

MINUTES OF THE GENERAL ASSEMBLY

CASE No. 2022-22

RE TOM TURNER

v.

SOUTH FLORIDA PRESBYTERY

DECISION ON COMPLAINT

October 20, 2023

CASE SUMMARY

This case came before the SJC on the Complaint of RE Tom Turner, a member of and ruling elder at The Cross Community Church (“CCC”) in Deerfield Beach, Florida. The Complaint arose from an investigation regarding how the Session of CCC (“Session”) dealt with allegations of sexual abuse within the church, and Presbytery’s judgments against the Session of guilt on four counts – three related to the alleged incidents of abuse and the alleged inadequate responses of the Session to those and the fourth to the Session’s refusal provide records and to meet with the Judicial Commission (“JCOM”) of the South Florida Presbytery (“SFP”). The case was heard via video conference call (GoToMeeting) by a Panel of the SJC on July 18, 2023.

Tom Turner appeared on his own behalf and was assisted by TE Dominic Aquila. TE Andrew Siegenthaler (of Coral Ridge Presbyterian Church and a member of the JCOM) appeared as the Representative of the Respondent Presbytery.

The Record of the Case (“ROC”) shows no evidence that either the JCOM or Presbytery exceeded its constitutional authority in the conduct of its investigation.

The ROC reveals that SFP, at its meeting on August 8, 2022, and upon the recommendation of its JCOM judged the Session guilty of three “important delinquencies” and of insubordination “by rejecting [SFP’s] authority to examine its actions and inactions.” In addition to its judgments of guilt, SFP admonished the Session and required two actions which appear to be curative in intent. The ROC further reveals that despite extended communications between the JCOM and the Session, no charges were presented to the Session and that the JCOM believed that, as a consequence of the unwillingness of the

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Session to appear before it in answer to two successive citations coupled with publicly available information, judgments could be rendered without a trial on the bases of *BCO* 40-4 and 40-5. Complainant Turner asserted that a trial is mandatory before adjudication.

Because of the lack of presentation of specific charges and the failure to conduct a trial, the SJC denies the Complaint in part (as to the right of Presbytery to conduct an investigation) and sustains the Complaint in part (as to the findings of guilt) and remands the case to SFP for adjudication. The SJC specifically rejects the assertion by Complainant that the case should be dropped.

I. SUMMARY OF THE FACTS

- 12/24/16 An alleged sexual battery incident (#1) occurred against a 14-year-old girl at Cross Community Church. The alleged perpetrator was the pastor's son ("Son A").
- 09/20/18 Alleged sexual battery victim #1 disclosed the 12/24/16 incident in an essay at school.
- 09/25/18 The investigating police officer was advised by mother of battery victim #1 that she "did not wish to pursue the investigation at this time."
- Oct 2019 Approximate date of alleged sexual battery #2, based on item reported on to the Session on 4/9/21.
- 10/20/20 Sexual battery victim #1 conducted a controlled call to alleged perpetrator in which he acknowledged the event, but with different explanation as to intent and consent.
- 11/04/20 Son A - a member and staff member of The Cross Community Church and further, the son of TE Tommy Boland - was arrested and charged with sexual battery. (This related to incident #1.)
- 04/04/21 The daughter of a couple ("Smiths") who were members of CCC reported to her parents that a year and a half earlier, a second

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teenage boy, another son of TE Boland ("Son B"), had touched her inappropriately. (Incident #2.)

