

MINUTES OF THE GENERAL ASSEMBLY

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III. REPORT OF THE CASES

**CASE 2018-01
APPEAL OF RE GLEN MAPES
vs.
METROPOLITAN NEW YORK PRESBYTERY**

**DECISION IN APPEAL
October 18, 2019**

I. CASE SUMMARY

This case came before the SJC on the Appeal of Glen Mapes, who has been a Ruling Elder at New Hope Christian Church (“NHCC”) in Monsey, New York, within the Metropolitan New York Presbytery (“MNYP”). The Appeal arose from the conviction of Mr. Mapes on multiple charges tried in January 2018. The case was a companion to Case 2018-04 concerning the Complaint lodged by Mapes and 13 others against the Temporary Session of NHCC. Both cases were heard telephonically by a Panel of the SJC on January 22, 2019. In order to understand either case, it is necessary to understand their factual context and the relationship of one to the other.

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The Appellant, Glen Mapes, participated in the Panel hearing on behalf of himself RE Randall Prescott (of Short Hills, New Jersey, a member of Covenant Presbyterian Church but not serving as a Ruling Elder there, having been ordained and having served elsewhere) participated on behalf of the Respondent Presbytery.

The Record of the Case (sometimes referred to as the “ROC”) reveals that MNYP, at its meeting on September 20, 2016, and upon a recommendation of its Shepherding Team, approved the formation of a temporary session for NHCC. No basis for that formation was then identified. Although the Moderator of the Temporary Session later stated (in a November 21, 2017, letter) that the “status of New Hope Christian Church was recognized as changed from ‘Particular’ status to ‘Mission’ status at the 96th Stated Meeting of the Metropolitan New York Presbytery on September 20, 2016” no reference to that change appears in the minutes of that meeting. Further, no evidence has been presented that MNYP ever sought the approval of the NHCC congregation to have a temporary session act as its ruling body, although such approval arguably was implicit in a later action of the congregation. Actions of the Temporary Session are what gave rise to both the Complaint and the disciplinary proceeding against Mapes, culminating in his conviction, censures, and Appeal.

Both cases were presented to the SJC at its meeting on February 7, 2019. The Complaint centered on the initial failure of the Temporary Session to call a congregational meeting to vote on whether to leave the PCA. Because such a vote later took place and led to the dismissal of NHCC from the PCA, the SJC determined the Complaint to be judicially out of order, having been rendered moot.

With respect to the Appeal, however, the SJC concluded that more information was needed, and therefore referred the case back to the Panel. The Panel has since obtained additional information and documents and is satisfied that nothing material to the matter remains to be obtained.

The Record reveals that the Temporary Session brought charges on November 21, 2017, against Mapes and three others for disrupting a meeting of the Session earlier that month. This led to a trial that concluded with a conviction of Mapes and the censures of indefinite suspension from the sacraments and deposition from the office of Ruling Elder (along with removal from the office of Trustee).

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Although the Panel questioned the formation and conduct of the Temporary Session as well as the possible lack of a quorum for the trial, the SJC recognizes that these questions were not raised in Mapes's specifications of error. Therefore, for the purpose of deciding this case the SJC assumes the validity of the Temporary Session and the existence of a quorum at trial. Nevertheless, the SJC has determined that portions of the judgment below were in error, including that the censures inflicted were excessive. It therefore affirms the judgment in part, but also reverses in part.

II. SUMMARY OF THE FACTS

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|---------|--|
| 2007 | New Hope Christian Church ("NHCC"), with roots established in 1824 and a recent 50-year history within the Christian Reformed Church, affiliated with the PCA after a period of search. |
| 7/25/16 | TE Phillip Dennis, pastor of NHCC, filed charges against REs Henry Bakker and Glen Mapes, the only Ruling Elders then on the NHCC Session. Those charges were referred to MNYP. |
| 8/22/16 | MNYP Shepherding Team (TEs Reinmuth, Friederichsen, Ridgeway, Chen, and RE Taylor) recommended that MNYP: <ul style="list-style-type: none">a) "appoint the Shepherding Team as a judicial commission for the purposes of trying" the two cases;b) "suspend all official functions of RE Mapes and RE Bakker (not by way of censure) pending the outcome of their trials;"c) "accept TE Phillip Dennis' resignation and dissolve the pastoral relationship" with NHCC;d) "appoint a commission to function as temporary Session for NHCC effective immediately;" ande) "appoint TE Phillip Dennis as Stated Supply to NHCC for up [to] six months, as agreeable to the temporary Session." |
| 9/20/16 | MNYP adopted the recommendations of the Shepherding Team. Though later characterizations indicate MNYP had determined NHCC to be a mission church, no mention of that was made in any of its minutes at the time. |

