

**MOUNT PLEASANT BAPTIST CHURCH
TRUSTEES INFORMATION MEETING AND
UPDATE-INJUNCTION
January 17, 2024**



**MOUNT PLEASANT
BAPTIST CHURCH**

God's World, Our Mission Field

July 21, 2020

Agenda

- **Objective**
- **Background**
- **Trustees and Ministry Background and Experience**
- **Fairfax Circuit Court Law and Appointment of Trustees**
- **Why Are We Here**
- **Injunction**
- **Questions and Answers**
- **Update and Conclusion**

OBJECTIVE

Mt. Pleasant Baptist Church Trustees provide the members of the congregation information that lead to the injunction against the Senior Pastor Reverend Kevin E. Donalson, Sr.

Also provide members a status on the negotiations as requested by the members of the church.

Background

- Trustees are required by the Holy Bible, the MPBC Constitution and Bylaws and the Federal Law of the United States Government, Laws of the Commonwealth of Virginia and Fairfax County Government to protect the assets of the Church and make sure the entire church complies with all laws.
- The MPBC Bylaw (Section 3.2 Trustees) states that only the Trustees have the authority to Section 3.2.G. Shall be the legal custodian of church property and its assets. This includes maintaining legal titles to all church properties and assuring that the church is in compliance with federal, state, and local statutes. The Trustee Ministry shall function on these matters where civil law specifically requires them to act in behalf of the church. This does not mean that the Trustee Ministry makes decisions about legal matters (Trustees must seek legal opinion from an Esquire). It means that they meet the legal requirements for carrying out church decisions in matters involving law, such as buying or selling real estate in accordance with the laws of the state of Virginia.
- Virginia Code-The Virginia Law-Virginia Acts of Assembly 2005 session , Chapter 772, approved March 26, 2005, Fairfax County states under Virginia Reference Codes 57-8, 18, and 23: that trustees are primarily responsible for the secular business affairs of the church, financial concerns, maintaining building and facilities, tracking church equipment, investments, and property, and ensuring the church adheres to law.

Trustees and the Ministry Background and Experience

- **Trustee Ministry Team: Brother Louis Werts (Chair); Micheal Davis (Co-Chair); Sisters Emily Kitchen and Cheryl Tillman, and Brother Robert Bullet**
- **Every Trustee has been member of MPBC for over 9 years.**
- **Each Trustee has over 20 years:**
 - **Corporate and institutional leadership experience**
 - **Profit and nonprofit**
 - **Government and Corporate**
 - **IAW Fairfax County Law-the Trustees' Names are formally registered in Fairfax court financial liable and accountable. Trustees (no other person in the church not the Pastor or Head of Diaconate) are held liable by the federal, state and local laws for breaching their fiduciary duties (IAW Section 3.2 Bylaws) if they knowingly allow the MPBC to operate outside legal bounds.**
 - **All decisions are made by continuing to seek the indwelling of the Holy Spirit and the wisdom decerned from the counsel of multiple Spirit filled people.**
 - **The Trustees review all Church commitments to protect the Church and ensure that all Church Ministries involved are indemnified.**

In summary, if MPBC is sued, the Trustees are the church's first line of defense until the litigation is resolve.

Fairfax Circuit Court Law Fiduciary Accountability-Appointment of Trustees

Fairfax Circuit Court law requires an order of appointment (CCR-1A-16b Church Substitution Trustees Revised March 2010) of church Trustees and the appointment must be confirmed by court. The proposed order IAW MPBC Bylaws must state by person or persons who constitute the “Proper Authority “ for the church. The appointment must be accompanied by the MPBC Annual General Business Minutes or other Resolution signed by a proper authority of the church.

This is an annual requirement.

If a person files a suit against the church today, it will be against the Trustees (acting as the recorded officers of the church); no one else. There are no other personnel from MPBC who are on record with Fairfax County Circuit Court.

Why Are We Here-Breaches of the MPBC and Federal, State and Local Laws

The Senior Pastor has knowingly violated the MPBC and Federal, State and Local Laws over the past four (4) years without consideration of MPBC's membership IAW the bylaws. The violations are:

- Closure of MPBC Academy ("MPBCA") in 2020 without the involvement of church members and leadership and without calling and notice of a Special Meeting, thus without the required quorum or votes. He told the congregation in a public forum it was because funds (Exhibit 6 Minutes-Injunction). In the Jan 8, 2024, he stated it was covid-Misinformation.
- Unlawful unilateral allocation (2 incidents) of MPBC funds- Illegal contracts with Radio-One and Howard University Choir w/o going to the board for approval.
- On six occasions, he improperly (6) used the church credit card for personal use.
- Using coercion and threatening Trustees with dismissal (after Credit card privileges were temporarily removed) if they do not take certain actions affirming his leadership.

