

Bard C Marshall
13350 Nw Willis Rd
Mcminnville OR 97128

Faith Baptist Church
PO Box 570
5750 N Hwy 101
Lincoln City, OR 97367

Re: Should Steve Korch continue to be ordained at this point given his long history highly sinful activities?

Bard Marshall, et al:

In 2005, Jane Doe contacted me (Randy Chapel) regarding the child molestation acts by Steve Korch. This was brought to the attention of others, including my mother Carol Nye-Wilson and our attorney at the time, William Dresser. Unknown to Steve at the time, Jane Doe requested to confront Steve Korch at his deposition, which can be viewed on the web at <https://www.youtube.com/watch?v=xOiXADUUMa8> .

Subsequently, Western Seminary, led by Bert Downs proceeded to cover for Steve Korch, making up radical claims concerning how he learned and making various public statements regarding the acts. During Bert Downs' own deposition, he was caught in his own lies, while he unsuccessfully attempted to cover for Steve. Since 1975, Steve's secrete sin had been covered up with the help of the weak-minded religious in and around him. However, once it was out, nothing could put it back.

Subsequently, others at Western Seminary would continue the cover up for Steve, including Randal Roberts, Rob Wiggins, Lynn Ruark, Gary Tuck and their attorneys. Ultimately, Bert Downs and Randal Roberts would get the school's two accreditors to help in the cover up and finally staff with Margaret Spellings would later provide the cover needed.

Returning to the events of 2005, contacts were made to ascertain, who was spiritually over Steve Korch. That investigation led us to Faith Baptist Church, which led to the statement of Jan 19, 2006 concerning Steve Korch. That statement noted:

- Tragic nature of the sin that took place in April and May of 1975.
- The "terrible consequences"
- "We would agree with Steve's description that his actions were 'deplorable.'"
- "Had the church known of this moral failure in 1978, it is probable that they would not have called Steve Korch to be their pastor, and it is equally likely that, had the ordination council in 1980 known of this moral failure, they would not have recommended his ordination."
- That "Deacon board of Faith Baptist Church unanimously agrees not to remove Steve Korch's ordination."
- That "the leadership of Faith Baptist has expressed its opinion to Steve that, given the public nature of this sin, for the sake of the name of Christ, the more honorable course of action may be for him to voluntarily step down from his position of public ministry."
- That "nothing in all creation is hidden from God's sight. Everything is uncovered and laid bare before the eyes of him to whom we must give account."-Heb 4:13, NIV.

LEGAL (Child Molestation)

In the State of California, a person under the age of 18 is considered a child. Claiming that the child consented is not a defense. This is clearly noted in the Criminal Jury Instructions written by the Judicial Council of California. In both No. 1102. Sexual Penetration With Person Under 18 (Penal Code Section 289(h)) (pp. 818-820) and No. 1122. Annoying or Molesting a Child (Penal Code Section 647.6(a)-(c)) (pp. 840-843) *People v. Kemp* (1934) 139 Cal.App. 48, 51 [34 P.2d 502] is referenced if a defense claims that the other person may have consented.

In *Kemp*, the defendant was convicted of rape and incest on his niece. Four counts were charged as rape and four counts as incest. At the time the niece was sixteen for two of the occasions and seventeen for the other two. In particular, the niece gave birth to a child, which died a couple of months after birth. During the time the niece was living with the defendant (March, 1932 - December, 1932 and June, 1933 - October, 1933) the niece and uncle had

repeated acts of sexual intercourse.

According to instruction notes for No. 1102, “Except as provided in Section 288, any person who participates in an act of sexual penetration with another person who is under 18 years of age shall be punished by imprisonment in the state prison or in a county jail for a period of not more than one year.” Penal Code Section 289(h).” The instruction notes go on to define various possible claims and defenses, such as:

1. Foreign Object, Substance, Instrument, or Device Defined. Pen. Code, § 289(k)(2); *People v. Wilcox* (1986) 177 Cal.App.3d 715, 717 [223 Cal.Rptr. 170] [a finger is a “foreign object”].
2. Sexual Penetration Defined. Pen. Code, § 289(k)(1); see *People v. Quintana* (2001) 89 Cal.App.4th 1362, 1371 [108 Cal.Rptr.2d 235] [penetration of genital opening refers to penetration of labia majora, not the vagina].
3. Unknown Object Defined. Pen. Code, § 289(k)(3). “Unknown object” shall include any foreign object, substance, instrument, or device, or any part of the body, including a penis, when it is not known whether penetration was by a penis or by a foreign object, substance, instrument, or device, or by any other part of the body.”
4. Sexual Abuse Defined. *People v. White* (1986) 179 Cal.App.3d 193, 205–206 [224 Cal.Rptr. 467].

