



Executive Summary and Recommendations

**Independent Investigation Conducted by GRACE
for Tates Creek Presbyterian Church**

June 7, 2019

I. Introduction and Methodology of Assessment

Scope

Godly Response to Abuse in the Christian Environment (“GRACE”) was engaged to provide an investigation with recommendations for Tates Creek Presbyterian Church in Lexington, Kentucky (“TCPC”). TCPC asked GRACE to “investigate allegations of misconduct by former youth minister, Brad Waller (henceforth, Waller), including but not limited to, how TCPC responded to such allegations.”¹ The investigation focused on what information the church received, when it was received, and what steps were taken in response to it. In addition, “TCPC requested that GRACE propose recommendations with regard to how TCPC can demonstrate repentance to anyone negatively affected as a result of the alleged misconduct and how such was handled by the church” as well as “propose recommendations as to how similar types of situations can be better addressed in the future.”²

Methodology

TCPC engaged GRACE on June 22, 2018 to conduct an independent investigation of how the church responded to allegations of misconduct by the former youth pastor. This individual has been accused of inappropriately rubbing the feet of young males affiliated with the church. GRACE conducted the investigation in three phases. In phase one, GRACE communicated with church representatives for the purpose of gathering the background and context needed for this review. GRACE investigators drafted and released an online survey³ and assessed the survey results.⁴ The survey was available online on August 31, 2018, and remained open for participants for the duration of the investigation. GRACE received a total of 41 responses to the survey. GRACE offered any individual who took the survey an opportunity to provide additional feedback to GRACE via an in-person interview, video interview, or phone interview. In phase

¹ This language was taken directly from the Engagement Agreement between TCPC and GRACE.

² *Id.*

³ The survey was offered to any person who wished to participate in the review, regardless of whether the individual had previously attended TCPC or not. When the survey was launched on August 31, 2018, Pastor Cunningham ensured it was sent it out to each person TCPC had in their email database, asking them to forward the link and information to anyone they knew who might be impacted. It was shared throughout social media, i.e., Facebook and Twitter. Pastor Cunningham sent the survey personally to every victim that had reached out to TCPC and encouraged them to participate. The survey defined “sexual misconduct” as follows: “Sexual misconduct is defined as any verbal, nonverbal and/or physical acts of a sexual nature that are 1) unwelcome or 2) performed without consent or 3) committed by one in a position of authority upon a subordinate. A child is a person 17 years of age or younger. An adult is a person 18 years of age or older.”

⁴ GRACE received a total of 41 responses to the survey. The survey indicates 42 respondents, however, one survey response was conducted by a GRACE investigator in order to ensure the survey was operational..

two, GRACE interviewed 14 individuals who had come forward to report the misconduct, were church leaders, or were other relevant witnesses. These interviews included both participants and non-participants of the online survey.⁵ Three additional respondents to the survey initially indicated they would be willing to speak with the GRACE team, but later declined further participation after they were contacted. In the third and final phase, GRACE processed and evaluated the information collected and drafted this Executive Summary and Recommendations. GRACE will meet with the Session to review this information in greater detail.⁶

II. Investigative Findings

A. Findings related to allegations of misconduct by former youth minister, Brad Waller

This investigation was predicated as a result of the following information: Brad Waller served as a minister at TCPC from 1995 to 2006 primarily directing the youth and college ministries. His most recent position in ministry was that of Senior Pastor at GRACE Church of the Islands in Savannah, GA. In February of 2018, allegations emerged from a student at Savannah College of Arts and Design in which the student advised his campus minister of an “experience he’d had with Brad [Waller] that left him feeling very uncomfortable.”⁷ The campus minister asked other students about their experiences with Waller and learned that additional students had been through similar experiences with him. It was reported to the Savannah River Presbytery, which conducted an internal investigation into the matter.

On April 17, 2018, Waller made the following confession during a meeting of the Presbytery, which has since been made public record, “I, Brad Waller, confess to the sin of abuse of authority in my role as pastor. I have been rubbing the feet of men and youth in my care. There was a sexual element to this, however, physically it never went past foot rubbing.”⁸

The Presbytery voted on that date to depose Brad Waller from his office as pastor and released the following statement, “At the April Stated Meeting of Presbytery at Westminster Presbyterian Church, Martinez, on Tuesday April 17, the Savannah River Presbytery voted to depose Brad Waller from Gospel ministry, for the abuse of power against minors and young men under his care, for the purpose of auto-erotic stimulation derived from foot rubbing, to which he confessed before the court [presbytery].”⁹

⁵ GRACE conducted a total of 5 in person interviews and 9 interviews via phone.

⁶ This will take place at a time and place agreed to by both GRACE and TCPC.

⁷ GRACE learned of this information via ADDRESSING OUR PAST A letter from Robert Cunningham. Due to the fact that this information was outside the scope of GRACE’s independent investigation at TCPC, GRACE did not interview this potential victim nor learn of the nature of the “experience.”

⁸ This language was taken from Pastor Robert Cunningham’s open letter to TCPC dated June 24, 2018.

⁹ *Id*

Robert Cunningham is the current pastor of TCPC and has been serving as part of the pastoral staff since 2006. Pastor Cunningham had met Waller in 2000 when Waller disciplined him. Pastor Cunningham interned under Brad for a three-month period. There was a very brief period of overlap when Pastor Cunningham was employed by TCPC before Brad departed for other ministry opportunities.

On April 22, 2018, Pastor Cunningham returned from an overseas trip and learned that the Savannah River Presbytery had deposed Waller based upon his confession of engaging in misconduct. Pastor Cunningham became concerned there may have been other young men who were victimized during Waller's tenure at TCPC. Pastor Cunningham personally contacted Waller and inquired if any information would be uncovered at TCPC of the same nature. Waller advised him that there should not be anything of that nature uncovered and minimized what had occurred. Pastor Cunningham promptly notified TCPC pastors, elders, and the congregation to determine if there were any victims, and he contacted GRACE.

On June 24, 2018, Pastor Cunningham addressed TCPC and the entire Lexington community in an open letter entitled, "ADDRESSING OUR PAST: A Letter From Robert Cunningham." The letter outlined the emergence of the allegations against Waller at GRACE Church of the Islands and identified the allegations as within the definition of sexual abuse.¹⁰ Furthermore, the letter addressed whether the TCPC leadership was aware of any abuse which may have occurred at TCPC and also outlined the steps TCPC would be taking in response to these allegations. It specifically addressed the victims, the outside community, the TCPC community, and the media.¹¹ The letter was made available to the public through local media outlets, social media, and the TCPC website.

Disclosures of Sexual Misconduct¹²

Seven individuals were interviewed by GRACE who reported that Waller rubbed their feet or somehow managed to place his face on their feet. These varied from underage men in the youth group to college age men to post seminary age men, some of whom served as interns and other positions under Waller. All were attending TCPC or were involved through Campus Crusade between the years of 1995 and 2006. Two of these individuals report that during an overnight event, they woke up and found Waller's face pressed against their feet or Waller touching their

¹⁰ In Pastor Cunningham's letter about addressing this issue he gave a rationale for why Brad Waller's behavior is considered "sexual abuse," including Waller's position of authority, the issue of consent, and Waller's confession that his actions were sexual in nature. He stated, "Brad's own confession says as much: 'I have been rubbing the feet of men and youth in my care. There was a sexual element to this...' This should be the end of the discussion. Pastors abusing their power to touch any part of the body of those under their care for any type of sexual purpose is both abusive and evil, and we refuse to entertain any argument to the contrary."

¹¹ Appendix Item 2: ADDRESSING OUR PAST

¹² Throughout this report, GRACE uses the term misconduct to remain consistent with language used in the engagement agreement with TCPC.

feet in some way. At least five individuals report that Waller convinced them to allow him to record video of him putting his face on their feet. This was done under the pretense that the video was going to be used as a humorous skit to be shown for the youth group. Of those interviewed who attended youth events or who were familiar with activities at youth events, no one reported any knowledge of Waller ever actually showing any of these videos in the youth group.¹³ Those who were videotaped reported varying excuses and reasons that Waller used in order to solicit their participation and the evidence that these excuses were fabrications. The following interviews were conducted of individuals who came forward indicating they had information relevant to the allegations in this matter.¹⁴

Interview: “Adam” According to Adam, he was introduced to Brad Waller in [REDACTED] by the campus minister for Campus Crusade for Christ at the University of Kentucky.¹⁵ Through this campus minister, Adam was brought to TCPC where he met Waller, and the two became friends.