Over the last five years, MPBC membership has not been afforded the right to formally affirm the Pastor during each annual meeting.

Why Are We Here-Breaches of the MPBC and Federal, State and Local Laws (Cont.)

MOST RECENT BREACHES

- **July 9th Meeting**, which featured the reallocation of funds from summer camp to interns which did not meet the requirements for a Quorum. Section 14.6 under the heading “Quorum” states that “(A.) Five percent (5%) of the active roll of the membership shall constitute quorum.” Secondly, the motion was not properly stated “Reprogram of Funds Approved by the Membership” and voted upon by the church. Additionally, there was no formal screening of the attendees in the church to determine if they were even members of MPBC.
- To this date, no records of minutes recorded by the secretary or documented attendance have been provided after multiple requests by the Trustees. Minutes (Bylaws Section 3.6 -3 days after a meeting) are necessary to evaluate the results of all Special Meetings.
- **Special Business Meeting** held on July 18, 2023, at 7:00 pm. The Board Members (IAW Section 15.1 Board's Composition (ministry directors, deacons, and trustees and chaired by the Chairman of Deacons). The pastor is not a member of the Board. Like the July 9th meeting, this meeting did not meet criteria for calling a Special Meeting, no records were recorded as none had been provided. During this meeting, the Senior Pastor declared that the Trustees “did not have the authority to assure the church follows federal, state and local statutes”, which is included in the Constitution and the Bylaws (As stated previously, pursuant to Section 3.2 Trustees (G.).

Why Are We Here-Breaches of the MPBC and Federal, State and Local Laws (Cont.)

MOST RECENT BREACHES

(Cont.) MPBC bylaw states:

- This includes maintaining legal titles to all church properties and assuring that the church follow with federal, state, and local statutes. The Trustee Ministry shall function on these matters where civil law specifically requires them to act in behalf of the church [...]It means that they meet the legal requirements for carrying out church decisions in matters involving law [...]."**

Trustees acting on behalf of MPBC membership has a duty to assure that the church follows federal, state and local laws with the any church financial business, because any church financial improprieties could potentially risk MPBC losing its tax-exempt status.

9 Aug 2023, Trustees Chair and Co-Chair met with the Senior Pastor, Asst. Pastor, and Head and Vice Diaconate to address the violation of MPBC laws and Federal, state and local laws. Meeting minutes were taken by Rev. Felicia Hawkins and Rev. Melissa Holt (Combined). Again, Trustees acting on behalf of MPBC membership attempted to ensure the church followed federal, state and local laws in the conduct of executing church financial business. There was exchange of dialogue and a strong disagreement on the interpretation of Law (s). In the conclusion, Rev Pinkney recommended the need to get a legal opinion as required by the Bylaws Section 3.2.

Why Are We Here-Breaches of the MPBC and Federal, State and Local Laws (Cont.)

MOST RECENT BREACHES

(Cont.) Aug 9, 2023, excerpts from the Minutes states the following:

- *Pastor Kevin Donalson: I said the Trustees do not have the right to do. Werts sent a letter invalidating the church vote, told him not to do what the church told him to. Trustees do not have the right to invalidate something the church told him to do.*
- *Rev. Ezekiel Pinkney: so the resolve for the minutes...I will meet with Deacons Clemons, Thurman to get mediation and interpretation and get legal opinion.*
- *Pastor Kevin Donalson: I don't think the church should pay for lawyers. Bro. Davis needs to get a lawyer and go that way. I'm not for the church spending money on a lawyer for an issue resolved by the church.*

Once again, the Senior Pastor violated the Church Bylaws. Bylaws state: The Trustee Ministry shall function on these matters where civil law specifically requires them to act in behalf of the church. This does not mean that the Trustee Ministry makes decisions about legal matters; they must seek legal opinion. This is the Law both MPBC and external!!!

The Pastor cannot make decisions reference legal matters and cannot commit or non-commit financial resources of the church without Trustee approval.