In the case of instruction notes for No. 1122, “(a) (1) Every person who annoys or molests any child under 18 years of age shall be punished by a fine not exceeding five thousand dollars (\$5,000), by imprisonment in a county jail not exceeding one year, or by both the fine and imprisonment. (a)(2) Every person who, motivated by an unnatural or abnormal sexual interest in children, engages in conduct with an adult whom he or she believes to be a child under 18 years of age, which conduct, if directed toward a child under 18 years of age, would be a violation of this section, shall be punished by a fine not exceeding five thousand dollars (\$5,000), by imprisonment in a county jail for up to one year, or by both that fine and imprisonment. (b) Every person who violates this section after having entered, without consent, an inhabited dwelling house, or trailer coach as defined in Section 635 of the Vehicle Code, or the inhabited portion of any other building, shall be punished by imprisonment in the state prison, or in a county jail not exceeding one year, and by a fine not exceeding five thousand dollars (\$5,000). (c) (1) Every person who violates this section shall be punished upon the second and each subsequent conviction by imprisonment in the state prison. (c)(2) Every person who violates this section after a previous felony conviction under Section 261, 264.1, 269, 285, 286, 288a, 288.5, or 289, any of which involved a minor under 16 years of age, or a previous felony conviction under this section, a conviction under Section 288, or a felony conviction under Section 311.4 involving a minor under 14 years of age shall be punished by imprisonment in the state prison for two, four, or six years.”

Just as was the case in No. 1102, the instruction notes go on to define various possible claims and defenses, such as:

1. Child annoyance or molestation may be committed by either a single act or a repetitive course of conduct.
2. Sixteen year old cannot consent. See *People v. Kemp* (1934) 139 Cal.App. 48, 51 [34 P.2d 502]. See also *People v. Cardenas* (1994) 21 Cal.App.4th 927, 937, fn. 7 [26 Cal.Rptr.2d 567] [dicta, in context of lewd act].
3. “Annoy” and “molest” are synonymous and generally refer to conduct designed to disturb, irritate, offend, injure, or at least tend to injure, another person. (*People v. Lopez* (1998) 19 Cal.4th 282, 289 [79 Cal.Rptr.2d 195, 965 P.2d 713]; *People v. Carskaddon* (1957) 49 Cal.2d 423, 426 [318 P.2d 4].) “Annoy means to disturb or irritate, especially by continued or repeated acts . . . [¶] ‘[M]olest’ [means] . . . ‘to interfere with or meddle with unwarrantably so as to injure or disturb.’ ” (*People v. Pallares* (1952) 112 Cal.App.2d Supp. 895, 901 [246 P.2d 173].) A photographer can “annoy” a minor by taking the minor’s photograph in a public place in an offensive and irritating manner. (See *Ecker v. Raging Waters Group, Inc.* (2001) 87 Cal.App.4th 1320, 1325 [105 Cal.Rptr.2d 320].) A lewd act is not required. (*People v. Thompson* (1988) 206 Cal.App.3d 459, 465–466 [253 Cal.Rptr. 564].)
4. Annoy and Molest Defined; Objective Standard. *People v. Lopez* (1998) 19 Cal.4th 282, 289–290 [79 Cal.Rptr.2d 195, 965 P.2d 713]; *People v. Kongs* (1994) 30 Cal.App.4th 1741, 1749–1750 [37 Cal.Rptr.2d 327]; *People v. Pallares* (1952) 112 Cal.App.2d Supp. 895, 901–902 [246 P.2d 173]. Penal Code 647.6 does not

require any touching whatsoever. Words alone may constitute annoying or molesting a child.

5. Lewd Act Not Required. *People v. Thompson* (1988) 206 Cal.App.3d 459, 465–466 [253 Cal.Rptr. 564].
6. Need Not Actually Be Annoyed. *People v. Lopez* (1998) 19 Cal.4th 282, 290 [79 Cal.Rptr.2d 195, 965 P.2d 713].
7. Actual Touching Not Required. *People v. Memro* (1995) 11 Cal.4th 786, 871 [47 Cal.Rptr.2d 219, 905 P.2d 1305]; *People v. Lopez* (1998) 19 Cal.4th 282, 289 [79 Cal.Rptr.2d 195, 965 P.2d 713].

Steve Korch and his various Religious supporters in 1975, have claimed that it was only one child or that he did not commit the acts again or whatever claim he can muddle through. Somehow making this better, but that is not what the law or the court says. In *People v. Shaw* (2009) 77 Cal.App.4th 92, 99 Cal.Rptr.3d 112 ("The statute does not merely protect children as a class; it protects "any child" in the State of California from being annoyed or molested by an adult motivated by an unnatural or abnormal sexual interest... To hold that a defendant might lawfully annoy or molest a child motivated by an abnormal sexual interest toward that child alone is not only ludicrous, but defeats the express statutory purpose of protecting any child in this state against sexual offenses."). In fact, there is nothing in the statute or any case law directly on point that requires the defendant to have singled out any particular child (or group of children) in advance for his actions.

In other words, regardless if it was an one time act, several acts over several weeks which is the case, one child, more children that have not come forward; regardless if he penetrated Jane Doe with his penis, placed it next to her vagina, thrust his fingers inside back and forth, simply used his fingers, mouth, touched her in any way or even just annoyed her, Steve Korch molested a child.

Aftermath

After Jan 19, 2006, Jane Doe, Carol Nye-Wilson and myself confronted the church and Pastor Marshall concerning allowing (covering for) Steve Korch.

Subsequently, Western Seminary, Steve Korch, Lynn Ruark, Gary Tuck, with Randal Roberts, Rob Wiggins, and their various attorneys demanded that everything be covered up, demanded no complaints to the government, demanded selected speech, not helping other attorneys such as the U.S. Attorney General (or staff) concerning actions or investigations against Western Seminary, et al. under the threat of financial vengeance. This financial vengeance was set at \$10,000 per occurrence for each statement or publication (like this one) to be paid out to Western Seminary, Steve Korch, Gary Tuck, and Lynn Ruark. If this document reaches 10 people, that is $10 \times \$10,000 \times 4 = \$400,000$.