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- 3/28/17 MNYP adopted later recommendations of the Shepherding Team (serving as a judicial commission) convicting RE Bakker and suspending him from office, but noting that the judicial commission had concluded there was inadequate cause to bring an indictment against RE Mapes.
- 5/21/17 A called congregational meeting of NHCC was held to consider and act upon the recommendation of the Temporary Session to relocate, replant, and re-particularize the church. The motion passed 11-6.
- 8/23/17 The Temporary Session determined that Bakker had shown insufficient repentance, and therefore permanently deposed him from office and suspended him from the table. Further, the Session, as part of continued process, required that he worship at another church.
- 11/2/17 The Temporary Session met with former RE Bakker to consider evidence of repentance. RE Mapes and several others attempted to attend the meeting despite having been told it would be closed. The Session excommunicated Bakker and barred him from the church property unless invited back by the Session. The Session also interacted with RE Mapes and Mrs. Bakker, and TE Dennis requested that Mapes attend church elsewhere.
- 11/12/17 Following the morning worship service, RE John Gregory, Clerk of the Temporary Session and on its behalf, addressed the congregation, announcing there would no longer be worship services at NHCC.
- 11/12/17 Fourteen members of NHCC petitioned the Temporary Session, requesting a congregational meeting to consider dissolution of ties to the PCA and retention of all assets.
- 11/21/17 The Temporary Session denied the petition, stating in a letter from TE Friederichsen to the petitioners that although the petition first appeared to be “in good order,” because NHCC was no longer a particular church the decision on whether to withdraw was not in the hands of the mission church members. In other words, in the view of the Session, only members of a “particular” church could present such a petition. The Session

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also approved charges against Mr. and Mrs. Mapes, Mrs. Bakker, and one other. Those charges generally were for disruption of the meeting on November 2, failure to be subject to church governance, and (in Mapes' case) dereliction of duty as an elder.

- 12/14/17 Signers of the November 12 petition wrote the Temporary Session to complain, relaying church history and asserting that members did have the ability and right to petition, to meet, and to take actions that may be authorized at any meeting. Their letter constituted their Complaint.
- 1/11/18 The Temporary Session met to conduct trials of the four members. Present were TE Phillip Dennis*, TE Brandon Farquhar, TE Donny Friederichsen*, RE John Gregory*, TE Sung Ho Lee, and TE Harry Skeele. (Individuals marked with *, by prior agreement, did not vote in the trials.) All those charged were convicted. Mapes was indefinitely suspended from the sacraments and deposed from office, the outcome of a trial that had not begun until 1:01 a.m.
- 1/24/18 Mapes appealed his conviction to MNYP.
- 1/29/18 The Temporary Session denied the Complaint for the reasons it had presented by the November 21, 2017, letter from TE Friederichsen.
- 2/3/18 Mapes brought the Complaint to MNYP.
- 2/12/18 The MNYP Judicial Commission ("JC") denied the Complaint on the basis that Mapes was "not a member in good standing" due to a charge pending at the time the Complaint was first filed.
- 2/25/18 Mapes contacted the JC Clerk, RE Prescott, contending he was "in good standing at the time of the submission of the complaint dated Dec. 14, 2017," and that the Complaint was "on behalf of 14 members of New Hope Christian Church, not only myself."
- 2/27/18 MNYP JC reconsidered the Complaint and scheduled hearings on it and on Mapes' appeal of his conviction by the Temporary Session.