[REDACTED]
[REDACTED] Adam [REDACTED]
[REDACTED] described Waller’s style as “charismatic and fun” as well as “engaging.” He also stated, “I still think it was biblical, I still think it was based on scripture and that he (Waller) cared about the Lord.”

Adam recounted that in [REDACTED], he began assisting Waller organize both on campus and off campus TCPC youth events. During an overnight event where they were sleeping in tents Adam recalled, “I remember sleeping in the tent and waking up to something touching my feet. And as I woke up and looked down, it was Brad, Pastor Brad. And he had his face, touching my feet.” Adam said he questioned Waller as to what he was doing, and Waller acted like he was just waking up and had somehow fallen asleep by his feet. Adam added, “I don’t even remember him [Waller] being in the tent to start with.” Adam described another instance when he was in a room on the TCPC campus that he described as being a storage closet converted to an office. He reported that Waller asked him if he would make a video for the youth that would somehow involve Adam’s feet interacting with Brad’s face. Adam stated, “And I remember being put off by the question. And I remember saying, ‘No Brad. I won’t do that.’” Adam remembers one other occasion that Waller made a similar request to which he responded, “No” and acted “a bit perturbed” by the question.

Sometime between [REDACTED] Adam and some of the young men he had known at TCPC in previous years had a get together and were playing cards. At some point during the gathering, the

¹³ In the absence of any of the videos ever being shown as a humorous skit, there is no other explanation for their production or existence other than Waller’s personal use.

¹⁴ Pseudonyms have been utilized for this report in the interest of confidentiality and sensitivity to those affected.

¹⁵ Adam reported that he had transferred to UK from another university and ended up attending TCPC until leaving in 2014.

subject of Waller and the feet incidents came up with one of Adam's friends (Later interviewed as witness "Edward").¹⁶ Adam did not recall how the conversation went, but both recalled similar incidents. Adam said they both found it to be "kind of weird" but not necessarily "weird enough to raise a flag." He added, "We said, 'what is going on? What is this, that we both kind of experienced?' And then we dropped it, and we didn't do anything else with it. There wasn't an intentional avoidance, it was just, it just kind of died."

Adam expressed regret that he and Edward did not pursue the conversation further, and do something about Waller's troubling behavior. Adam said they couldn't get past a perception of, "Hey, that was kind of weird," and they never talked about it again. Adam said he never saw the actions as being sexual in nature; he merely viewed them as odd stating, "I knew it was weird but I...and I'm asking myself this now, why didn't I put that together? Why didn't I see that this was sexual? Um, it just seemed weird."

Interview: "Bill" Bill was a student at [REDACTED] and became familiar with Waller through [REDACTED]. He described Brad as "a bit of a dynamic, fun, college and youth guy." He recalled that students were drawn to Waller because he was "fun" and "caring." He did not know Waller particularly well but he knew several young men that he felt Waller had "really invested in and disciplined." Bill attended events that were sometimes held either at Brad's house or at the TCPC campus. On one occasion, Waller asked him to come by his house. At the time, Bill interpreted the invitation to simply be a pastor reaching out to a college student. As they were hanging out together in Waller's basement, Waller asked if Bill would be willing to help him with something. Waller explained that there was a kid in the youth group who had created a fictional wrestler, and his wrestling move involved pinning down his opponent by holding their face down with his feet. Brad wanted to know if Bill would help him create a video for the youth group of this wrestling move. Bill found the request somewhat "odd" but not overly strange because the World Wrestling Federation (WWF) was very popular at the time.

Bill agreed to assist Waller and a video was recorded of him holding Waller's face down with his feet. Bill said the video didn't last for more than ten or twenty seconds, and he couldn't recall if they did it a second take or just the one. Bill never knew whether the video was ever shown to the youth group. Bill said he never thought to go and tell anyone about the incident. He said it was as if Waller were creating a scenario where "it would have been more odd for me to tell him (Waller) no in that moment" than to go along with it. Also, since Waller was the youth pastor and had offered a somewhat "plausible scenario", it did not give Bill cause for any great concern. He added it would have been odd to report it after the fact since there was no other information or accusations out there at the time.

¹⁶ See page 7-8, Interview "Edward."

Bill said he began to think about the incident later with some time and as he began to struggle with pornography and came across various fetishes while browsing the internet. He was not attracted to that type of fetish but said as you browse the internet, you run across videos of other fetishes. In retrospect, this made Bill wonder if feet were a fetish for Waller. Bill added that he wasn't even sure if Waller was still at TCPC.

Bill said, "What was so difficult, in retrospect, for me was the idea that, I was sexually abused without even knowing that it was sexual or that it was abuse at the time."

Interview: "Charles"

Charles was a member of [REDACTED]. He reported that Waller would have students help create video skits to be shown as ice breakers before Wednesday night youth gatherings. He had been a participant in a couple of these videos. On one occasion, he was alone with Waller playing retro video games in Waller's basement. Waller told Charles that he wanted to create a video about a Mexican luchador. Waller described how he had seen "an old movie or old TV show" or something of that nature where the wrestlers knocked each other unconscious at the same time. He told Charles this would be the same concept except it would be two choke holds where the people passed out at the same time. They laid on the floor to practice, and Waller had Charles place one foot on the back of his neck and head and place the other foot on his face over his mouth to suffocate him. Charles does not recall Waller doing the same thing to him. Charles said they practiced lying down with their feet at each other's head and to the best of his memory recalls Waller had him stand up and place one foot under his head and place the other over his mouth to suffocate him.

Charles does not remember anything happening that he considered "overtly, sexual contact" at the time. Charles said Waller may have simply grabbed his other leg and tried to put it in a leg lock or something. In recalling the incident, Charles stated, "What I do remember about it, and, the reason I remember is because I thought it was weird. It was in the middle of summer and I, you know, teenage boy, had stinky, sweaty feet...He wanted me to actually put my foot on his mouth, and I had my shoes off and my socks on."

Charles asked if Waller was sure he wanted him to perform the maneuver due to the condition of his feet, and Waller assured him it was no concern. Charles added that he did not find it uncomfortable, but he found it to be "gross." After the incident, Charles went back to playing video games, and was later driven home by Waller. Charles expressed he understands that sometimes victims who are traumatized suppress memories but he does not feel he is suppressing anything additional that happened. Charles recalled one other instance where Waller told him to put his feet up on the couch beside him and relax. This was after a day of hard, physical labor. Waller never touched or rubbed his feet but knowing what is known now, Charles wondered whether this was a source of sexual gratification for Waller. Charles said he never felt

uncomfortable around Waller after these instances and never had any other experiences with Waller that would be considered out of the ordinary.¹⁷

Charles said this has not really had a negative impact on him spiritually or emotionally, but it has given him a deeper level of compassion and understanding for those in the #MeToo movement.

Interview: “Donald”

Donald advised he met Waller around the year [REDACTED] and was discipled by him. [REDACTED]
[REDACTED]
[REDACTED]

Donald recounted one incident where he was at an out of town event with Waller, and they were sharing a room. They came back to the room to take naps and were lying down on their own respective beds. Donald said he woke up and Waller was on his bed holding his ankles while rubbing his face on Donald’s feet. He recalled saying, “What in the world?” Waller said it was extremely cold in the room. Donald recalls them making a joke out of it and putting it out of his mind until all of the information started to surface concerning Waller’s conduct.

Donald said he never recalled specific incidents of Brad rubbing feet, but he does recall witnessing Brad being in the office counseling with someone and their feet would be in his lap. He said, “I think that’s why I remember the imagery but I can’t remember a person because it was so common.” Donald also remembers Waller asking to rub his feet, but does not recall ever allowing it to occur.

Donald did not bring this behavior to the attention of anyone in leadership at TCPC. He advised one other witness he had spoken to was able to sum it up best when he remarked, “Brad had a way of making um, inappropriate abnormal behavior very normalized.”