These demands by Steve Korch, et al., are criteria as the --only way-- I can recover my previously earned education and earn any other education leading to a Master of Divinity and a Master of Theology. Such demands against students are considered unlawful, unfair and fraudulent business acts or practices in the state of California. Because of the "code of silence" the Religious and government demand in this case, the child molester Steve Korch¹ continues preaching to groups with children, whereby Faith Baptist Church and Pastor Marshall are ok with.

Further problematic is the notion, that a student's education and all future education leading to degrees can be extorted to prevent a student or a member of the public from filing complaints to the government. Such demands in settlement agreements were deemed unlawful, unfair and fraudulent business acts or practices, attempting to cover up corruption from the government (Business and Professions Code §§ 17200, 17500). *State of California v. Corinthian Schools, Inc. Los Angeles County Superior Court Case No. BC374999*, cost Corinthian \$6.5 million to settle. Even a one-time act has been deemed sufficient to allege a Section 17200 claim: *Allied Grape Growers v. Bronco Wine Co., 203 Cal. App. 3d 432, 452 (1988)* (determined defendant's conduct relating to a single contract constituted a "practice" under Section 17200). A business act or practice is "unlawful" if it violates some other law. Explaining the "unlawful" prohibition under Section 17200, the California Supreme Court stated that Section 17200

¹ www.stevekorchorch.org

² See, e.g., *Ballard v. Equifax Check Serv., Inc.*, 158 F. Supp. 2d 1163, 1176 (E.D. Cal. 2001) (Section 17200 violation for "unlawful" conduct

"borrows' violations of other laws and treats these violations, when committed pursuant to business activity, as unlawful practices independently actionable under [Section] 17200." *Farmers Ins. Exch. v. Superior Court*, 2 Cal. 4th 377, 383 (1992). Claims about "unlawful" business acts or practices under Section 17200 are predicated on numerous laws and regulations at various levels of government, including: federal statutes;² federal regulations;³ state statutes;⁴ state regulations;⁵ local ordinances;⁶ and prior case law.⁷ Moreover, Western Seminary is not part of any religious organization and has never connected their various claims to a "religious practice."⁸

It is easy to see why Steve Korch wants his illegal, criminal activities covered up. It is hard to teach and preach "Christianity" and be "God's anointed" or refer to "grace" with the full extent of what he is involved in and continues to be involved in available to the Christian Church, the public, the government, donors and students.

But the corruption doesn't end with Steve Korch. Western Seminary, et al., has their own reasons to go along with the child molestations of Steve Korch.

On or about the fall 2001, I became aware of Matt Tuck (son of Gary Tuck) being cheated through school under false claims of "disability" (Section 504 of the Rehabilitation Act of 1973). Western Seminary did not have a Section 504 program, coordinator, or any required policies or procedures. Through FOIA responses in 2010, I was able to piece together Western's lies to OCR-SF in 2005. Arne Duncan and OCR-SF received my "OCR Review" exposing Western's lies the first week of January 2011.⁹ Lynn Ruark and other administrators at Western willfully made known misrepresentations to OCR by false statements and backdated documents (CA Penal Code 134) in order to mislead federal authorities during a federal investigation in order to appear that Western was compliant with Section 504.

Western retaliated against me with trumped up claims of being "immoral" after I questioned the special treatment for Matt Tuck. The primary persons in order were the child molester Steve Korch, Gary Tuck, Lynn Ruark, and then the others. It would later be learned that their claims and actions in 2002 violated the law.

I filed a lawsuit against Western, Gary Tuck, Steve Korch, and Lynn Ruark in 2003. During discovery, evidence surfaced about Korch molesting a child (which you know). This destroyed his credibility during the underlying lawsuit. On August 1, 2005, Bert Downs publicly admitted Korch's "sexual misconduct," and in March 2006, an off the books, *secret agreement* was made between Western and Korch¹⁰ with \$25,000 proceeds from my case. I discovered Korch's secret payoff two years post settlement after I demanded the mediator's case file wherein a *single document* implicated the school, defendants, and their insurance companies in money laundering with funds from Western's tuition, Title IV student aid, and charitable donations.

Western, et al., made two Agreements – one known and *one hidden* between Steve Korch and Western Seminary, to conceal its corruption from federal and state authorities, accreditors, court, donors to the school, students, public,

² See, e.g., *Ballard v. Equifax Check Serv., Inc.*, 158 F. Supp. 2d 1163, 1176 (E.D. Cal. 2001) (Section 17200 violation for "unlawful" conduct predicated upon defendant's violation of federal Fair Debt Collection Practices Act); *Southwest Marine, Inc. v. Triple A Mach. Shop, Inc.*, 720 F. Supp. 805, 808 (N.D. Cal. 1989) (holding that plaintiff stated a claim under Section 17200 based on a violation of federal environmental laws).

³ See *Southwest Marine*, 720 F. Supp. at 807-08 ("borrowing" Navy procurement regulation as predicate for Section 17200 was proper where defendant was able to underbid Navy contract as a result of improperly disposing hazardous wastes).