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- 3/3/18 The MNYP JC ruled the Complaint out of order, issuing a judgment that the conviction of Bakker "instantly devolved NHCC into the status of a mission church," and therefore the Complainants had no standing to present their petition because they were not then members of a "particular" church. The JC also denied Mapes' Appeal.
- 3/13/18 MNYP accepted the JC decisions on both the Complaint and the Appeal.
- 3/19/18 Mapes appealed his conviction to the General Assembly.
- 3/28/18 Mapes and Co-Complainants filed their Complaint with the General Assembly.
- 10/30/18 MNYP held a special meeting to consider the question of dissolving NHCC. In executive session at that meeting, Presbytery adopted a motion "to dismiss New Hope Christian Church from the PCA pending the congregation's consent."
- 12/9/18 At a called meeting of the congregation, it voted 7-0 to consent to MNYP's dismissal of the church from the PCA. Neither Mapes nor others who had earlier petitioned the Temporary Session were notified of the meeting, their names having apparently been removed from the membership roll of the church.
- 1/8/19 MNYP voted to "dismiss the commission from New Hope Church Monsey with gratitude."
- 1/22/19 A Panel of the SJC heard the Appeal electronically (by GoToMeeting). Serving on the Panel were RE Dan Carrell, Chairman; RE John Bise, Secretary; TE Ray Cannata; and RE John White (alternate). The other alternate, TE Carl Ellis, was unable to participate due to a ministerial teaching obligation outside the U.S.
- 2/7/19 The SJC took the Appeal under advisement by referring the matter back to the Panel and expanding it to include the two alternates as voting members.

III. STATEMENT OF THE ISSUE

Did MNYP err when it upheld the judgment of the Temporary Session convicting RE Mapes and inflicting the censures of indefinite suspension from the sacraments and deposition from office?

IV. JUDGMENT

Yes. Although the judgment is affirmed in part to the extent it rests on Mapes's failure to submit to the government and discipline of the Church, it is otherwise reversed. In particular, the inflicted censures, being excessive for the misconduct found, are reversed and replaced by the censure of Admonition.

V. REASONING and OPINION

RE Mapes was first charged on July 25, 2016, which matter was referred to MNYP. On August 22, 2016 MNYP, on the recommendation of its Shepherding Team, voted to, among other things, suspend all of RE Mapes' official functions (not by way of censure) pending the outcome of his trial.

On March 28, 2017 MNYP adopted a recommendation of its Shepherding Team (serving as a judicial commission) that there was inadequate cause to bring an indictment against RE Mapes. Therefore, it appears Mapes' official functions should have been restored, thereby triggering the application of *BCO* 12-1, which states that where there is no pastor and only one ruling elder, "he does not constitute a Session, but he should take spiritual oversight of the church, should represent it at Presbytery, should grant letters of dismission, and should report to the Presbytery any matter needing the action of a Church court." Thus, Mapes, as the sole Ruling Elder, would in effect have become the liaison between NHCC and MNYP, regardless of whether a temporary session remained in place. Given this, his appearance at the meeting in question should have been allowed.

On January 11, 2018, the expanded Temporary Session conducted the trial of RE Mapes and three others on the charges leading to this appeal. RE Mapes' trial, beginning at 1:01 a.m. (over the objection of RE Mapes) and resulting in conviction and infliction of the censures of suspension and deposition, was unduly harsh. Consider the circumstances: Mapes and several others appeared at a meeting of the Temporary Session on November 2, 2017, called to address the question of whether there had been sufficient

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evidence of repentance displayed by Mr. Bakker. The Mapes group knew in advance that the meeting was closed. Yet they appeared, nevertheless. Mapes said they were in the room for a total of 5 minutes and 37 seconds. Other witnesses were less precise, but viewed the amount of time as between 5 and 10 minutes. TE Dennis, one of the prosecution's witnesses, singled out one member of the group as having shouted and another as having raised her voice, neither of whom was Mapes. Although the group did not leave promptly, upon repeated requests to do so, they eventually did, and they returned later to meet with Temporary Session and reaffirm their membership vows. Not one word in the minutes of that meeting referred to any disruption. Moreover, RE Mapes asserts that when he met with the Session he apologized for his earlier conduct, an assertion that the Appellee did not challenge.

Yet, at its meeting on November 21, 2017, the Temporary Session charged the group members with offenses. Specifically Mapes was charged with "dereliction of duty as a ruling elder, disturbing the peace of the church, sedition against the government of the church, and participation in a riot," as well as failing to "submit himself to the government and discipline of the Church and to study its purity and peace . . . and . . . 'to strive for the purity, peace, unity and edification of the Church'" Two specifications followed: the first regarding notice of the closed nature of the meeting; the second that "Mapes had stormed into the Session's meeting place," had "refused to obey promptly when he was instructed to leave," and had "refused to instruct his wife and others present to submit to the Session and leave."