Interview: “Edward”

Edward advised he became acquainted with Waller when he enrolled at [REDACTED]
[REDACTED] and also began attending TCPC around [REDACTED]. He was around Waller for several years.
[REDACTED]
[REDACTED]

As a student at [REDACTED], Edward recalled sitting in Waller’s office and Waller rubbing his feet. Edward said what stands out more was, later on, there were several instances of Waller “asking me to rub my feet in his face and then he recorded it... and that happened a number of times.

¹⁷ Charles reported knowledge of other young men who may have had similar experiences with Waller. GRACE could not verify this or have the opportunity to speak with these men.

And... and I remember thinking, uh, this is weird... but I didn't think really anything of it, which seems weird to me. It seems odd to me now that I didn't think anything of it."

Edward said Waller tried to meet with him more than what he thought was necessary. Eventually, Edward just tried to avoid meeting with Waller because he "began to feel more manipulated by him" (Waller). He indicated Waller would make the excuse he was doing video clips for the youth and that's how he would get him to make the recordings. Edward said, "I just didn't really question it until after a while, and then I thought, what in the world?" Edward said, after he (Waller) left Tates Creek, "he did come back to me later and say he had met with a counselor and he apologized to me and asked for forgiveness of certain things. And like I didn't understand what he was talking about. It seemed like it was related to something to the foot thing, but he never said that." He added, "and I was just confused and I remember thinking like, I'm just saying whatever to get out of this conversation as soon as I can." Edward reflected that he was "uncomfortable" and "didn't know what he (Waller) was really apologizing for."

Edward estimated Waller solicited him to rub his feet in Waller's face probably eight to ten times, and videotaped most of those occurrences. Edward said some of the incidents took place in the church office, and others took place in Waller's basement. Edward advised their physical interactions never went any further than Waller rubbing his feet.

Edward stated he is aware through personal conversations with another individual (identified as "Adam" in this report) that they had experienced similar incidents with Waller.

GRACE investigators asked Edward if his desire to stop meeting with Waller was related to the foot rubbing issue. He replied, "I'm gonna have trouble remembering. It probably did, but not in the way that I was necessarily that cognizant of. It was more that I felt manipulated." He added, "It was more that, like I felt pushed and I think I felt pushed to do...why am I meeting with him, why are (we) meeting at his house, why are we, why are we doing this feet thing?" He went on to say, "What I remember is that pushiness in him that I didn't want any part of. I was tired of it and it felt weird to me. I didn't like it. I felt in myself the sense of, I should be saying no to this and I, because I never thought anything was, was sexual, I never considered the possibility there could be any kind of attraction from him towards me or anything like that."

Edward said he has personally received counseling over separate matters, and has been involved over the years with shepherding and counseling with many people who have been "sexually abused." He said in doing that and in reading available resources which defined "sexual abuse," "What Brad had done was sexual abuse." He did not have a full understanding of that until Waller's admission to the Presbytery in Georgia. He said Waller's admission "floored" him, and he was angry at himself that he didn't recognize it sooner and that he didn't do more to stop

Waller. He said he had gotten a reference call for Brad at one point, and he expressed the idea Brad was “too close to some boys but I didn’t say anything about him rubbing my feet.”

Interview: “Frank”

Frank [REDACTED]. He said he knew Waller very well, and Waller had been a mentor and a male role model for him from the time he was 12-years-old all the way through high school. He indicated he did not have a Christian male role model [REDACTED]

Frank stated he spent a lot of time in Waller’s youth group and Bible Study. This included time both at TCPC property and at Waller’s residence. He would stay after group events many times to chat, and Waller would refer to it as “couch time.” They would be seated on the couch in the basement, and Waller would have him put his feet in Waller’s lap and would then rub his feet. He said,

“And I don't even remember like when it started and I honestly didn't really think it was that weird... at first, just you know, Brad would, you know, [say], ‘hey pop your leg up here’ and he'd start like you know massaging my foot or whatever, feet. Didn't really think much of it. And eventually I, again memory fuzzy as far as exactly when, but I mean it got to the point where like he'd be asking me to put my feet all over his face and, and like you know sometimes you know I just really wouldn't know what to say because I was so uncomfortable but you don't want to say no.”

Frank continued by saying it happened frequently and stated, “So I guess it was just kinda like a normal thing and I was like, hey, this is really weird but you know it's Brad. No big deal I guess. But, I don’t know, I think there was one time and again fuzzy but, there was one time like I think that he even videotaped himself like with my feet on his face like just doing something weird.”

Frank said that, “being naïve and young, I thought nothing of that.” According to him, Waller never made any overt, sexual advances, but he added, “granted I was just a teenager and I was pretty dumb anyways, but I probably wouldn’t have recognized it.” Frank said, “Brad had kind of a way of making weird homoerotic things sound normal.” Frank was not aware at the time of any other young men Waller was doing these things to but said after the allegations surfaced, he has spoken with a friend who experienced Waller rubbing his feet as well.

Frank has no personal knowledge of things ever having progressed further with anyone than feet rubbing.

Interview: “George”

George attended [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]. He said Waller approached him at one point about interning for him with the youth group. Some time between [REDACTED] George and [REDACTED] other young men were a part of a discipleship group with Waller. It was during this time period that George was around Waller on a very regular basis and became very close with him and his family.

George said during meetings with Brad in the youth area, “I do recall like sitting on the couch and him maybe grabbing my feet, and rubbing on them. Um, not thinking anything about it, we're just in conversation. And you know, and I know, I always knew Brad as very loving, very touchy-feely guy. Like, always hugging, always, just very comfortable hugging and touching other people.” He added, “So, he was with that, like that with everyone. So, I never thought anything twice about the foot thing.” George said it was just a few times the foot rubbing occurred with him, and he never recalls seeing anything related going on when he and Waller were on trips out of state or at conferences away from the TCPC property. George recalled at one point several of his friends commenting that Waller liked feet so perhaps they would all just keep their shoes on around him. George described Waller’s focus on feet as “weird”. George left TCPC [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] George and Waller had a conversation after his departure, and George wanted to express to Waller he was the reason George left TCPC. George also had a conversation with the pastor and with another man who he believed eventually became a deacon at TCPC. George did not share any information with them concerning Waller’s behavior with people’s feet. He did say, “But I know that looking back, I just know that Brad had a very controlling, manipulative personality, but he was very, very good at making people feel comfortable around him.”

Additional Reports of Waller’s Misconduct

A number of individuals spoke to GRACE, not about Waller’s behavior toward them personally but they either received reports from others about Waller or they observed Waller rubbing someone’s feet. The following summarizes observational reports and secondhand reports: people who knew someone who reported concerning or abusive behavior by Waller.

Interview: “Kelly”

Kelly has known Brad Waller since [REDACTED] and had a close relationship with the Waller family. They met when Kelly was [REDACTED]

[REDACTED] After Pastor Cunningham reported the allegations that surfaced against Brad, Kelly shared “things that I witnessed but didn’t understand the motive and depth of.”

Kelly recalls Brad having males [REDACTED] sit on the couch and he would have them put their feet on a pillow in his lap and he would massage their feet. This occurred on a number of occasions but not everyone would accept Waller’s offers. Kelly said it was done out in the open and never thought it was anything unusual but that it was simply “quirky.” It was always males and never females as Waller appeared to have a strict policy concerning physical contact between members of the opposite sex. He insisted on side hugs as opposed to frontal hugs for members of the opposite sex and this gave Kelly a false sense of security since it appeared they were being modest in that regard.

Kelly further stated that the allegations “kind of caught us off guard... but also because we didn’t know. There’s just no awareness, at least on my part, of like, okay there are these different ways that, um, that constitute abuse.” Kelly does not recall specific individuals who got the foot massages but described it generally as those who were most involved in the youth group [REDACTED]. It was seen as normal “because it wasn’t hidden, [REDACTED] it was out in the open, it was sometimes in front of (Kelly).”

Interview: “Lee”

Lee met Brad Waller [REDACTED] at TCPC. Lee was in the [REDACTED]

[REDACTED] Lee was involved in [REDACTED] Lee said when she found out the allegations against Waller, she was very “saddened” and “shocked.” Lee stated, “As things kind of began to unfold, I look back and say I see tendencies of behavior where, I guess, things could have happened.”