⁴ Various state law violations, ranging from criminal statutes to the California Vehicle Code, have served as the underlying bases for "unlawful" claims. See, e.g., *Midpeninsula Citizens for Fair Housing v. Westwood Investors*, 221 Cal. App. 3d 1377, 1390, 1393 (1990) (enforcing Unruh Civil Rights Act); *Quelimane*, 19 Cal. 4th at 42-43 (violations of the Cartwright Act); *Hewlett v. Squaw Valley Ski Corp.*, 54 Cal. App. 4th 499, 520-25 (1997) (violations of the Forest Practices Act) (superseded by statute); *Podolsky v. First Healthcare Corp.*, 50 Cal. App. 4th 632, 649 (1996) (violation of the Consumers Legal Remedies Act ("CLRA")); *People ex rel. Van de Kamp v. Cappuccio, Inc.*, 204 Cal. App. 3d 750, 759 (1988) (violations of Fish & Game Code); *Stop Youth Addiction*, 17 Cal. 4th at 573 (violation of penal code prohibition of cigarette sales to minors).

⁵ See, e.g., *People v. McKale*, 25 Cal. 3d 626, 635 (1979) (mobile home park regulations); *People v. Casa Blanca Convalescent Homes, Inc.*, 159 Cal. App. 3d 509, 528-30 (1984) (nursing home regulations).

⁶ See, e.g., *Consumers Union of United States, Inc. v. Alta-Dena Certified Dairy*, 4 Cal. App. 4th 963, 967 (1992) (county ordinance regulating the sale of raw milk products); *People v. Thomas Shelton Powers, M.D., Inc.*, 2 Cal. App. 4th 330, 334, 336 (1992) (city subdivision code) (overruled on other grounds).

⁷ See, e.g., *Bondanza v. Peninsula Hosp. & Med. Ctr.*, 23 Cal. 3d 260, 266-68 (1979) (holding surcharge on delinquent account was "unlawful" in that it violated rule adopted in earlier case).

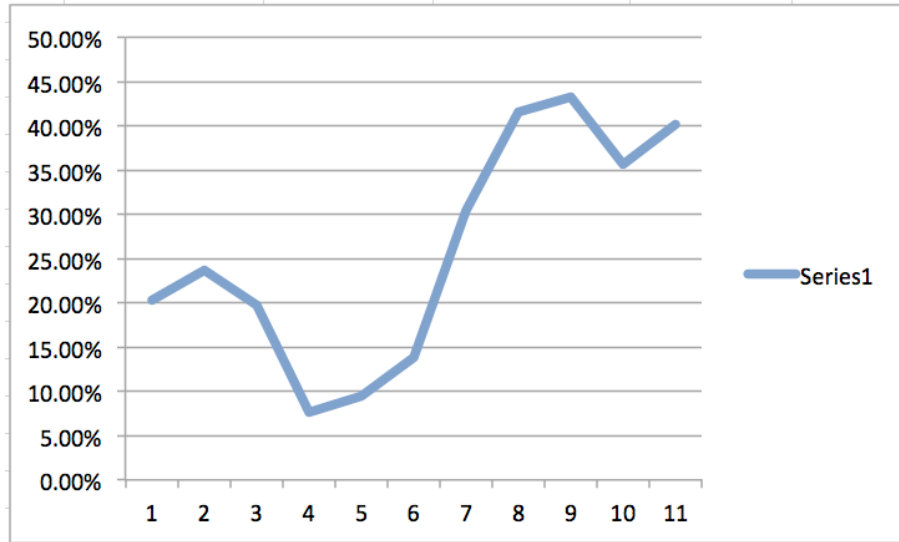
⁸ Habitually graduating students that have sex outside of marriage while destroying the education and life of one is not a religious practice.

⁹ <https://www.scribd.com/doc/205858094/Western-Seminary-s-Section-504-coverup>

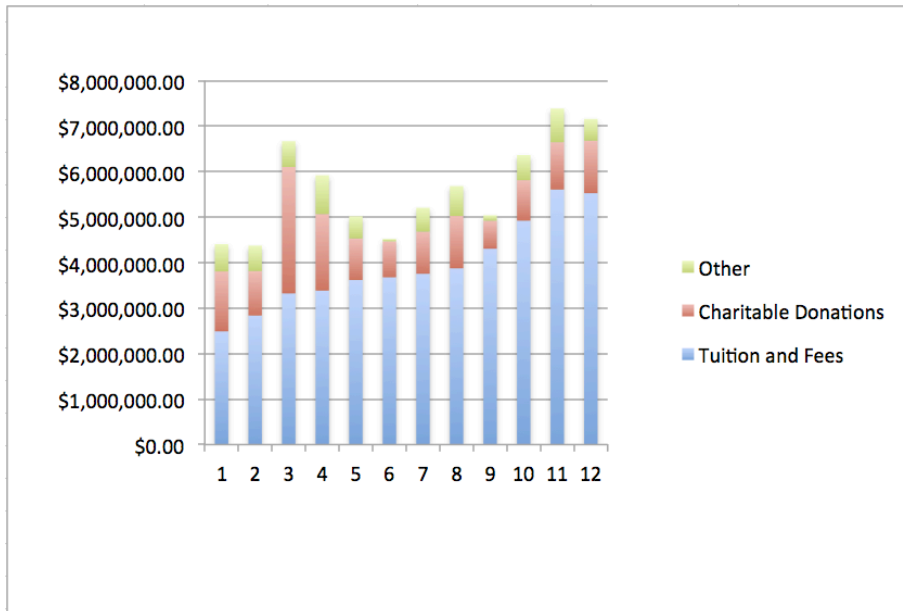
¹⁰ www.stevekorch.org

Christian Church, my mother and me.

