

MINUTES OF THE GENERAL ASSEMBLY

minority of the mission church's congregation. Their lack of majority would not make their "concerns" or their judgment about the suitability of the minister to rule over them censurable offenses. Nor can it be known that the seven in truth were a minority, since it is possible that other members of the congregation not present would, if asked to vote, agree with the seven Accused.

Lastly, I would note that had the Session put to the congregation at a congregational meeting the question of whether the organizing minister should stand for election as the permanent minister or whether the congregation preferred to appoint a pulpit committee to measure him against other candidates would have been the path most consistent with our *Form of Government*. In that scenario, the congregation would have had an opportunity to voice its preference. As it happened, the matter turned into a sort of showdown between the Session and the Accused. Because no such congregational meeting occurred, the record in the instant case only tells us what the Accused wanted and what the Session wanted, not what the *congregation* wanted, the very matter that ought to be determined in the selection of a pastor.

CASE No. 2022-08

RE DAVID SNOKE

v.

PITTSBURGH PRESBYTERY

DECISION ON COMPLAINT

October 20, 2022

The SJC finds that the above-named Complaint is Administratively Out of Order and cannot be put in order.

RE Snoke did not have standing to file a Complaint against a Presbytery action taken at its meeting on January 29, 2022 because he was not a commissioner from his church to that meeting.²² He filed his Complaint with Presbytery in

²² This was confirmed by RE Snoke in an email response to the Panel on September 8, 2022 and confirmed by Pittsburgh Clerk TE Capper in an email to the Panel on September 9, 2022.

APPENDIX T

mid-March. Presbytery considered it, and denied it, at its April 2 meeting. At that meeting, there was a motion to "find the complaint in order," which was adopted by a vote of 20-16-3. However, the Complaint should have been ruled out of order at that time for the reason noted above. Below are examples of Cases with similar procedural rulings by the SJC.

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| Case 2021-07 | <i>RE Acree v. Tennessee Valley</i> (March 2022, Report to 49th GA, p. 2144) |
| Case 2020-13 | <i>Benyola v. Central Florida</i> (M48GA, 2021, p. 817) |
| Case 2020-01 | <i>Benyola v. Central Florida</i> (M48GA, 2021, p. 801) |
| Case 2012-08 | <i>RE Warren Jackson v. NW Georgia</i> (M43GA, 2015, p. 568) |
| Case 2012-06 | <i>Deacon Don Bethel v. SE Alabama</i> (M41GA, 2013, p. 614) |
| Case 92-9b | <i>Overman v. Eastern Carolina</i> (M21GA, 1993, p. 223) |

The Panel included TE Lucas (chairman), TE Garner, and RE Donahoe. TE Kooistra and RE Dowling were alternates. The SJC vote was 20-1 with three absent.

Bankson	<i>Concur</i>	Eggert ^R	<i>Concur</i>	Neikirk ^R	<i>Concur</i>
Bise ^R	<i>Concur</i>	Ellis	<i>Concur</i>	Pickering ^R	<i>Concur</i>
Carrell ^R	<i>Concur</i>	Garner	Absent	Ross	Absent
Coffin	<i>Concur</i>	Greco	<i>Concur</i>	Sartorius	<i>Dissent</i>
Donahoe ^R	<i>Concur</i>	Kooistra	<i>Concur</i>	Terrell ^R	<i>Concur</i>
Dowling ^R	<i>Concur</i>	Lee	<i>Concur</i>	Waters	<i>Concur</i>
M. Duncan ^R	<i>Concur</i>	Lucas	<i>Concur</i>	White ^R	<i>Concur</i>
S. Duncan ^R	<i>Concur</i>	McGowan	Absent	Wilson ^R	<i>Concur</i>

CASE No. 2022-09

PETER BENYOLA
v.
CENTRAL FLORIDA PRESBYTERY

DECISION ON COMPLAINT
October 20, 2022