Lee [REDACTED] said Brad really kept the church running during the time period when Pastor Roukas was not doing well. Lee said Waller’s office was set up with a loveseat and a couch. Waller would have counseling sessions, but it never seemed inappropriate. Lee said, in looking back, she probably did see Waller rub someone’s feet. Lee added, “I mean, it’s kind of weird to look back and not see how does that not seem inappropriate, but it just didn’t. It just didn’t.” Lee said [REDACTED] had been a part of a

Bible study with Waller, and they knew he liked feet but it never seemed inappropriate or “in a sexual nature at all.”

Interview: “Ottie”

Ottie attended [REDACTED] began attending TCPC during [REDACTED].

[REDACTED] She [REDACTED]

[REDACTED] never observed any interaction between Waller and anyone else that she deemed as inappropriate. Ottie also never had anyone bring anything to her attention to indicate any type of misconduct was occurring.

She added, “I do remember in looking, in thinking back that there were occasions where he would be meeting with guys, and Brad was a really touchy feely guy, and he would have ... you know what? I do think you're right. There's an aspect of suppressing it but where he would have guys' feet in his lap. He had a couch in his office and he'd be on one side of the couch and they'd be on the other. And he would have a pillow in his lap. And again, at the time, I never thought anything about it and it just never ... because there oftentimes was more than one person in the room so it wasn't just like ... it didn't seem like a secret, and I was right there, and there was a window and so I do have those memories just from being in his office perspective with him. And he was an affectionate guy but to my knowledge, at the time didn't have any reason to believe anything was happening or there was anything going.” Ottie does not believe any of the leadership at TCPC at the time was ever informed or aware that anything was occurring.

[REDACTED] Ottie said unless there was a scheduling conflict, she attended every Wednesday night meeting. When asked if she had ever seen Waller show a video to the youth group that involved a humorous skit dealing with feet, Ottie said she never observed anything like that. Ottie has become aware of one of the men who has come forward and revealed his story concerning these videos but says at no time did she ever see Waller show one of these videos.

Attempted Contact with Brad Waller

GRACE reached out to Waller via phone,¹⁸ text message,¹⁹ and certified letter.²⁰ Waller was invited to meet with GRACE investigators regarding these allegations of sexual misconduct. To date, he has not responded to this invitation.

B. Findings Related to What TCPC Knew about the Allegations

GRACE found no evidence that TCPC knew or would have known of the allegations against Waller. All of the misconduct survivors told GRACE investigators they never reported anything to the leadership at TCPC at the time. Petros Roukas was Pastor at TCPC for much of the time Waller was on staff until his death on October 3, 2004. It is therefore unknown and cannot be determined what knowledge he may have had regarding any of Waller's conduct, actions, or proclivities. GRACE investigators were provided an opportunity to review the Session minutes for the years Waller was employed at TCPC however, there was no information provided to GRACE during the investigation that indicated reports of abuse or improper conduct by Waller were ever brought forward to the Session prior to April of 2018.

One survivor stated, "I don't think the elders knew, I don't think anyone that...at least not that I'm aware of, I don't think anybody knew at the time. I didn't say anything to anybody at the time...about my own experience." In regards to Pastor Cunningham's knowledge of Waller's abuse, the survivor surmised, "I just don't think there's anything he could have known sooner." He added, "I just don't feel like there's anything that they could have done earlier than what they've done now." One survivor said of the TCPC leadership, "As far as I'm concerned, they've done everything they can and I really appreciate them being open and being communicative about what happened."²¹

¹⁸ GRACE attempted contact with Brad Waller via his telephone on December 18, 2018, however, no one answered. Two missed calls were received from that number but no voice mail message was left by the caller. An additional call was attempted to Waller's number on that date again with no answer. An additional call was attempted on December 19, 2018, with no answer. The voice mail indicated it was full and was unable to receive voice mail messages.

¹⁹ A text was sent on December 19, 2018, explaining GRACE had been asked by TCPC to conduct a review and asking Mr. Waller for the opportunity to sit down personally with GRACE. In this text, Waller was given the opportunity to provide either an email address in order to receive more information or send a message via text to arrange a time for a call. No response was ever received. See copy of text screenshot.

²⁰ On February 13, 2019, a certified letter was sent via the U. S. Postal Service to a current Post Office box obtained for Brad Waller explaining GRACE had been asked by TCPC to conduct an assessment of allegations which had been received regarding Mr. Waller's actions during his tenure at TCPC. The letter provided contact information for a GRACE investigator and afforded Waller with the opportunity to share any relevant information in a face-to-face meeting. The letter was signed for as being received by "B. L. Waller" on February 20, 2019. As of the date of this report, no contact has been received from Brad Waller. See copy of Certified Letter and Certified Mail Receipts.

²¹ Interview of "Edward."

There were those who served TCPC in roles as administrative support who observed Brad rubbing the feet of other males but because of the open nature in which it was done, it was dismissed as normal behavior or simply seen as odd without being considered misconduct. Waller held a position of trust, and those who served under him and those he shepherded had great affection for him. These may have hindered them from being able to recognize Waller's conduct as improper or recognize the fact he was potentially deriving sexual gratification from his contact. GRACE was unable to find any evidence that any support personnel reported this behavior to the TCPC leadership.

The fact that foot washing is sometimes practiced in church environments as a demonstration of servitude may have aided in Brad Waller's ability to normalize his behavior to those under his authority. One witness recounted an instance where footwashing occurred with a group of men he was a part of. He said, "there was one situation that came up...and I vaguely remembered it until one of the guys mentioned it now. I was like, yeah, that happened too. There was one point where Brad (Waller) actually sat us down and did the whole washing of the feet. Like Christ in scripture. Yeah, so there was one point where he did that, but I want to say it was in my room at, or at my apartment."²²

C. TCPC's Response to the Allegations

Pastor Robert Cunningham became aware on April 22, 2018 of the offenses committed by Brad Waller at Church of the Islands and how the Presbytery subsequently deposed him. Pastor Cunningham immediately notified the pastors at TCPC on April 22, 2018, and the Session was informed on April 24, 2018. Law enforcement was notified by Pastor Cunningham on April 25, 2018, and the congregation was informed through a church wide e-mail April 25, 2018. The TCPC congregation was informed of a congregational meeting and the meeting was held on May 2, 2018. As previously stated, an open letter by Pastor Cunningham was posted and provided to local media.²³

Part III: Analysis of Investigation Findings

While Brad Waller assured Pastor Robert Cunningham that there were no incidents of foot rubbing that occurred during his tenure at TCPC, this investigation found a number of such incidents. Seven victims reported circumstances of Waller rubbing their feet and/or putting his face in their feet, while the GRACE team learned of additional victims who were, understandably, not willing to participate in this investigation. The number of victims and exact

²² Interview "George."

²³ Appendix Item 2: ADDRESSING OUR PAST.

nature of Waller's misconduct may never fully be known, but what is known is that Waller has not been forthright regarding the nature and extent of his behavior.

As one victim said, "What was so difficult, in retrospect, for me was the idea that, I was sexually abused without even knowing that it was sexual or that it was abuse at the time." Waller's behavior is concerning and demonstrates an abuse of power. In addition, the fact that Waller confessed that these acts were "sexual" indicates that Waller used his position of authority and engaged in sexual misconduct. Waller displayed a pattern of manipulative behavior that allowed him to engage in sexual misconduct against minors and adults, often without the victims realizing at the time that misconduct occurred. It is clear that Waller engaged in sexual misconduct and most often did so by exploiting his position of authority. TCPC must examine whether it played any role in enabling Waller's conduct.

A. Reporting Abuse to Appropriate Law Enforcement

Waller's abuse was not initially reported to law enforcement. There has been no one to come forward to indicate anything was reported. The failure to report by those in leadership at the time or staff at TCPC who may have been in a position to observe inappropriate or abusive conduct does not appear to be from a lack of care or sensitivity. The failure to report appears to have been from a lack of knowledge or awareness about what constitutes sexual misconduct, where it can occur, and how to respond to it. They either had no knowledge that sexual misconduct can occur in plain sight, or they were unaware what was occurring was sexual in nature.