- 04/05/21- The Smiths had multiple meetings and telephone conversations
05/05/21 with TE Boland and his wife in which, according to the Smiths, TE Boland denied, then admitted, then denied that Incident 2 occurred. The "Smiths" insisted on Sessional involvement.
- 06/07/21 Member Mr. Smith met with the Session at a called meeting, relaying information about "an incident which allegedly occurred in October 2019 involving his daughter and the teenage son of the pastor...." The Pastor was not present. The Smiths allegedly asked for SFP involvement but that is not reflected in the Session minutes.
- 06/08/21 At a called meeting, the Session heard from the Pastor and his wife about the night on which the alleged Incident 2 occurred, as well as their account of their interactions with the Smiths. After the Pastor and his wife were dismissed. The REs convened a call with TE Dominic Aquila to seek counsel. The "Session" (with only the REs present) determined it could not comply with all the Smiths requested actions (which are not recorded in the minutes), "due to conflicting accounts, due to the long period of time between the date of the alleged incident and it being reported, and due to the nature of the allegation." Session did agree to seek an apology from the accused to the Smiths' daughter "for anything he may have done that made [her] uncomfortable," advise the member that the Pastor is under counseling, advise the member Session has "engaged third-party counsel to discuss the allegation, and advise the Smiths that children's ministry security is being reviewed and addressed."
- 06/14/21 The Smiths assert that they met again with the Session. The Session allegedly told the Smiths that it was unable to reconcile stories and no further action was planned. No Session record of this meeting was in Session minutes or the ROC.
- 06/17/21 Session minutes indicate review of liability insurance was requested.

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- 08/10/21 Through their attorney, the Smiths appealed to South Florida Presbytery, detailing their allegations with reports about phone calls and meetings.
- 08/10/21 FL State Attorney petitioned the Circuit Court to amend Pretrial Release and bond to require that Son A have no contact with any minor children.
- 08/18/21 The Court ordered that Son A have no unsupervised contact with children.
- 09/07/21 A called Session meeting was held which TE Dominic Aquila attended by phone for a portion. The purpose of the meeting is omitted from minutes. There was discussion concerning a deacon's family no longer attending, that the deacon was approached by a member about "allegation #1 and allegation #2" and that other discussions were occurring about allegations among members. The Session also received multiple email communications from a CCC member, one containing a complaint. The Session conferred with TE Aquila. That complaint was dismissed as "administratively out of order and outside of the 60-day window to file a complaint."
- 09/15/21 Dr. Josh Bruce "appealed" to SFP regarding Session's failure to act on two allegations of public scandal, and denial of his previous complaint to Session regarding Session's failure to act on those allegations. This is the complaint that Session ruled out of order on 9/7/21, and the two allegations are the two accusations against the Pastor's sons.
- 09/18/21 A meeting of Session was held at which Session agreed to communicate with deacon's family regarding absence and to solicit a proposal from a third-party organization "to assist with resolution of issues regarding Allegation #2."
- 09/27/21 Dr. Sam Lamerson, a professor at Knox Seminary who had participated in teaching and church life at CCC, filed a "complaint" with SFP against the judgments of the Pastor and the

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Session as they related to the two allegations of sexual abuse. In addition to his complaint, he stated, "pursuant to [BCO] 31.2 I believe it is in the proper action of the South Florida Presbytery to demand satisfactory explanation from the Session of the Cross and Dr. Boland for their actions which have led to this scandal."

- 09/28/21 There was a called meeting of Session "to discuss how to proceed regarding the complaint filed by Dr. Sam Lamerson with the presbytery." TE Aquila attended, counseled that Dr. Lamerson had no standing to file a complaint and further provided a draft response which Session agreed to transcribe onto CCC letterhead and send to Presbytery.
- 09/29/21 The Session sent a letter to SFP, asserting "The Complaint filed by TE Lamerson is administratively out of order and cannot be adjudicated...."
- 10/2/21 At a called meeting of the Session, it agreed to engage Crossroads Resolutions Group to "resolve matters with the [Smiths], as well as Drs. Lamerson and Bruce." There is no evidence in subsequent minutes that this ever happened.
- 11/22/21 JCOM, a standing commission of SFP, took up the complaint and report from Dr. Lamerson as empowered by the Standing Rules of Presbytery. JCOM requested and demanded Session minutes and other documents related to claims asserted.
- 12/16/21 Session wrote JCOM indicating, "we don't believe there is reason or standing to bring these issues to the JC."
- 01/17/22 JCOM acts to "demand that the CCC Session, within ten days, show cause why the JC[OM] should not cite the CCC Session for failing to provide the properly requested records of the CCC Session despite repeated written requests."
- 01/26/22 RE Tom Turner, Clerk of the Session submitted minutes of the Session from 2021 as part of the regular annual reviews of Session minutes required by BCO 12-7.