By law, compliance with Section 504, and many other laws, is required to participate in Federal Student Financial Aid Programs as mandated by the Program Participation Agreement ("PPA") requiring signatures by Western's President and the Department of Education. According to the Department, it *“does not have any records documenting any type of waiver or exception to the provisions of the PPA.”*¹¹



This is a graph of the federal aid Western Seminary has received since 2003. It dipped low during the 2007-2009 years. Currently, Western Seminary’s income involving tuition takes the form of over 40% in federal aid.



This graph depicts the tuition (including federal aid), charitable donations and other income. According to Western,

¹¹ <http://www.scribd.com/doc/293070200/Western-Seminary-operating-in-violation-of-law> The Higher Education Act ("HEA") mandates that an educational institution is ineligible to submit any requests for Title IV student loan and grant funds without first executing an agreement with the Secretary of Education, the PPA and as a requirement of that agreement, maintain the contractual requirements of said agreement. An institution’s knowingly false promises to comply with the HEA in the mandatory PPAs are actionable under the False Claims Act where those false statements cause the Government to grant the institution’s subsequent requests for Title IV student education funds

the charitable donations are needed to keep the school afloat. At the current burn rate, Western is actually barely making it, as shown from their own audits. Further, given their need for charitable donations to keep the school afloat, they have a significant reason to keep donors to the school, students, public, and the Christian Church in the dark. *I am a prior donor to the school.*

Western Seminary has managed to obtain over sixteen million in Title IV funds since 2003. Under the False Claims Act if the government intervenes in the qui tam action, the relators (Carol Nye-Wilson and Randy Chapel) are entitled to receive between 15 and 25 percent of the amount recovered from the school by the government through the qui tam action. If the government declines to intervene in the action, the relators' share is increased to 25 to 30 percent. These varieties provide for a possible recovery range of \$2,400,000 to \$4,800,000 for the relator plaintiffs. Western Seminary, et al., is well aware of this and made various demands attached to my education in order to avoid being found out by the U.S. Department of Education and being held accountable for what they did.

Damages and Future

As of the date of this letter, the feds have been covering for Western Seminary, et al. since 2005. They have not only refused to pay for damages, but have protected and covered for Western Seminary, et al., using tax money. For example:

“In order to participate in various student loan and grant programs established under Title IV of the Higher Education Act of 1965, a post-secondary educational institution must first enter into a program participation agreement (“IPA”) (20 U.S. Code § 1094) with the U.S. Department of Education. In turn, each program participation agreement expressly conditions a school’s initial and continuing eligibility to receive funds under Title IV programs on compliance with specific statutory requirements.”¹² Initial and continuing eligibility to receive federal funds under Title IV programs requires compliance with specific and numerous statutory requirements. In all cases, Section 504, Rehabilitation Act of 1973 (29 U.S.C. § 701), and The Family Educational Rights and Privacy Act (“FERPA”) (20 U.S.C. § 1232g; 34 CFR Part 99) are among other mandated statutory requirements. On December 15, 2009, Tony West, Assistant Attorney General of the Civil Division of the Department of Justice stated and reminded all schools publically, **“we must ensure that all educational institutions comply with the law and do not misuse taxpayer funds”**¹³

It is the position of the United States of America that “promissory fraud claims do not require a false “certification” of any sort. Instead, an actionable promissory fraud claim requires only that “the contract or extension of government benefits was obtained originally through false statements or fraudulent conduct.” *Harrison v. Westinghouse Savannah River Co.*, 176 F.3d 776, 787-88 (4th Cir. 1999) at 787. This is simply an application of the FCA’s prohibition on using “a false record or statement to get a false or fraudulent claim approved by the Government.” 31 U.S.C. 3729(a)(2). See also *United States ex rel. Hagood v. Sonoma County Water Agency*, 929 F.2d 1416, 1421 (9th Cir. 1991) at 1420 (noting “[t]hat a contract based on false information is a species of false claim”).¹⁴ “It is the view of the United States that, where an educational institution knowingly makes false promises to comply with specific requirements that are a prerequisite to obtaining a government benefit, and later submits (or causes others to submit) claims for payment predicated upon those false statements, this conduct is actionable under both Section 3729(a)(1) and (a)(2) of the FCA, even if the claims themselves do not contain express false statements.”¹⁵

In 2003, when Bert Downs signed the PPA, Western Seminary and its administrative staff knew that Western Seminary was not in compliance with Section 504, as noted above. Western Seminary was not in compliance with Section 504, and the conspirators led by Lynn Ruark willfully and knowingly covered up Western Seminary's non-compliance by making false statements and submitting backdated documents and materials during the federal investigation in 2005, in order to create a false paper trail to “appear” that Western Seminary was compliant with

¹² Assistant Attorney General for the United States, Peter D. Keisler. [Brief for the United States as Amicus Curiae in Support of the Appellant.](#) Regarding case *United States of America ex rel. Mary Hendow and Julie Albertson v. University of Phoenix; Ninth Circuit Case No. 04-16247.*

¹³ <https://www.justice.gov/opa/pr/university-phoenix-settles-false-claims-act-lawsuit-675-million>

¹⁴ Keisler. [Brief for the United States as Amicus Curiae in Support of the Appellant.](#)

¹⁵ *Ibid.*

Section 504 of the Rehabilitation Act of 1973 at the time that Bert Downs signed the 2003 PPA. Conditions related to Western Seminary's 2003 PPA:

- a. Compliance with FERPA was a known prerequisite to Western Seminary's initial or continued participation in any Title IV, HEA Program. However, Randy Chapel had filed complaints to the Family Policy Compliance Office and the California Bureau of Private Post Secondary and Vocational Education concerning Western Seminary withholding his records. In addition, Western Seminary did not abide by the protections afforded to students under FERPA. For example, it was common for Western Seminary employees to gossip among themselves about the students, as was the case in 2002 when Steve Korch gossiped to Gary Tuck who in turn gossiped to Roy Low about Randy Chapel.
- b. Western Seminary's participation in Title IV funding was subject to the PPA terms and conditions.
- c. Western Seminary entered into the 2003 PPA based on a provisional certification for a limited period of participation in Title IV, HEA programs, because Western Seminary did not meet the standards of financial responsibility set forth in 34 CFR 668.171, and had been on probation in 2003 by NWCCU for financial problems.
- d. Western Seminary's participation in Title IV funding was subject to revocation for cause, which includes without limitation, a failure to comply with any provision set forth in the PPA, a violation of U.S. Department of Education regulations deemed material by the U.S. Department of Education, or a material misrepresentation in the materials submitted to the U.S. Department of Education as part of Western Seminary's application process for certification.
- e. That recitation of any portion of the statute or regulation cited in the agreement does not limit Western Seminary's obligation to comply with other applicable statutes and regulations.
- f. Western Seminary agreed to comply with The Family Educational Rights and Privacy Act of 1974 and Section 504 of the Rehabilitation Act of 1973, and it also agreed as part of the PPA to comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and the Age Discrimination Act of 1975.
- g. In fact, Western Seminary agreed that upon entering the PPA, it would comply with all statutory provisions applicable to Title IV of the HEA.
- h. Western Seminary also agreed that it would not contract with or employ anyone who was administratively or judicially determined to have committed fraud or any other material violation of law involving Federal, State, or local government funds.
- i. Western Seminary agreed to meet the requirements established pursuant to Part H of Title IV of the HEA by the Secretary, State (authorizing bodies), and nationally recognized accrediting agencies.
- j. Western Seminary agreed per Executive Order 12549, that Western Seminary or its principals have not within a three-year period preceding the application of the Agreement been **convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.**
- k. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, local) with commission of any of the offenses enumerated in paragraph (1)(b) [listed previously].

Knowing that Western Seminary was not compliant with the 2003 PPA and Section 504, on March 14, 2006, Western Seminary, et al., with their attorneys at the time, willfully made retaliatory extortion threats and demands upon my mother and me in order to force the substantively changed degree criteria for two master degree programs requiring us to file no complaints to the government and to dismiss complaints already filed, among other demands intended to prevent the U.S. Department of Education from discovering Western Seminary's promissory fraud. In September 15, 2006, the Western et al., then involved its accreditors to cover up Western Seminary's PPA fraud from the U.S. Department of Education, by insuring that the substantively changed criteria for two master degree programs was supported as valid and not illegal. In doing, Western Seminary was able to sign a second PPA in 2007. Currently, Western Seminary is on the tail end of the 2013 PPA they signed with the Department of Education. During this time, the feds knew or should have known Western Seminary et al. was involved in illegal activities, yet continued with federal aid in the millions, while damaging my family and me to the point of no return. In essence, the government's actions to support and defend the criminal activities by declaring Western Seminary's

illegal considerations valid in the March 14 2006 settlement agreement, makes the government a stakeholder in the corruption.

The damages and losses were foreseeable and preventable had the government agencies, officials and/or officers involved simply followed the laws, regulations and/or procedures and enforced them. Instead of ensuring that these egregious acts of misconduct never occur again, government fought my mother and me from discovering the extent of the criminal conduct parties involved themselves with. The government employees, conspirators, co-conspirators instead acted to suppress evidence and created, maintained and defended a false narrative in order to protect the enterprise and conceal the corruption. This continues as of the date of this letter.

The government has now permanently damaged lives and has unjustifiably imposed irreparable injury on Randy Chapel, Joel Chapel, Susan Allister, Dale Wilson and Carol Nye-Wilson. The aggressive, abusive, ongoing misrepresentations first by Margaret Spellings and her staff and then by the Obama Administration establishing vivid support of the enterprise stand as a stark contrast before the nation as to what Americans expect of the government.

In particular to the irreparable injury, Randy Chapel has lost his education, family, home, land, things, savings, Second Amendment rights, and future. Randy Chapel has over \$40,000 in student loans. Western Seminary filed a lien against Randy Chapel, which was achieved due to the support of the enterprise operation. Instead of dealing with the government corruption and educational fraud, Randy Chapel was instead *psychologically tortured and emotionally water boarded*, particularly by the Obama Administration's use of James A. Scharf.

On April 2, 2012 Carol wrote to the Robin Ashton, President Obama, Eric Holder, Melinda Haag and many others and stated: "Ultimately, this is going to end badly... I expect that this may be intended by the government to end tragically rather than doing what's right and enforcing federal regulations which is also linked to Western, ATS, and NWCCU."¹⁶ Carol Nye-Wilson was right and this has now ended tragically against Randy Chapel and his family members.

Ironically, this case resembles two other cases.