Once Pastor Cunningham became aware of allegations, the matter was reported promptly to the Kentucky State Police. No investigation has been undertaken by law enforcement due to the absence of specific statutory requirements to constitute a violation.

B. Policies and Procedures

As part of their response, TCPC initiated and drafted a comprehensive Child Protection Policy in May, 2018, and has also attempted to address matters of abuse and appropriate physical boundaries in the May, 2018, draft of the TCPC-Employee Handbook.²⁴ A committee has been assembled to oversee the implementation of these policies in conjunction with the recommendations proffered by GRACE. The Child Protection Policy covers the areas of physical abuse, neglect, sexual abuse, and emotional abuse. Requirements for reporting abuse under Kentucky state law²⁵ have been clearly promulgated in the policy as well as the necessity and

²⁴ Copy of TCPC Employee Handbook.

²⁵ Child Protection Policy pg. 2 Under Kentucky Statute 620.030, "Any person who knows or has reasonable cause to believe that a child is dependent, neglected or abused shall immediately cause an oral or written report to be made to a local law enforcement agency or the Kentucky State Police; the Cabinet or its designated representative; the Commonwealth's Attorney or the county attorney; by telephone or otherwise..." Everyone has a mandatory duty to report the suspected abuse to the authorities via the (877) KYSAFE1 or (877) 597-2331.

procedures of internal reporting to TCPC.²⁶ The issues or allegations of misconduct which have surfaced in this investigation related to underage individuals are currently addressed by TCPC in their policy as well.²⁷

Pastor Cunningham is unaware of what policies were in place at the time Waller was on staff. Policies may have been in place, but he advised there are no records on file with TCPC for what the policies would have been for that time period.

While GRACE is encouraged that TCPC has taken steps to adopt and implement a child protection policy and address abuse in its employee handbook, it is concerned that the church appeared to have no such policy before May 2018. Having clear policies sooner could have raised concerns about Waller's public behavior sooner. Staff who saw him rubbing the feet of other males may have had the tools to respond to this behavior beyond thinking it was "weird." Waller may have taken advantage of the lack of clarity regarding child protection and sexual harassment to perpetrate his misconduct in plain sight.

C. Training and Institutional Awareness

Those who have spoken with GRACE describe the period when Brad Waller was on TCPC's staff as a time of growth within the youth and college ministries. The relationships between pastors and between those they were serving has been described as affable, and Brad Waller was viewed affectionately by many at the church. Some who spoke with GRACE observed some instances of division between Waller and other leaders; however, no one described any of the division as stemming from any type of abuse that was occurring. The church also experienced a dark period involving deep sadness and grief with the unexpected death of Pastor Roukas.

One witness stated, "I look back and think, you know, how did we not know...how did no one see it...but he (Waller) has this incredible ability to rally people together and he was the leader of the church...and because you know our senior pastors were...there wasn't much of a senior pastor leadership in our church at the time, and so people rallied around Brad, and so there was not any...nobody was really looking for flaws."²⁸

There was no information disclosed to GRACE that suggested there was a culture present that was attempting to conceal matters of misconduct. However, TCPC's lack of training and awareness on these issues allowed the misconduct to occur unchecked. Whenever leaders are in a position of authority over others, the organization must actively take measures against the abuse of power. TCPC has reported that it is currently taking steps to implement policies that will

²⁶ Child Protection Policy, pg. 2.

²⁷ Child Protection Policy under the heading "Physical/Non Physical Contact" Paragraph II (a) and (b) and are also addressed under the heading "Inappropriate Affection."[#] However, TCPC has not yet addressed similar type of behavior that is perpetrated upon adult subordinates.

²⁸ Interview of "Lee"

identify and address the abuse of power and equip its congregation and staff to proactively respond to such misconduct in the future. GRACE encourages TCPC to continue with these efforts.

D. Sensitivity Towards Abuse Survivors

The current leadership at TCPC responded quickly as they became aware of the potential presence of abuse survivors. Confession and contrition were publicly displayed within the body at TCPC and to those possibly impacted outside of TCPC through meetings among the leadership, congregational meetings, communications addressing the church and the Lexington community, and through reaching out directly to suspected survivors. Those who were interviewed by GRACE expressed gratitude for the manner in which they have been acknowledged and cared for. Pastor Cunningham has made efforts to ensure all of those identified, even survivors who elected not to communicate with GRACE, have been assured of the church's compassion, support, and desire to offer healing and counsel.

Survivors expressed to GRACE that Pastor Cunningham has been in contact and has followed up with additional contact to offer continued support. With regard to Pastor Cunningham's response, one survivor stated he "just felt the safety of being able to share the story with him, feeling protected I think." He added, "I always felt protected by the leadership and always felt cared for in multiple times." He said Pastor Cunningham is leading the church in repentance and confession, and that is a lesson for all churches. He stated, "To see Tates Creek doing that... makes me very excited for the future of that particular body and how they respond to this."²⁹

Another survivor observed, "They have been extraordinary...reaching out to me and counseling me. Robert personally calling me and checking on me...just grace, the grace they have given me."³⁰

Another survivor said he was very impressed by the "emails that were sent out and the public statement." He added he was even very impressed by what was stated by the local media outlet. He reflected, "I think that our church has done a good job of...allowing a platform to speak, to be available for anyone who has been victimized. They've put out the pastors' phone numbers, they've repeatedly just said, you know, 'Just call us. Please text us. Please let us know how we can help. Let us know so we can get you help.'"³¹

These statements capture the overall sentiment and have been the consensus view without exception from those who have spoken with GRACE.

²⁹ Interview of "Bill"

³⁰ Interview of "Adam"

³¹ Interview of "Charles"

Part IV: Spiritual Impact and Conclusion

The spiritual impact upon a person who is abused by an offender who is a professing Christian is profound, especially when the offender is a trusted person who held a position of leadership within the church. In offering an explanation for this dynamic, Dr. Diane Langberg writes, “God is viewed through the lens of abuse. Who he is and what he thinks about the survivor is understood based upon who Daddy was, or Mommy, or a grandfather, or a youth pastor, or whoever. They have learned about love, trust, hope, faith, through the experience of sexual abuse. They have also learned about the unseen through the visible. The ins and outs of ordinary life have taught them many lessons about who they think God is.”³²

A number of victims and others who attended and served at TCPC expressed the impact this has placed on either them or others who may have been victimized.

- “I have a level of sympathy for [Brad Waller] because I understand probably what led him to those things and what trapped him in those things. But at the same time...that he abused his position, he abused his power, and as a pastor myself now, to know that he abused the people that he’s called to shepherd...that there should be justice for that.” It was added, “The nature of its damage and what it does, it’s not something that leaves you.”³³
- “[Brad Waller] was really instrumental in my story, like I can’t tell the story of what God has done in my life without mentioning them and how God used them. And so that is...it’s double the hurt, right, because I’m hurting for him, but also for all those who were my friends who were hurt by him.”³⁴
- “I think more than anything...spiritually how it affected me is I felt...I felt my own, I don’t know, my own weakness in those...and just feeling really dumb and stupid for not understanding what was happening. Um, and feeling, you know, just feeling weak...like letting him do things that I didn’t really want, and I didn’t think were that bad...there was a feeling I had that something was off and I didn’t, and, and I, let a man manipulate me. The feelings of insecurity in ministry are things that I struggled with for some time, and I think that’s about it.”³⁵
- “One of the guys I talked to said something along the lines of, ‘I never thought anything of it but, but now that it’s all come to light, you know, I just, the whole thing feels icky.’...that resonated with them.” (I) want him to, you know, want justice...I think that, that, maybe that would be the biggest thing is...really, really, really a longing for

³² Diane Langberg *The Spiritual Impact of Sexual Abuse* (Greensboro: New Growth Press, 2017) pg.6

³³ Interview of “Bill”

³⁴ Interview of “Kelly”

³⁵ Interview of “Edward”

justice...for me and others, and frustrated that, you know, there's nothing that can be done, legally, it seems...he left such a wake of destruction and is still able to minimize and justify, and just kinda you know, get away, get away with it in the eyes of the state, kinda.”³⁶