The trial concluded with the finding of guilty of the offenses charged, with the censures of temporary suspension from the sacraments (until satisfactory evidence of repentance is given) and deposition from office. Mapes then appealed, thereby suspending the judgment of the lower court under *BCO* 42-6.

In his appeal, Mapes listed six specifications of error. Those were:

1. "At the meeting of Nov. 2, 2017, TE Friederichsen stated that 'we just caught Hank in a lie' and then on Nov. 6, 2017 he sent an email inappropriately apologizing for this statement.
2. My citation to appear at trial was sent to the former worship team leader at New Hope Christian Church, Phillip Nevill, who had nothing to do with this case.

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3. Numerous unreasonable requests during the time leading up to the trial and at the trial.
4. I made a request to delay the trial until after the holidays at the Dec. 4, 2017 meeting. I did not receive an official answer until Dec. 21, 2017: seventeen days later.
5. I was declared guilty of rioting, sedition, and storming without any evidence presented at the trial.
6. I believe my censure was extremely excessive.”

The first four specifications appear immaterial to his case or of insufficient consequence. But the remaining two have merit.

The SJC recognizes that a higher court “should ordinarily exhibit great deference to a lower court regarding those factual matters which the lower court is more competent to determine” and to “those matters of discretion and judgment which can only be addressed by a court with familiar acquaintance of the events and parties.” (*BCO* 39-3.2,3) Thus, the SJC’s standard of review requires it to deny the appeal “unless there is clear error on the part of the lower court.”

The SJC takes no issue with the determination that, by appearing at a meeting when he knew in advance that it was closed to guests, Mapes, by his apology, acknowledged he was guilty of failure to submit to the government and discipline of the church. But the trial testimony cannot be viewed as evidencing a pattern of “dereliction of duty,” or “seditious or riotous behavior” by Mapes, particularly when the relevant contemporaneous record, the minutes of the meeting that night, fails even to mention the disruption itself, not to mention the lack of any reference to disruption when Mapes met with the Session later that same evening.

Thus, the SJC finds that there was clear error by the lower court in inflicting the censures as it did. In light of all the relevant circumstances, the SJC affirms the judgment of the Presbytery upholding the conviction of failing to submit to the government and discipline of the Church; but the SJC otherwise sustains the Appeal and therefore reverses the balance of the judgment.

The appropriate censure of RE Mapes was Admonition. The SJC substitutes the censure of Admonition for RE Mapes’ sin. (*BCO* 42-9)

As a result of this decision, the original censures, having been suspended, are now declared void. RE Mapes is restored to the sacraments and to the office

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of ruling elder, albeit he has no affiliation with any particular Session. This practically means that he is free to receive the Lord's Supper and to pursue membership in any branch of the Visible Church without any open censure of a court of the Presbyterian Church in America.

The Panel's Summary of Facts was drafted by RE Bise and the Panel's Reasoning was drafted by RE Carrell. The Panel made additional revisions prior to the SJC discussing the Case. After adopting amendments to the Judgment and Reasoning, the SJC approved the Decision by a vote of 20-0, with three absent and one disqualified.

Bankson, <i>Concur</i>	Duncan, M., <i>Concur</i>	Neikirk, <i>Concur</i>
Bise, <i>Concur</i>	Duncan, S., <i>Concur</i>	Nusbaum, <i>Concur</i>
Cannata, <i>Concur</i>	Ellis, <i>Absent</i>	Pickering, <i>Concur</i>
Carrell, <i>Concur</i>	Greco, <i>Concur</i>	Ross, <i>Concur</i>
Chapell, <i>Absent</i>	Kooistra, <i>Absent</i>	Terrell, <i>Disqualified</i>
Coffin, <i>Concur</i>	Lee, <i>Concur</i>	Waters, <i>Concur</i>
Donahoe, <i>Concur</i>	Lucas, <i>Concur</i>	White, <i>Concur</i>
Dowling, <i>Concur</i>	McGowan, <i>Concur</i>	Wilson, <i>Concur</i>

RE Terrell was disqualified because he is a member of a church in the bounds of the Presbytery that was a party to the case. (*OMSJC* 2.10.d.(3).iii)

Concurring Opinion

Case 2018-01: Appeal of RE Glen Mapes v. Metro New York Presbytery
RE Howie Donahoe, joined by TE Mike Ross and RE Dan Carrell

This Concurring Opinion highlights two actions of the Temporary Session which warrant more attention.