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- 02/02/22 Session objected to "threat to cite the Session of [CCC]," questioned the constitutional basis for [JCOM's] authority to demand documents and asserted that "[JCOM] does not have subpoena powers by which it can compel a lower court to respond to requests outside of its jurisdiction."
- 02/08/22 SFP voted to "direct Presbytery to obtain Session Minutes from 2019 to present in regard to an active JCOM case involving Cross Community Church." The motion further directed that the minutes be provided by February 19, 2022.
- 02/25/22 JCOM voted to cite Session to appear before it.
- 03/15/22 The Session declined to appear before JCOM on April 1, claiming that JCOM had no constitutional authority to direct such an appearance.
- 05/10/22 At SFP meeting, SFP discussed CCC case and related items. "...a motion was made by TE Sam Lamerson that both CCC matters (against TE Tommy Boland and the CCC Session) be referred to the JC [Judicial Commission] for investigation and if necessary, adjudication, as required by *BCO* 31-2 (in the case of TE Boland) and by *BCO* 40-4 (in the case of CCC Session)." This action was taken in response to a request from JCOM that Presbytery decide whether these matters, as they had unfolded, should remain with JCOM or if SFP, as a whole, should take them up.
- 05/12/22 RE Tom Turner, Clerk of CCC Session, submitted minutes of CCC Session from 2018, 2019, and 2020. Again, he was explicit in saying that he was submitting these minutes under *BCO* 12-7.
- 05/25/22 JCOM cited the Session, the Clerk of Session, an RE, and TE Boland, Pastor, to appear to answer as to "credible reports with respect to the Session of important delinquencies or grossly unconstitutional proceedings." The citation also included reference into the termination of membership of Josh Bruce.
- 05/31/22 Session informed JCOM it would not appear, contending complaints of Lamerson and Bruce were out of order.

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- 08/03/22 JCOM unanimously approved its final decision and report regarding the Cross Community Session.
- 08/08/22 SFP affirmed the decision of JCOM to find that the CCC Session was guilty of important delinquencies and failures and further of insubordination to presbytery. The decision of JCOM and SFP then "admonished" Session for failing to "fulfill its duty to care for all the members of CCC" and for "failing to respect the constitutional authority of [SFP]." It further directed Session to take several actions.
- 08/13/22 RE Turner complained against the August 8 action of SFP.
- 08/23/22 JCOM recommended denial of the Turner Complaint.
- 11/08/22 SFP denied Turner Complaint at its stated meeting.
- 11/09/22 Turner elevated his Complaint to the SJC.
- 12/16/22 Initial ROC was received by Office of the Stated Clerk.
- 05/11/23 Finalized ROC was completed.
- 07/18/23 Hearing was held in the case. The SJC Panel included RE Bise (chair), TE Kooistra and TE Ross, along with alternates TE Bankson and RE Neikirk.

II. STATEMENT OF THE ISSUES

1. Did South Florida Presbytery err by investigating these matters through its Judicial Commission?
2. Did South Florida Presbytery err by judging the Session of Cross Community Church guilty of alleged offenses without first following the steps for judicial process: namely, issuing an indictment with charges and specifications, citing the Session to enter a plea, and conducting a trial?