- “You know it’s very hard to trust now that, like I said, what we’ve been through with the lead pastor and now this, it’s very, very difficult to trust...Well, just very hard to trust. You just start thinking the worst things about people. With something like that because you just, you know, this is a person that has taught me almost everything I know about God...it’s taught me not to put anyone on a pedestal because we really are just all very messed up...I do still go to church, I don’t go to that church, I think it would be too hard.”³⁷
- “I think it's really painful. It's sad to ... I'm sure that you know the part of the story at Tates Creek is that the pastor that came in 1999 [REDACTED] committed suicide in 2004, and so I feel like it was a lot of sadness with this happening with Brad because I feel like in both cases, these two men that were profoundly influential in my life and the lives of a lot of people. For both of them now, there's this tension of ... not the tension of that they were sinners because we knew they were sinners but just that there was this ... with Brad there was this whole other part of him that we were all blind to and that nobody knew, and I just have felt a lot of sadness and I just ... but I have also felt great sadness to ..and I think I mentioned this even in my survey that I can think of a handful of guys throughout the course of time that have kind of disappeared and I never really knew what happened to them, and it's made me wonder if something happened with Brad and that that's the story that no one ever knew about why they disappeared.”³⁸

Survivors and witnesses have been left with an unnecessary sense of guilt and shame because they feel like they should have more readily recognized Waller’s behavior as abuse at the time.

The impact this has on those outside of the TCPC family also cannot be understated. Those on the outside who are also followers of Christ, as well as those outside of the body of Christ, watch to see not only what has happened, but what the response has been. Under the current leadership, TCPC has proven to be a light in how they have responded and this has been evident in how they have been perceived by those interviewed in this investigation and the watching world.³⁹ The

³⁶ Interview of “Donald”

³⁷ Interview of “Mason”

³⁸ Interview of “Ottie”

³⁹ One blog by “The Wartburg Watch 2019 Dissecting Christian Trends” was entitled, “Tates Creek Presbyterian Church Demonstrates How to Handle Accusations of Sexual Abuse. Yes, a Foot Fetish Can Be a Form of Sexual Abuse.” The post further observed that The Wartburg Watch “is delighted that we can present a church which appropriately handled a serious sex abuse situation.” [Darlene “Dee” Parsons “The Wartburg Watch 2019 Dissecting

leadership at TCPC has publicly adhered to exhortations from Scripture in responding to this deeply troubling and painful matter.⁴⁰ Since learning of the allegations, they have not attempted to cover sins of the church but have been transparent. This is best evidenced by the commissioning of this independent investigation. They have diligently prayed and have worked to bear the burdens of all of those who have been wounded.

Pastor Cunningham provided a statement, which is a good starting point for the prayers and actions of the church. He said, “I would like victims to feel loved, cared for, and healing and redemption brought there, first and foremost.” He continued by saying, “Survivors are watching us. We want them to see a church do this well...so victims first, the watching world second...I suppose the redemption would be that our church would become a place where, for sexual abuse to be talked about and...a place for redemption and certainly a place where anybody who’s a predator in any way would feel incredibly unsafe and victims would feel incredibly safe.”

If the leadership and congregation at Tates Creek continue to move forward in the manner they have demonstrated to date in response to the allegations against Waller, this church will continue to be a community of safety and refuge for the wounded and hurting. A community that reflects the love and compassion of Jesus.

Respectfully submitted

GRACE

June 7, 2019

Christian Trends” pg. 1]; A September 2018 article in World Magazine which details the problem of sexual abuse in both the Roman Catholic church and the Protestant church detailed TCPC’s handling of this matter. Attorney and Christian, Rachael Denhollander was interviewed and the following observation was recorded in the article, “Denhollander says a church in Lexington, Ky., Tates Creek Presbyterian, offers a model of how to respond to abuse accusations.” [Marvin Olasky, Sophia Lee, Emily Belz, 2018, “Crouching at Every Door” *World Magazine*, September 15, 2018].

⁴⁰ Proverbs 28:13 says, “Whoever conceals his transgressions will not prosper ,But he who confesses and forsakes them will obtain mercy.” James 5:16 says, “Therefore, confess *your* sins to one another, and pray for one another, that you may be healed.” Galatians 6:2 says, “Bear one another’s burdens, and so fulfill the law of Christ.” (Taken from the ESV).

RECOMMENDATIONS

TCPC and Pastor Cunningham are to be commended for their attempt to move swiftly, transparently, and with a high degree of humility throughout this process. Navigating the brokenness and imperfection of this world has been difficult for God's people ever since the fall of mankind and navigating the complexities of the 21st century are especially difficult. Our Savior warned in Matthew 10:16, "Behold, I am sending you out as sheep in the midst of wolves, so be wise as serpents and innocent as doves."⁴¹ Many safeguards have been proposed by TCPC since these abuses were brought to light. However, GRACE recommends TCPC adopt more measures to create an even safer environment for victims of abuse.

1. GRACE recommends the full implementation of these proposed policies. Training for regular employees regarding the policies was listed by TCPC to be implemented.⁴² Since a common theme from witnesses and survivors was an unawareness that abuse was taking place by those that witnessed it, GRACE recommends additional advanced training on the recognition and detection of abuse for all employees, regular employees, and volunteers.
2. GRACE recommends that all TCPC campus pastors complete a seminary course on sexual abuse.
3. As TCPC has been faithful in keeping the congregation informed, GRACE recommends a sermon be presented to the congregation regarding the issues surrounding abuse.
4. GRACE recommends that TCPC develop a Safeguarding team that will:
 - a) Facilitate a support ministry for survivors of sexual abuse.
 - b) Work with child protection experts in developing safeguarding policies and response protocols for the church that satisfy best practice standards.
 - c) Conduct annual audits of the safeguarding policies and response protocols, and revise as needed.
 - d) Facilitate ongoing training.
 - e) Play a central role in responding to reported safeguarding policy violations.
 - f) Develop relationships with community partners who work in the field of addressing issues related to adult and child maltreatment.

⁴¹ Matthew 10:16 ESV translation of the Bible

⁴² Child Protection Policy pg. 3 "Training Instruction and review of the TCPC child protection policy for regular employees will be offered initially upon being hired, and scheduled as needed or as policy revisions are made."

5. In response to the allegations, care has also been given in guarding against inappropriate physical contact.⁴³ GRACE recommends TCPC conduct a policy audit of The Child Protection Policy by an outside entity and experts in the field.
6. GRACE recommends that consideration also be given to guarding those of the college age/young adults from one-on-one situations with those in leadership when on TCPC property as well as when away from TCPC property. While these individuals are adults, they are still at a vulnerable age when it comes to being under the mentorship or leadership of older adults. This investigation revealed this population was also being taken advantage of because of the position of authority held over them. Some felt uncomfortable in reporting or doubted their instincts because of Brad Waller's position of prominence. Mirroring the "One on One" contact policy for TCPC property similarly to that proposed for underage individuals⁴⁴ may provide a safeguard for the college age/young adults and for the workers who meet with them. Policy for the college age individuals could exclude the requirement of parental consent or notification, but could reflect the practice of open doors or uncovered windows. Off property meetings could also be enhanced by requiring "two deep leadership"⁴⁵ or the requirement of public meeting places.

Massages and other certain contact has been described as being prohibited between adults and those underage. Employee policy in the Employee Handbook addresses, "Maintaining healthy boundaries with the opposite sex."⁴⁶ While some verbiage has been provided with regard to sexual harassment for adults, stronger verbiage could be considered to mirror that which is described in the Child Protection Policy. It should also be noted that all instances of abuse

⁴³ Child Protection Policy pg.5 "Permissible Contact a) Limited physical contact with minors, such as a pat on the back or on the head, or a handshake, is permissible. Brief hugs are permissible within sight of others. Regular employees must avoid any prolonged hugs and must stop a hug immediately upon request of the minor. Touching hands, faces, shoulders and arms, placing an arm around the shoulders, sitting beside minors, holding hands during prayer, high fives and hand slapping are all appropriate. Prohibited Contact a) Sexual abuse Any physical contact between a regular employee and a minor that would provide, or is intended to provide, any form of sexual gratification. b) Physical contact physical contact between a regular employee and a minor that includes giving massages, kissing, prolonged embracing, and so forth

⁴⁴ Child Protection Policy pg 4 "One-on-one contact between minors and regular employees should be avoided. TCPC recognizes that there will be times when an unaccompanied regular employee may be present with a group of minors or with a single minor. In those circumstances, doors to the room will be open and windows uncovered or the activity will be conducted in a public space, in view of other adults or minors".