Indictment - Based on the facts in the Record, it's reasonable to question whether it was prudent for this matter to have been addressed by a judicial indictment. This questioning doesn't suggest the Appellant was faultless or suggest any assessment of his character as an elder. *BCO* 39-3 rightly observes most members of the lower court have more personal knowledge of an appellant than do the judges in the higher court.

Nonetheless, the SJC Decision reports the man met with the Temporary Session later on the evening of the November 2 Session meeting (the meeting

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at which the behavior occurred that eventually precipitated the indictment) and, he asserts in his Appeal, he apologized for his earlier conduct - an assertion the Appellee has not challenged. In other words, it seems the man offered an apology - of some sort - three weeks *prior to* the November 21 indictment.

There will be times when men speak or behave at a Session meeting in a way they regret soon thereafter. I've done it; more than once. And at some point - hopefully soon thereafter - they apologize. But even if some conflict results from it, a formal *BCO* 31-4 judicial indictment will rarely be the most prudent remedy in such a scenario, or the best stewardship of the Lord's time. The Temporary Session's choice to pursue a formal judicial path has probably now consumed over 100 man-hours of attention from Presbytery members, well over 200 man-hours of attention from SJC members, and has undoubtedly caused a great amount of stress among brothers and sisters who were involved in that church at the time (not to mention the Appellant).

Our *BCO* recommends sessions and presbyteries should often consider a non-trial path.

BCO 31-7 When the prosecution is instituted by the court, the previous steps required by our Lord in the case of personal offenses are not necessary. There are *many* cases, however, in which it will *promote the interests of religion* to send a committee to converse in a private manner with the offender, and endeavor to bring him to a sense of his guilt, before instituting actual process. (Emphasis added.)

The Record does not indicate that was done, or even seriously considered.

Appellant's Request at Trial - One of the grounds for appeal in *BCO* 42-3 is the "refusal of reasonable indulgence to a party on trial." The trial before the expanded Temporary Session started after midnight - *at 1:00 am* - despite the Appellant's objection at that time. The Record indicates there were earlier trials of others that same evening. But the Record doesn't indicate time was of the essence for his trial, nor any other compelling reason why his request for a continuance was denied. That denial *alone* is sufficient to sustain this Appeal. The trial court's refusal of his very reasonable request was a clear error in a matter of discretion.

Finally, though not directly related, *BCO* 42-12 stipulates: "*If an appellant manifests a litigious or otherwise un-Christian spirit in the prosecution of*

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his appeal, he shall receive a suitable rebuke by the appellate court." Unfortunately, there isn't a parallel provision whereby the SJC can rebuke a lower court for unfair procedures, or gross errors of judgment, or harmful constitutional misinterpretations. When the SJC reverses or corrects a lower court's decision, or rules an action is errant, the lower court usually suffers little consequence, especially when compared to the appellant or complainant who, even though he may prevail in the ultimate Decision, has often endured many months of hardship and, sometimes, even financial consequences.¹

/s/ RE Howie Donahoe

CASE 2019-01
COMPLAINT OF TE RHETT DODSON, ET AL.
vs.
OHIO PRESBYTERY

DECISION ON COMPLAINT
October 18, 2019

I. SUMMARY OF THE FACTS

- Pre-2010 Mr. Travis Dougherty shared his writing on the Trinity with Pastor Kreg Bryan and a ruling elder from Grace PCA, in Hudson, Ohio. According to Mr. Dougherty neither raised concerns about his views, and both offered words of encouragement.
- 2010 TE Rhett Dodson was given a copy of Travis Dougherty's self-published book *The Holy Trinity*. Mr. Dougherty, who was a member of the church before TE Dodson arrived, pointed out that the book contained certain things on which they would likely disagree. TE Dodson read the book and did disagree with what he called "a grave error, if not outright heresy." However,

¹ While it doesn't directly apply in this Case, *BCO* 40-5 ("General Review & Control") gives a higher court the authority to "censure the delinquent court" when it finds the court is culpable of "an important delinquency or a grossly unconstitutional error." It's unfortunate *BCO* 42-9 (Appeals) & 43-10 (Complaints) don't likewise give our higher courts that explicit authority. (The word "censure" in *BCO* 40-5 is used in a broader sense than the four censures listed and described in *BCO* 30 - "Church Censures.")