III. PROPOSED JUDGMENTS

1. No.
2. Yes. The decision of Presbytery to approve the recommendations of JCOM, thereby finding the Session guilty of four matters and then imposing on Session censure and mandated corrective actions is hereby annulled (*BCO* 43-10). The matter is returned to Presbytery with instructions that Presbytery either: a) proceed with this matter through the avenue of raising exceptions to the Session's minutes, should Presbytery be convinced that such exceptions are justified, and dealing with whatever response is forthcoming; or b) engaging in informal interactions with Session in an effort to reach a mutual understanding of the proper course of action, which would not preclude other options if the informal interactions do not yield agreement; or c) proceeding to formal judicial process following *BCO* 40-6. Further, given the gravity of the allegations, we direct that Presbytery determine at its first stated meeting after this decision is reported as final, or at an earlier meeting if desired by Presbytery, which of these paths it will follow and how.

IV. REASONING AND OPINION

This matter arose when various individuals raised complaints to Presbytery regarding how the Session of Cross Community Church dealt with (or did not deal with) allegations of two instances of sexual misconduct by members of Cross Community Church. The serious nature of these allegations was exacerbated in that the alleged victims were minors, the alleged perpetrators were sons of the pastor, there was an arrest of one of the sons growing out of one of these incidents, and there was some knowledge of these allegations in the church. Recognizing the serious nature of the allegations, SFP sought, through its Judicial Commission (JCOM), to investigate these matters. Session raised, at various points in the process, objections regarding: whether JCOM was properly empowered to deal with these matters; whether JCOM had a right to demand several years' worth of past minutes of the Session, as well as other documents; whether there were really "credible reports"; whether JCOM had a right to "cite" the Session to appear before them; and whether complaints from individuals seeking to get these matters

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before Presbytery were in order. As a result of these concerns, Session stated that it was unwilling to comply with citations from JCOM and that it would not meet with JCOM (or respond in writing) unless or until Session's concerns were addressed. Session did eventually provide the requested minutes of Session for the years 2018-2021 although it did not provide certain other documents that were requested.

JCOM met with the individuals who presented complaints to Presbytery and reviewed various documents, including Session minutes for the years in question, a police report that dealt with one of the allegations of misconduct, and a letter from a law firm (styled an appeal) that contained the second allegation of misconduct. The Commission also considered Overture 6 that was approved by the 42nd General Assembly, and the report of the Ad Interim Committee on Domestic Abuse and Sexual Assault that came to the 49th General Assembly.

In the course of its work, JCOM concluded that the two complaints brought with regard to these matters were not properly before Presbytery and that the letter from the law firm did not meet the criteria for an appeal. JCOM did conclude, however, that these documents, together with the police report and the interviews conducted by JCOM, constituted credible reports of "neglect by the CCC Session to perform its duty," and, thus, that SFP, through its JCOM, was required by BCO 40-4 to "take cognizance of" "and to examine, deliberate, and judge."

In light of the information gathered and Session's unwillingness to comply the JCOM's citations, JCOM reached the following decisions:

The Judgment of the Presbytery Judicial Commission

1. Judgment:

- a. The CCC Session is guilty of the important delinquency of failing to support the alleged victims by failing to have their allegations investigated by an expert third party.
- b. The CCC Session is guilty of the important delinquency of failing to care for the CCC members by failing to report the alleged incidents to the congregation, failing to have the incidents

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expertly investigated, and by retaining [name] on staff as worship leader even after his arrest.

- c. The CCC Session is guilty of the important delinquency of failing to follow the reporting requirements of the 42nd GA and the State of Florida.
- d. The CCC Session is guilty of insubordination by rejecting the South Florida Presbytery's authority to examine its actions and inactions.

