused by individuals within the presbytery. Given the testimony that the commission heard regarding members of presbytery misusing power for personal gain or in order to deny others their rights as presbyters, the presbytery must take careful note of that when considering the oversight of its members on the constituent roll and appendix to the roll. The presbytery has an absolute duty and care to ensure that that responsibility is exercised diligently.

### **DECISION AND JUDGMENT**

Based on its findings, the commission has determined that the complaint of the Rev. Sungill Tim Choi dated May 25, 2022 against the actions of the Presbytery of Western Han-Ca is upheld.

### **PASTORAL COMMENT**

The commission commends the Rev. Sungill Tim Choi for his courage to speak up, his patience, his commitment to the presbytery, and his dedication to the specific ministry to which he has been called. The Rev. Choi continues to be willing to work with the Presbytery of Western Han-Ca even though it may be difficult after this process.

The commission commends the Presbytery of Western Han-Ca for their care for the Rev. Sungill Tim Choi by giving him a leave of absence, their willingness to recognize their shortcomings throughout the process, their willingness to work with the Rev. Sungill Tim Choi and to support Edmonton Urban Native Ministry (EUNM).

In the area of developing, respecting, understanding, and adhering to orderly procedures and processes of the denomination as set out in the Book of Forms, the commission expects there will be significant improvement in the coming months.

A contributing factor was the lack of a Korean translation of the Book of Forms and the denomination's Policy and Procedures for Addressing Harassment in the Church. The Book of Forms must be translated into Korean immediately. There is also urgent need for other key denominational policies that affect the life of presbyteries and their various ministries to be translated to Korean.

Clear delineation of roles and responsibilities (of individuals, presbytery committees, and the board of EUNM) is necessary to improve relationships, the functioning of the presbytery and the presbytery's witness.

It takes education and courage for presbyteries to express the authority and discipline of the church. The commission encourages ongoing education regarding the Book of Forms and key policies of The Presbyterian Church in Canada. We remind the Presbytery of Western Han-Ca of the resources of the national office and the willingness of individuals in other presbyteries to offer assistance.

We pray that relationships within the presbytery will be restored and strengthened.

Beth McCutcheon  
Convener