On April 30, 2010, the tortured ordeal of four Boston men (Joseph Savati, Peter Limone Sr. and the estates of the two other men, Henry Tameleo and Louis Greco Sr.) wrongly convicted of murder by gangsters and **corrupt FBI agents** came to an end.¹⁷ The Obama Administration chose not to appeal the August 28, 2009 decision by the U.S. 1st Circuit Court of Appeals upholding the \$101.7 million verdict.¹⁸¹⁹

Joseph Savati spent 30 years in prison for a murder he did not commit, and his wife Marie Savati stood by him and visited him every week.²⁰ Savati with the others sat in prison; in spite of the fact that the FBI, including J. Edgar Hoover knew they had not commit the murder. "Mr. Hoover, knew as long ago as 1965 that Boston agents were employing killers and gang leaders as informers and were protecting them from prosecution."²¹ Peter Limone was sentenced to die in the electric chair. "His life was spared only when Massachusetts outlawed the death penalty in 1974."²²

U.S. District Judge Nancy Gertner described the conduct of the government as "egregious governmental misconduct":

The record evinces egregious governmental misconduct; the FBI agents responsible for handling Barboza

¹⁶ Carol Nye-Wilson to Robin C. Ashton, et al., April 2, 2012.

¹⁷ Mahony, Edmund. "Justice Department Won't Appeal \$102 Million Verdict In Boston Wrongful-Conviction Case." *available at* http://articles.courant.com/2010-05-01/news/hc-mob-no-appeal0501.artmay01_1_fbi-agents-winter-hill-wrongful-imprisonment-case

¹⁸ AP. "U.S. must pay \$101.7 million to men framed by FBI" *available at* <http://www.informationliberation.com/?id=23113>

¹⁹ FBI originally sued for \$375 million. "Hoover's F.B.I. and the Mafia: Case of Bad Bedfellows Grows." *available at* <http://www.nytimes.com/2002/08/25/us/hoover-s-fbi-and-the-mafia-case-of-bad-bedfellows-grows.html>

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

exhibited a callous disregard for the scapegoats' rights. But it is our duty to interpret and apply the law even-handedly, regardless of the egregiousness of a defendant's misconduct”²³

“Tameleo and Greco died of old age in prison before a sensational series of legal developments beginning in the late 1990s proved that they had been framed by mob turncoats with the knowledge of agents at the highest levels of the FBI.”²⁴ “Salvati and the other victims produced as evidence hundreds of previously secret FBI reports showing that their innocence was widely known in the FBI within minutes of Deegan's murder. Nearly all the reports were routinely forwarded to the office of then-Director J. Edgar Hoover.”²⁵ At all times, the DOJ knew what was going on, and the harm it was causing these men and their family members.

Claimants received \$1,000,000 per year. All family members received \$50,000 for intentional infliction of emotional distress. Wives also received \$1,000,000 and children also received \$200,000. Even Roberta Werner, the ex-wife of Louis Greco Sr., received \$50,000.²⁶

In 2011, U.S. Justice Department attorney Bruce Ross stated that the family of Don Yoon was entitled to "just and reasonable" damages, concerning the Marine Corps jet that ran into the Yoon home. Originally, the remaining family sought fifty six million.²⁷

The investigation showed that the jet was improperly maintained and “showed deferred maintenance and faulty decisions by ground controllers and the pilot contributed to the crash. The investigation found the jet's right engine experienced a string of emergencies that left it relying on the left engine, which had already given mechanics indications of a problem. Though maintenance rules don't require immediate repairs for the problem, the squadron flew the jet 146 times before it eventually crashed because the left engine was starved for fuel.”²⁸ This detailed in the complaint itself and taken from the government's own information.²⁹ “Incorrect assumptions and inaccurate data” led to the crash that killed the Yoon family. Four top officers of the fighter squadron were sacked and nine other Marines were disciplined.³⁰

The words and tone found on www.JoelChapel.com comes, in part, from the Judge Jeffrey T. Miller's Statement of Decision in *Yoon*³¹ given the significant damage that was foreseeable and preventable, as was the case in *Yoon*:

Randy and Joel have been deprived of each other's father-son love, affection, solace, companionship, society, protection, moral guidance and support, services, care, counsel, training, and advice. Susan Allister unilaterally removed Randy as Joel's father until Joel is an adult. Susan Allister's conduct (aided by Donald Allister the Bishop of Peterborough, Janice Allister, and John Allister) are depriving Randy from raising and instructing Joel in the values of loving father, parental affection and devotion shared with and between parents and their offspring. Susan Allister is preventing and depriving Joel, by alienating Randy from raising and instructing Joel about and in American values, as well as his own life. The loss of his young child deprives Randy of his instinctive need to nurture, guide and to affectionately love his child and to be the kind of father Randy wanted to be for his son, which he did not have himself. The loss of his father-son relationship with Joel associated with all the other losses Randy experiences are substantial and should not be diminished or reduced.

The Yoon relatives sought \$56 million, but were awarded \$17.8 million.³² Yoon family's lead counsel Brian Panish

²³ *Limone, et al., v. U.S.*, No. 02cv10890-NMG, 2007 U.S. Dist. Lexis 54224 (D. Mass.), ECF No. 615.

²⁴ Mahony, Edmund. “Justice Department Won't Appeal \$102 Million Verdict In Boston Wrongful-Conviction Case.” *available at* http://articles.courant.com/2010-05-01/news/hc-mob-no-appeal0501.artmay01_1_fbi-agents-winter-hill-wrongful-imprisonment-case

²⁵ *Ibid.*

²⁶ *Limone*, ECF No. 598.