2. Actions:

- a. Therefore, the South Florida Presbytery (SFP) requires the CCC Session to call a meeting of its members to take place within 60 days of the SFP's approval of these actions at which designated representatives of the Presbytery will explain the entire situation to the Congregation (*BCO* 13-9f). (A separate action of the South Florida Presbytery will be necessary to appoint the representative.)
 - b. The SFP admonishes the CCC Session to fulfill its duty to care for all the members of the church, (including families with children, alleged victims of abuse, and alleged abusers) by following the 42nd GA's resolutions, the 49th GA's advice, and Florida Statutes.
 - c. The SFP requires the CCC Session to report in writing to the SFP within three months of the SFP's approval of these actions on all measures taken to comply with this judgment. The SFP retains jurisdiction to receive the written report and to take such further actions as it may deem necessary.
 - d. The SFP admonishes the CCC Session to respect the constitutional authority of SFP (*BCO* 13-9e).
3. The JC retains jurisdiction to take such other and further action as may be necessary in furtherance of this finding and in relation to the other matters reached herein.

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The Reasoning and Opinion of the Presbytery Judicial Commission

1. The JC[OM] is not judging the truth of the allegations of sexual abuse, but rather the actions and inactions of the CCC Session in response to them and its response to the efforts of the JC[OM] to investigate.

SFP considered the JCOM report at its meeting of August 8, 2022. It is not clear from the minutes whether SFP approved the entire report or only the Judgment section shown above, but it certainly approved the material contained in the Judgment section of the JCOM Report.

RE Turner's Complaint against the action of Presbytery raised many of the procedural issues noted above. In his Brief, however, and in oral argument, the Complainant and his representative were explicit that the sole issue they wished to have before the SJC was whether SFP had the right to declare the Session guilty of various allegations, and on the basis of those declarations of guilt to censure Session and direct it to take certain actions, without following formal judicial process.

While Complainant granted that *BCO* 40 gives Presbytery the right to review the records and actions of Session, and that *BCO* 40-5 provides remedies when a Presbytery receives "credible reports" of "any important delinquency or grossly unconstitutional proceedings" of a Session, Complainant contended that *BCO* 40-6 (*cf.*, *BCO* 32; 30-1) requires that those remedies, particularly when they deal with findings of guilt and imposition of censure, are available only after formal process has been followed (or when there has been an admission of guilt by the Session). Complainant argued, not only that such process is a Constitutional requirement and right, but that it is also the only way that the lower court can be accorded a fair opportunity to defend its actions. Thus, the presence of an indictment ensures the Session will know exactly where Presbytery believed Session erred, and the conduct of a formal trial is the only way to ensure that Session has an opportunity to present evidence and defend its actions. In support of this understanding, Complainant cited the process followed by the SJC in case 2006-02 (*Report on Memorial from Central Carolina Presbytery*). In that case, the SJC concluded that Louisiana Presbytery had failed to "reach a decision consistent with the Constitution of the Presbyterian Church in America." Following *BCO* 40-5,

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the SJC then cited Louisiana Presbytery to appear “to show what it has done or failed to do” in the case in question. The decision then stated that this process would be implemented by the SJC appointing a prosecutor, ordering an indictment to be drawn, citing Presbytery to respond to the indictment by entering a plea on the matters contained in the indictment, and ordering a trial should the plea be “not guilty.” (*M36GA*, pp. 89-90) Thus, Complainant argued that the SJC understood that it could not impose the outcomes of *BCO* 40-5 without proceeding to formal process under *BCO* 40-6.

SFP argued “Although the Session twice refused to appear when cited, the JC[OM] found that the Sessional records and interviews of aggrieved church members were sufficient to determine that important delinquencies and grossly unconstitutional proceedings had occurred” and that Session had neglected to perform its required duties. SFP noted that where there is evidence that a lower court has neglected its duty, *BCO* 40-4 gives the appellate court jurisdiction to “examine, deliberate, and judge in the whole matter as completely as if it had been recorded, and thus brought up by review of its records.” SFP further contended that once such neglect, delinquencies, and grossly unconstitutional proceedings are identified, *BCO* 40-5 gives the appellate court “four options for how to proceed after citing the lower court to appear and explain itself: a. reverse or redress the lower court’s actions, b. censure the delinquent court, c. remit the matter, and d. stay proceedings.” Respondent granted that *BCO* 40-6 “certainly envisions a trial in some situations, specifically if the lower court has followed 40-5 and cooperated with the higher court during the investigative period.” Respondent was not convinced, however, that formal process is required in all cases, and particularly that such process is not required in a case such as this where Session refused to appear when cited and where, in the judgment of SFP, documentary evidence makes it clear that Session failed to perform its Constitutional duties.