⁴⁵ Child Protection Policy pg 10" TCPC recognizes that there will be times when an unaccompanied employee/volunteer may be present with a group of minors or with a single minor. In those circumstances, (such as Sunday school or counseling) doors to the room will be open and windows uncovered or the activity will be conducted in a public space, in view of other adults or minors."

⁴⁶ TCPC Employee Handbook pg. 15 "MAINTAINING HEALTHY BOUNDARIES WITH THE OPPOSITE SEX Care should be taken to avoid situations and relationships where employee, church, and family reputations could be damaged, including situations that may be construed as, or lead to, inappropriate sexual behavior as defined in scripture. Any violations to the general principle that come to the attention of the church will be addressed immediately by TCPC leadership and appropriate actions taken as prescribed by church doctrine or public law."

reported to GRACE in this investigation involved same sex incidents. GRACE would therefore propose that such boundary language encompass not be limited to opposite genders.⁴⁷

⁴⁷ Policy language that is not limited to opposite gender boundaries could include something like, “Any physical contact between an (*employee*) or regular employee and (*any other person*) that would provide, or is intended to provide, any form of sexual gratification; “b) Physical contact physical contact between an (*employee*) or regular employee and (*any other person*) that includes giving massages, kissing, prolonged embracing, and so forth.”

APPENDIX

A Letter from Robert Cunningham

Sunday, June 24, 2018

*During the rise of the #MeToo movement, I **publicly wrote** the following:*

"...I say let the stories come. Let them all come out. This wickedness so transcends our normal divides that the whataboutism game we play has become laughable. No matter your tribe, your tribe is guilty. So let every attempt to deflect or defend come to an end, and let us instead listen and learn from the courage of the abused. They are our prophets now, with voices that will no longer allow us to hide or ignore the epidemic. Indeed, the long overdue purge has begun, and may it not relent until every hidden darkness faces the light of justice."

I still believe that. Let it all come out. Let the purge continue undaunted. Even when it is my own church's past that needs purging.

Brad Waller was a minister at Tates Creek Presbyterian Church (TCPC) from 1995 to 2006, where his primary responsibilities included directing the youth and college ministries. Since his departure, TCPC has grown and changed in many ways, and the vast majority of our congregation has never known or heard of Brad. But there are still some in our congregation, along with others in the Lexington community and beyond, who knew him as a beloved pastor and mentor.

After leaving TCPC 12 years ago, he served for a very brief time at Twin Oaks Presbyterian in St. Louis, and then moved to Savannah, GA, where he was an Assistant Pastor at Independent Presbyterian Church and then Senior Pastor at Grace Church of the Islands.

Earlier this year, a student at Savannah College of Arts and Design (SCAD) informed his campus minister of an experience he'd had with Brad that left him feeling very uncomfortable. This campus minister followed up with other SCAD students and discovered that they too had similar experiences. It was reported to the Savannah River Presbytery (in the Presbyterian Church, a "presbytery" is the governing body over local churches), and this began a process of investigation and discipline that culminated in a meeting of the Presbytery on April 17.

At the presbytery meeting, Brad made the following confession that has since been made public record: “I, Brad Waller, confess to the sin of abuse of authority in my role as a pastor. I have been rubbing the feet of men and youth in my care. There was a sexual element to this, however, physically it never went past foot-rubbing.”

The Presbytery voted at the same meeting to immediately depose him from his office (remove his ordination) as a minister. The Presbytery’s statement reads:

“At the April Stated Meeting of Presbytery at Westminster Presbyterian Church, Martinez, on Tuesday April 17, the Savannah River Presbytery voted to depose Brad Waller from Gospel ministry, for the abuse of power against minors and young men under his care, for the purpose of auto-erotic stimulation derived from foot rubbing, to which he confessed before the court [presbytery].”

Upon receiving this news from Savannah, we obviously became very concerned over the possibility that similar abuse took place while Brad was on staff at TCPC. We wrote an email to our congregation informing them of the situation and inviting them to an information meeting. After sending this email, we began receiving phone calls, emails, and social media messages from people sharing stories of abuse that took place while Brad was a pastor at TCPC. We also received several names of people to reach out to because abuse was suspected. We followed up with every name given to us, and through that process other acts of abuse were uncovered as well. There have been multiple unconfirmed stories and allegations that have come to us secondhand, as well as stories from victims that we have not been granted permission to share; that being said, if we only count the number of *confirmed* stories at this point that have come *directly* from a victim and that we've been given *permission* to share, that count is now at 10.

The most consistent and common stories were of Brad rubbing the feet of high school and college students (all male) during private counseling and mentoring sessions. This happened too frequently to count, with one victim telling us he can’t remember meeting with him without Brad rubbing his feet. However, evidence is also beginning to emerge that conflicts with Brad’s statement that “it never went past foot rubbing.”

Therefore, to summarize as clearly as possible: it has come to our attention that Brad Waller sexually abused boys and men under his care as a pastor of TCPC. While all of this misconduct took place over a decade ago, our church leadership is nevertheless committed to handling this horrific news with utmost sincerity, urgency, and transparency, which is why we have chosen to release this forthright statement.

Toward that end, allow us to answer some common questions that have come our way:

IS THIS REALLY SEXUAL ABUSE?

Yes. That is the short, simple, and sufficient answer that the victims deserve. No matter the nature of the abuse, they need to hear us say unequivocally that it is abuse.

That said, we also understand that this particular form of misbehavior is both unconventional and bizarre, leaving many people (particularly those who knew and loved Brad) wondering how to process it. Does rubbing feet, instead of the more private parts of the body, really constitute sexual abuse? What if the victims didn't know or feel that there was anything sexual taking place while it was happening? Are we overacting in this heightened #MeToo abuse culture and making a bigger deal of this than it deserves? Simply put, nobody is denying that this is inappropriate, but is this "really" sexual abuse?

These are questions we have heard from others and processed ourselves, so let us offer a thorough reasoning of why this is sexual abuse and why we are taking it as seriously as any other form of abuse.

First and foremost, Brad's own confession says as much: *"I have been rubbing the feet of men and youth in my care. There was a sexual element to this..."* This should be the end of the discussion. Pastors abusing their power to touch any part of the body of those under their care for any type of sexual purpose is both abusive and evil, and we refuse to entertain any argument to the contrary.

The Centers Against Sexual Assault (CASA) intentionally defines sexual assault with **an extensively broad definition**, because it can come in so many forms. Included in their definition is "Unwanted touching e.g. pinching, patting, embracing, rubbing, groping, flicking, kissing, fondling...", and certainly Brad's misbehavior falls into this category.

Another crucial factor is the issue of consent. Obviously, age is the first consideration, and tragically we have been told by some victims that Brad did this to them while they were minors. But even beyond the age of consent, CASA includes "unable to understand the sexual nature of the act" as a factor in consent. In other words, if someone is being touched, but they do not recognize the sexual nature of the act, then they cannot and are not giving consent. Some victims felt uncomfortable and exploited by Brad's behavior in the moment, and some didn't feel anything about it until after they read Brad's confession stating that there was a sexual element to it, but in both cases it was abuse. A simple litmus test would be to ask them, "If you had known that there was a sexual element to Brad touching your feet, would you ever have consented?" Their answer, in every case, was firmly "no."

Finally, we must consider Brad's position of authority. He was deposed of his office on account of "abuse of power" because it was his position of spiritual authority that allowed him to abuse

victims. In listening to the stories of the victims, a common theme was a love, respect, and trust in Brad as their pastor and mentor. In some cases, they remember being very uncomfortable with his actions, but didn't want to disappoint him because he was a father figure to them. One person wanted to tell somebody, but loved Brad so much and was worried about ruining his reputation. These are textbook thoughts of victims abused by a person in authority over them.

So yes, this is sexual abuse by every standard, and therefore we are treating it as such.

WAS ANYONE IN LEADERSHIP AWARE THIS WAS TAKING PLACE?