Why Are We Here-Breaches of the MPBC and Federal, State and Local Laws (Cont.)

MOST RECENT BREACHES OF MPBC DOCTRINE

- **Rev. Ezekiel Pinkney sought out a legal opinion as required by the Bylaws for the Trustees. The Lawyer who provided the legal opinion for the Trustees and he asked to meet with the Pastor and the Trustees, privately. Three letters were sent. The Senior Pastor Donalson stated: "He did not want to meet with the Trustees and or the lawyer."**
- **An injunction was filed on 29 November 2023. The injunction is against Pastor Kevin Donalson not the Church.**

INJUNCTION

- **Definition-an injunction is a court order requiring a person to do or cease doing a specific action.**
- **The injunction protects the assets of the Church and make sure the Pastor complies with the Bylaws and Constitution. This is not an effort to replace him or “sue” the Church.**
- **This is not a personal matter nor is it a personal vendetta against the Pastor. This is an issue of governance, accountability, order, law and the Trustees responsibility to protect the church, its members, and the church’s assets as require by law.**
- **For example, on 13 September 2023, NYC Pension Funds Sued Fox Corporation Board for Breach of Fiduciary Duty in Connection with Defamatory Broadcasts. The complaint alleges that the Board knew that Fox News’s promotion of political narratives without regard for whether the underlying factual assertions were true created defamation risk, starting with false claims. The complaints state clear governance systems are absolutely necessary for the long-term health of a company.**

INJUNCTION (Cont.)

Injunction calls for the Pastor to stop:

- **Making, approving or authorizing any expenditure by the Church without approval from the Board of Trustees (which is outside the approved annual Budget).**
- **Hiring or firing of any Church employees without approval from the Board of Trustees .**
- **Taking any actions to remove the Board of Trustees or otherwise elect new Trustees and/or any official members.**
- **Improper attempts at removal of Trustees and Director of Operations.**
- **Improper conducting of business, including the usurpation of the authority of the Trustees.**
- **Conducting MPBC membership meetings in an unfair and improper manner in violation of MPBC governing documents and other actions that violated the fundamental due process rights of the Trustees and the church membership.**

Questions and Answers

1. Are the Trustees trying to control the Church?

Response. No. The MPBC clearly outlines the responsibilities of the Trustees. Article 15. Board is the true organization in MPBC that has management Oversight not the Senior Pastor or the Trustees.

2. Did the Trustees attempt to discuss the leadership issue with the Senior Pastor and the Head of the Diaconate?

Response. Yes. Specifically, we met with Rev Donaldson privately, as a group and our concerns were dismissed. We met with Deacon Clemons and were dismissed. The Trustees prepared several Point Papers and Presentations that were sent to and discussed with the Pastor and the Diaconate addressing the numerous infractions; they were dismissed.

We requested a meeting with congregation per the bylaws and were denied by Deacon Clemons.

Therefore, we followed Matthew 18:17. *If they still refuse to listen, tell it to the church; and if they refuse to listen even to the church, treat them as you would a pagan or a tax collector.* In the Aug 9, 2023 meeting with Rev. Donaldson, he told us to get a lawyer. Copies of the Issue Papers and PowerPoint Presentations can be provided to the membership.

Questions and Answers (Cont.)

3. Did the Trustees sue the Senior Pastor and the church?

Response. The Trustees did not sue Pastor Donalson (who is an employee of the church). The Trustees cannot sue the Church. The Trustees filed an injunction to stop Rev Donalson repetitive bad behavior, infractions and violations of the MPBC Bylaws and federal, state, and local laws.

Update and Conclusion

- Trustees submitted two Proposals, 4 and 6 January 2024 to sit down and mediate the illegal action and develop a healing plan with members from the church. A part of the discussion was to have a nonpartial mediator for the meeting and its processes. Pastor Donalson selected a mediator despite our disagreement.
- On 10 Jan 2024, Rev Donalson's lawyer requested the removal of the injunction first before we come to the table to meet. Trustees as required by *'all laws'* evaluated Rev Donalson's new proposal and it was determined the church's assets, governance and need for accountability would not be protected if we missed the injunction.
- Trustees resubmitted its proposal: Phase 1. Admit wrong doings and Phase 2. conduct mediation with the goal to develop a framework for moving forward with an approved plan by all parties which include members of the congregation.
- Trustees are moving forward with the injunction as required.

Questions

January 17, 2024

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