We recognize the confusion that existed in this matter because the original reports came to Presbytery largely by way of complaints and an “appeal” that were brought by ones who did not have standing. We further recognize that at least some of Session’s reticence to respond to the citations from JCOM was a function of their belief that since the complaints and appeal were not in order Presbytery could not deal with them. Having said that, we do agree with Presbytery that, even though these filings were out of order, Presbytery was within its rights to take these filings, along with the other documentary evidence that came out in the course of JCOM’s discussions of these filings,

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as “credible reports” that could reasonably have led Presbytery to invoke *BCO* 40-5. *BCO* 40-5 is silent as to the method by which such credible reports come to the higher court and as to the standard by which the higher court is to evaluate the credibility of such reports. Thus, presbyteries have broad discretion in receiving reports and determining their credibility.

Additionally, while we understand some of Session’s procedural concerns about the investigative process, and while we recognize Session’s offer to meet informally with the SFP Minister and Church Relations Committee to try to deal with these issues in a non-judicial forum, and while we recognize that Session eventually provided JCOM with the Sessional minutes it desired, we conclude that the gravity of the allegations and a proper respect for the courts of the Church should have led Session to be more forthcoming in meeting with and providing documents to JCOM, even if Session desired to assert various procedural concerns about JCOM’s process. Following that path would have likely reduced suspicions and allowed for a better dialogue about the allegations.

While we agree that Presbytery was within its rights to receive and investigate these credible reports, and while we recognize that Presbytery made a good faith effort to investigate carefully and with sensitivity, we do not agree that Presbytery was within its rights to judge Session to be guilty, and then to impose censures on Session, without issuing an indictment with charges and specifications, citing the Session to enter a plea, and conducting a trial per *BCO* 40-6 (or receiving an admission of guilt from Session). Courts, just as much as individuals, must have the right to know exactly what they are being charged with, and they must have the right to question witnesses and evidence, and to present witnesses and evidence on their own behalf. This conclusion is consistent with Proverbs 18:7, the concern for the rights of both parties that is evidenced throughout the “Rules for Discipline,” the lack of any qualifying language (*e.g.*, “ordinarily”) in *BCO* 40-6, and the pattern established in case 2006-02 (see above). Moreover, this understanding is not new. In his 1898 *Exposition of the Book of Church Order*, F.P. Ramsey offered the following comment on the very similar paragraph contained in the PCUS “Rules of Discipline:”

In the exercise of general review and control the superior court may go so far as to enter upon the records of the inferior court a censure of the records (but not of the court), or send to

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the inferior court an order to review and redress irregular proceedings; but in the exercise of its jurisdiction **by process** the superior court may censure the inferior court (and not its records merely), and may itself reverse and redress the proceedings (in other than judicial cases) instead of ordering the inferior court to reconsider and correct them. [N]o inferior court may be censured except after conviction on regular trial, any more than an individual. (pp. 242-243, <https://www.pcahistory.org/bco/rod/40/05.html>; emphasis added.)