We currently have no knowledge that any staff members or church officers of our congregation knew of Brad's abuse. The Senior Pastor of TCPC at the time is now deceased, but we have no reason to believe he was aware. However, if it is discovered that leadership was aware and did not act, we are committed to confess and repent publicly.

WHAT STEPS ARE WE TAKING IN RESPONSE?

I became aware of the situation on April 22. Within 10 days, I had informed all our pastors and elders, we held a meeting of our session (board of elders), hired an attorney to walk us through the process, and hosted a congregational meeting to inform our people of the news and answer questions they may have had.

We reported to and met with the police, and based on the latest information, they are currently not choosing to investigate. If more information surfaces, and the police choose to re-open the investigation, we will fully cooperate.

In addition, our session has made a very significant institutional decision that we need to make you aware of: we unanimously voted to seek a third-party independent investigation.

It is important for everyone to understand the difference between an internal and an independent investigation. An internal investigation is when we (or our attorney) investigate ourselves. In this scenario, we maintain control over the investigation. An independent investigation, however, is inviting a third party to investigate us. In this scenario, we are relinquishing control over the investigation and inviting any and all findings and corrections. It was important to us that we choose the latter.

We have contracted with **GRACE** (Godly Response to Abuse in the Christian Environment) to perform an investigation of our church. The investigation will be led by Boz Tchividjian, who has emerged as a leader in a long overdue clean-up of the sexual abuse crises in the Church (the

work of Boz and GRACE were recently featured in a [Washington Post article](#) that is an important read for all Evangelical Christians).

The scope of GRACE's work with TCPC will be threefold:

1. GRACE shall investigate allegations of misconduct by former youth minister, Brad Waller, including but not limited to, how TCPC responded to such allegations.
2. GRACE shall provide the parties [TCPC leadership and the victims] an Executive Summary that outlines the investigative findings. GRACE shall also propose recommendations with regard to how TCPC can demonstrate repentance to anyone negatively affected as a result of the alleged misconduct and how such was handled by the church. GRACE shall also propose recommendations as to how similar types of situations can be better addressed in the future.
3. GRACE shall meet with the TCPC leadership to more fully review the investigative findings (as outlined in the Executive Summary) and proposed Recommendations.

As you can tell, this will be an institutionally vulnerable process. Essentially, we are inviting an independent sexual abuse audit of our church, but we want everyone to know that TCPC wants to hide nothing. That is not to say that mistakes were not made, only that if they were made, we don't want to hide them. Instead, we want the opportunity to apologize and repent in any way we need to. Also, we want to be better equipped—both in policies and training—to make every effort to prevent this from happening again at TCPC. Therefore, we welcome this investigation, along with its findings and applications.

Finally, I would like to offer a closing word to four groups of people:

TO THE VICTIMS:

My deepest apology is reserved for you. I have literally wept on multiple occasions at the thought of high school and college students being abused at the church I love and pastor. I am so sorry. I want you to know that all of this transparency, urgency, and energy is for you. Perhaps this news has reopened old wounds, or even opened wounds you didn't know were there. For example, one victim told me that he never thought anything of it, but now that he knows there was a sexual element to it, he feels so violated. We also understand that this process might be painful for victims of sexual abuse unrelated to Brad. So I want to say, to any and all victims of any and all sexual abuse, we grieve with you and this investigation is for you. GRACE will be setting up a survey for you to share your story, and we want to encourage you to participate. Be assured, it is a safe and confidential place for you to share, and your response will only go to

them, not us. If you know of anyone who was potentially impacted by Brad's abuse, please point them to the survey when it is made available to the public. Again, we are so sorry.

TO THE OUTSIDE COMMUNITY:

To our city, I'm sorry this happened at our church. While this took place over a decade ago, this is still our past and our institutional sin to own. And so we own it. Our vision statement is "We exist for the glory of Christ and the good of the Bluegrass," and sexual abuse is the very antitheses of that vision. It dishonors Christ and is horrible for the Bluegrass, and so we ask your forgiveness. We also pledge to make every effort to prevent this from happening again at TCPC.

TO THE TCPC COMMUNITY:

Perhaps you are concerned about what this may mean for the reputation of our church. Our church is healthy, growing, and accomplishing so many wonderful things, and you may be worried about what this means for us. I want to ask you to resist that temptation. I am as excited as ever for the future of TCPC, and we are not going to allow this to derail the forward-thinking vision of our church, but right now, we need to pause and take this seriously. I am determined that we prioritize righteousness over reputation, and I'm asking you to do the same. Emotions of embarrassment and shame are only natural, but be encouraged as well that your church is fighting for justice and healing. Pray for the victims and for the investigation, and be patient with us as we spend some time prioritizing both. And above all, remember that our God is faithful to bring beauty from ashes, redeeming what sin has laid waste.

TO THE MEDIA:

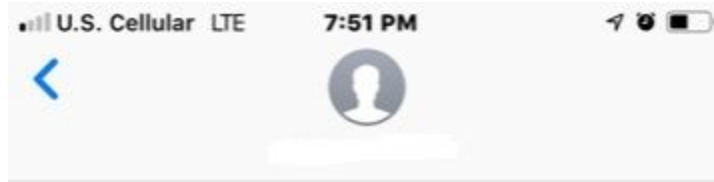
Some have already reached out, and we understand that there will probably be more now that our story is open to the public. Our leadership has decided to name me as the exclusive point person for all things media, so I am the only one free to comment. That being said, I want you to know that we are trying to be as honest and forthright as possible from the beginning, and I can't think of anything more that I'm free to talk about than what is already in this statement. One thing I can say for certain is that I will absolutely not be sharing the names of any victims. It is also my intention to back away from public comments until after the investigation is complete, at which point we promise to be as forthright as we are being here at the beginning of this process. Having said all that, we are indeed committed to public transparency so feel free to reach out, and I'll do my best to accommodate. You can do so by sending an email to pastor@tcpca.org.

That is all we know to share at this time. Once the investigation is complete, we will follow up with further public communications.

Once again, I am very sorry. This is but another reminder that no church can commend its own faithfulness, but only the faithfulness of our Savior. He alone is our boast. He alone is our hope.

Sincerely,

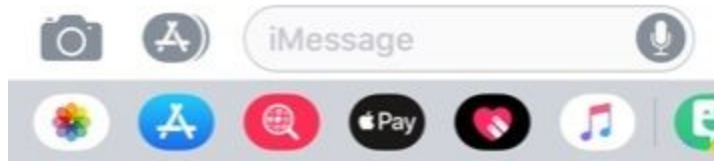
Robert H. Cunningham
Senior Pastor, TCPC



iMessage
Wed, Dec 19, 10:29 AM

Good morning, I was trying to get in touch with Mr. Waller. If this is a wrong # I apologize. My name is [redacted] & I'm with an organization called GRACE & I'm conducting a review for Tates Creek P C. I'd like to talk about possibly getting an opportunity to sit down with you personally sometime in the future. If there's an email address that I could send some info to, that would be great. Or if you could just text me a time that would suit just to give you a brief call. My apologies for contacting you via text. Sincerely, [redacted]

Delivered



February 12, 2019

Bradley L. Waller

P. O Box [REDACTED]
[REDACTED]

Dear Mr. Waller,

My name is [REDACTED] and I work with an organization called GRACE (Godly Response to Abuse in the Christian Environment). We at GRACE have been asked by Tates Creek Presbyterian Church to conduct an independent assessment of some matters that have come to light within the past year but are matters which would have occurred during the time frame that you were on staff at TC. Our role as objective independent third-party investigators is to gather facts, present the findings, and make recommendations to the church moving forward. The scope and extent of our review is as follows: "GRACE shall investigate allegations of misconduct by former youth minister, Brad Waller, including but not limited to, how Tates Creek responded to such allegations."

We would like an opportunity to sit down with you to discuss the allegations and give you an opportunity to share any information you may have that could assist us with this assessment. We'd like to be able to e-mail you some additional information for you to consider in making your decision and you can get back in touch with us and let us know.

I have provided my e-mail address below. Thank you for your consideration in this matter.

Sincerely,

[REDACTED]

e-mail [REDACTED]@netgrace.org

<https://www.netgrace.org/>

