

## APPENDIX T

### CASE 2015-06

#### PRESBYTERIAN CHURCH IN AMERICA VS. SOUTH FLORIDA PRESBYTERY

#### CITATION ON FAILURE TO RESPOND TO EXCEPTIONS MARCH 3, 2016

The Standing Judicial Commission reports to the 44<sup>th</sup> General Assembly that South Florida Presbytery responded to the citation issued by the 43<sup>rd</sup> General Assembly, and to all outstanding exceptions of substance, by written responses properly adopted by Presbytery.

After reviewing the responses, the SJC took the following actions:

That the minutes of the Presbytery's executive session of April 21, 2009 (not previously submitted for review) be approved with the following exception of substance:

**Exception:** Presbytery divested a TE and put him "under the authority (though not necessarily member) of [a particular congregation]." They further state the TE "would no longer be a member of presbytery."

**Grounds:** As written, this action appears to violate *BCO* 46-8. (Note: A response to this exception should be sent to the 45<sup>th</sup> General Assembly as part of the normal review process.)

That, except as noted below, the Standing Judicial Commission finds all the responses of South Florida Presbytery (see Attachment 1, p. 2048) to be satisfactory.

That the following response be found to be unsatisfactory:

**Exception:** November 8, 2011 - Minutes report several charges were laid against a TE. Rather than proceeding with judicial process, the moderator appointed a commission as to avoid scandal and hearsay before all the facts are presented, citing *BCO* 34-2 (*BCO* 31-2 and *BCO* 32-2 and 3).

**Response:** The TE was accused of mismanagement of funds regarding the sale of some land and some loans that were taken out.

## MINUTES OF THE GENERAL ASSEMBLY

All of the paperwork turned out to be in order because he did it with the approval of the Session. A Commission dealt with their situation and reported to the Presbytery. The Commission Report was not included in the Minutes. We admit our error and regret the error. We promise to do better in the future. After a diligent search, the Commission Report was not found. This Response relies on the information provided via e-mail from the Chair of the MCRC Committee:

yes now I remember, there was a man who accused him of mismanagement of funds. He had made decisions about the sale of land and loans taken out but—all the paperwork was in order (meaning that he did it with session approval) and did not do it alone. This was dealt with by a commission that was set up for another issue and I asked that commission to do both cases.

It was dealt with on a commission and reported I remember—I do not have the written info—but I know we denied the charges.

**Grounds:** Presbytery's response does not address the concern that *BCO* 32-2 requires the Court to move to process once an individual makes out a charge against an alleged offender.

Presbytery is reminded that, where its response included the addition of specific language to its minutes not included in the original response (for example, the recording of exceptions in the candidate's own words), the amended minutes must be presented for review at the 44<sup>th</sup> General Assembly so that all portions and additions of Presbytery's minutes that may be reviewed (*BCO* 13-9.b; 40-1).

Presbytery is further reminded that it still has the duty to review the records of Sessions for all years in which reviews were not accomplished by Presbytery (*BCO* 40-1; *cf.*, M14GA14-52.46 (p.128; *cf.*, p. 336)). Therefore, if Presbytery has not already done so, it is directed to accomplish these reviews prior to the 45<sup>th</sup> General Assembly, or to include in its minutes some plan to accomplish this review and to report such plan to 45<sup>th</sup> General Assembly. The SJC approved this decision on the following roll call vote:

## APPENDIX T

Barker, <i>Concur</i>	Duncan, <i>Concur</i>	Meyerhoff, <i>Concur</i>
Bise, <i>Concur</i>	Evans, <i>Concur</i>	Neikirk, <i>Concur</i>
Burnett, <i>Absent</i>	Fowler, <i>Concur</i>	Nusbaum, <i>Concur</i>
Cannata, <i>Absent</i>	Greco, <i>Concur</i>	Pickering, <i>Concur</i>
Carrell, <i>Concur</i>	Gunn, <i>Concur</i>	Fowler, <i>Concur</i>
Chapell, <i>Concur</i>	Jones, <i>Concur</i>	Terrell, <i>NotQual</i>
Coffin, <i>Concur</i>	Kooistra, <i>Absent</i>	White, <i>Absent</i>
Donahoe, <i>Abstain</i>	McGowan, <i>Concur</i>	Wilson, <i>Concur</i>

**CASE 2015-07  
JOHN B. THOMPSON  
VS.  
SOUTH FLORIDA PRESBYTERY**

**DECISION ON COMPLAINT  
AUGUST 12, 2015**

The Standing Judicial Commission (SJC) finds the above-named Complaint Administratively Out of Order (*OMSJC* 9.1.a.) in that the next Stated Meeting of South Florida Presbytery was August 11, 2015, and it had not yet considered the complaint. The SJC finds this case cannot be put in order within the Rules of Discipline of the *BCO* and the requirements of the *OMSJC*, and that this case should be dismissed for the reason that it was prematurely filed, i.e., *BCO* 43-2 does not require a court to consider the complaint until “its next stated meeting.”

Officers’ Recommendation finding this case Administratively Out of Order was approved unanimously because the Petitioner’s *BCO* 40-5 Application was prematurely filed with the SJC. Roll call vote:

Barker, <i>Concur</i>	Duncan, <i>Concur</i>	Meyerhoff, <i>Concur</i>
Bise, <i>Concur</i>	Evans, <i>Concur</i>	Neikirk, <i>Concur</i>
Burnett, <i>Absent</i>	Fowler, <i>Concur</i>	Nusbaum, <i>Concur</i>
Cannata, <i>Concur</i>	Greco, <i>Concur</i>	Pickering, <i>Concur</i>
Carrell, <i>Concur</i>	Gunn, <i>Concur</i>	Fowler, <i>Concur</i>
Chapell, <i>Concur</i>	Jones, <i>Concur</i>	Terrell, <i>Absent</i>
Coffin, <i>Concur</i>	Kooistra, <i>Absent</i>	White, <i>Concur</i>
Donahoe, <i>Concur</i>	McGowan, <i>Concur</i>	Wilson, <i>Concur</i>