The import of proceeding by formal judicial process in cases such as this is highlighted by examples that are evident in the Record. First, it is not clear that some of the matters for which Session was adjudged guilty were set out clearly (maybe at all) in JCOM's citation for Session to appear [compare the "Matters" raised on ROC 162-164 that Respondent said "basically laid out the charges" with the "Judgments" in the matter on ROC 192-193]. It is unclear how Session could defend itself if the charges were not clearly laid out and if Presbytery was not limited to those charges. Second, Session stated repeatedly that they did not agree with factual statements made by JCOM, yet some of those disputed facts underpin JCOM's conclusions. Third, Presbytery's "Judgment" and "Actions" contained conclusions about the meaning of the PCA Constitution (*e.g.*, does the Constitution require third party investigations in cases such as these? what is the proper authority of the higher court? can a Presbytery compel a Session to follow resolutions and advice from GA?) and the laws of the civil magistrate (*e.g.*, what does the relevant Florida statute require?). Surely, Session should have had the right formally to challenge whether Presbytery's understanding of the PCA Constitution and the laws of the civil magistrate were accurate before Session was judged guilty of violating what Presbytery understood to be the requirement of those documents.

We understand that Presbytery was, rightly, concerned about the gravity of the allegations, and that Presbytery was frustrated by what it saw as an unwillingness of Session to cooperate in the investigation. The remedy for those concerns was not, however, to proceed without process. The proper remedy would have been for Presbytery to have begun process and then, if Session refused to participate, to deal with them for their contumacy (*BCO* 32-6).

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The decision of Presbytery to approve the recommendations of JCOM, thereby finding the Session guilty of four matters and then imposing on Session censure and mandated corrective actions is hereby annulled (*BCO* 43-10). The matter is returned to Presbytery with instructions that Presbytery either: a) proceed with this matter through the avenue of raising exceptions to the Session's minutes, should Presbytery be convinced that such exceptions are justified, and dealing with whatever response is forthcoming; or b) engaging in informal interactions with Session in an effort to reach a mutual understanding of the proper course of action, which would not preclude other options if the informal interactions do not yield agreement; or c) proceeding to formal judicial process following *BCO* 40-6. Further, given the gravity of the allegations, we direct that Presbytery determine at its first stated meeting after this decision is reported as final, or at an earlier meeting if desired by Presbytery, which of these paths it will follow and how.

Finally, we note the Respondent asked in his brief that if the SJC remitted this matter to Presbytery for trial, it do so with "an order that in the meantime the Session comply with the Presbytery's directives on August 9, 2022 - to call a congregational meeting with Presbytery representatives present to explain the situation to the congregation and to follow Florida statutes for reporting." We decline to issue this ruling because it assumes the very things that would need to be proven, that is, that the allegations are true, that Session failed to deal properly with the allegations, and that Session has failed to follow Florida law. We share Respondent's concern that justice be done, that individuals are protected against any future sexual misconduct, and that Session follow the mandates of Romans 13. But we cannot do that by opining on the requirements of civil law or by ordering the very thing we said Presbytery did not have the right to order apart from formal judicial process. We, like Presbytery, can encourage Session to apprise the Congregation of the issues, but the only way that can be mandated is by following the constitutionally allowed mechanisms set forth above.

In the Panel's proposed decision, the Case Summary and Summary of the Facts were drafted by RE Bise; the remainder of the proposed decision was drafted by RE Neikirk. The entirety of the proposed Panel decision was edited by the Panel and adopted unanimously on 8/18/23. The SJC reviewed each part of the

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proposed decision. The SJC approved the amended Decision on the following **20-0** vote, with four absent.

Bankson	<i>Concur</i>	S. Duncan	Absent	Maynard	<i>Concur</i>
Bise	<i>Concur</i>	Eggert	<i>Concur</i>	Neikirk	<i>Concur</i>
Carrell	<i>Concur</i>	Evans	<i>Concur</i>	Pickering	<i>Concur</i>
Coffin	<i>Concur</i>	Garner	Absent	Sartorius	<i>Concur</i>
Dodson	<i>Concur</i>	Greco	<i>Concur</i>	Ross	<i>Concur</i>
Donahoe	<i>Concur</i>	Kooistra	Absent	Waters	<i>Concur</i>
Dowling	<i>Concur</i>	Lee	<i>Concur</i>	White	Absent
M. Duncan	<i>Concur</i>	Lucas	<i>Concur</i>	Wilson	<i>Concur</i>