²⁷ “Judge awards \$17.8 million to family of military jet crash victims.” *available at* <http://www.cnn.com/2011/12/28/us/california-military-crash/>

²⁸ *Ibid.*

²⁹ *Don Yoon, et al. v. United States*, United States District Court for the Southern District of California, Case No. 3:10CV1578 JM., ECF No. 1.

³⁰ “Judge awards \$17.8 million to family of military jet crash victims.” *available at* <http://www.cnn.com/2011/12/28/us/california-military-crash/>

³¹ *Yoon*, ECF No. 65.

³² *Ibid.* (\$9,615,000 to Don Yoon; \$3,780,000 to Sanghyun Lee; \$1,500,000 to Yumi Lee; \$1,500,000 to Baekgwan Lee; \$1,500,000 to Jun Hwa Lee and nothing to Yangrae Kook.)

stated of the award, "I think the judge was trying to send a message that family is important."³³

Western Seminary is not simply covering for a child molester; they are all involved in complex white-collar criminal activities and they don't want anyone to know what is actually going on.

Western Seminary colluded with its accreditor, ATS, inventing unwritten, unpublished "policies" no one has ever seen, no one can describe, and to which there are no records they ever existed, allowing Western to make "exceptions" to justify the unlawful Agreement of March 2006 and degree criteria for me. Not only because it wanted and has continued to want to cover for Steve Korch, but because it has since 2003 been breaking the law and needs large amounts of federal money and charitable donations to keep running.

In fact, Western pays ATS and NWCCU for its "accreditation" that is required to participate in Federal Student Financial Aid Programs. Western and its accreditors colluded together against the federal government and our two civil cases (2007-2010). Western's collusion enabled it to remain "accredited" and to continue receiving federal money. In NWCCU's 2003 probation letter, Western was judged as financially unfit. Western tried to conceal all of this, especially from its co-conspirator insurance carriers who paid over \$1-million defending Western.³⁴

By "protecting" the child molester Steve Korch in 2006, a series of events unfolded that have destroyed and significantly altered lives of my now ex-wife Susan Allister, our son Joel Chapel, my mother and father and myself. I have lost everything as a result.

As far as the others noted at Western Seminary, there is no communication that I can point at, whereby Randal Roberts, Rob Wiggins, Bert Downs, Lynn Ruark, or Gary Tuck repudiates the actions of Steve Korch, or for that matter each other (e.g., President Randal Roberts has not taken a stand to repudiate the acts of others).

Nor is there a communication that I can point at whereby these various people who are acting to protect and cover for Steve Korch have expressed their sincerest remorse for their actions directed at others or me by themselves and through proxies, including the overwhelming harm done, which should be clearly evident. (e.g., Vice President Rob Wiggins has not taken a stand to express his sincerest remorse for what has happen).

They are not sorry for what they have done and don't consider their actions wrong. They just want it all covered up and enjoy the fact that Faith Baptist Church and Pastor Marshall is willing to take part in the code of silence.

Because you (Faith Baptist Church and Pastor Marshall) have refused to deal with the ongoing corruptions and immorally of Steve Korch, he and others at Western Seminary have caused catastrophic and irreparable damage (<http://timetocomecleanaboutpast.blogspot.com/2015/09/an-open-letter-to-steve-korch-gary-tuck.html>).

No statement of remorse; no statement to repudiate actions will change things now.

It is highly questionable how Steve Korch should continue to be ordained at this point given his long history of highly sinful activities. Not only should Steve Korch's ordination be immediately pulled, but Steve Korch's very salvation should be publically questioned. Mature Christians don't do these things, and to the extent that he continues to preach and teach at Western Seminary, speaks volumes concerning the normalized corruption at that school and those involved.

Carol and I have tried reason and we have tried reasoning with Faith Baptist Church and Pastor Marshall concerning the ongoing corruption involving Steve Korch. Because of what has been done first to me and to my family

³³ "Judge awards \$17.8 million to family of military jet crash victims." available at <http://www.cnn.com/2011/12/28/us/california-military-crash/>

³⁴ Brotherhood Mutual Insurance Company v. Guideone Mutual Insurance Company, U.S. District Court of Northern California, Case No. 11-02148 JCS

members; because of the government's obstructionism, I see no other course of action but to respond in a way that highlights not only the damage done but is justified at this point.

The actions by Steve and through his proxies are based in violence. Because this is all Steve knows and understands, it is only through violence that what Steve has done, with others, can this finally end. That end will occur without warning and without any further provocation directed at me or Carol, including provocation the government is directing or directing through proxies at Carol or myself. The provocations of late directed at me and Carol by proxies involved with government have only made things worse.

As far as the government is concerning, just as Susan, Joel, Carol, Dale and me are expendable, so is Steve and others involved at Western Seminary. I have come to terms that this is the only outcome possible at this point. I have no intention of living the rest of my life to support the lies of Western Seminary, et al., the accreditors or the government. Reasoning has failed and as noted above, you cannot reason with criminals and those wholly intent on causing and acting with violence in the first instance.

It is important that these things are placed into writing, **so that the record clearly articulates whom (parties) provoked an already serious and dangerous situation (cause and effect)**, how things digressed to this point and why things ended the way they did.

Randy Chapel

cc: various interested parties

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