

MINUTES OF THE GENERAL ASSEMBLY

**CASE 2019-09  
COMPLAINT OF RE WILLIAM F. MUELLER  
VS.  
SOUTH FLORIDA PRESBYTERY**

**DECISION ON COMPLAINT  
October 15, 2020**

**I. SUMMARY OF THE FACTS**

- 07/14/18 At the Redlands Community Church (“RCC”) Session meeting, the Complainant, Mr. Mueller, made a motion. The motion failed for lack of a second. While not seconded, the Minutes state: “There was some discussion.” and also state: “The discussion will continue at the next meeting.”
- 08/18/18 The Minutes of the RCC Session meeting state: “In continuing discussion regarding the fencing of the table, a motion was proposed to present the attached wording to the church as a statement to the congregation as to who should participate in the communion service.” The “attached wording” was as follows:

At Redlands Community Church, we celebrate The Lord's Supper on the first Sunday of every month. Partaking of The Lord's Supper is not something to be taken lightly. The Scriptures give a warning to anyone who would take of The Supper in an unworthy manner, and provides the basis for self-examination that is required of those who would partake. The statement of this warning is to be our fencing of the Table. I Corinthians 11: 27 "Whoever, therefore, eats the bread or drinks the cup of the Lord in an unworthy manner will be guilty concerning the body and blood of the Lord." On Communion Sundays, the applicable text from the Shorter Catechism is printed in the bulletin. The Shorter catechism [sic] gives a helpful definition as to what partaking in an "unworthy manner" actually is. "It is required of them that would worthily partake of the Lord's supper [sic], that they examine themselves of their knowledge to discern the Lord's body, of their

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faith to feed upon him, of their repentance, love, and new obedience." (#97) The Scripture calls for examination: I Cor. 11: 28 "Let a person examine himself, then, and so eat of the bread and drink of the cup." Therefore, we urge all who would partake to ask them self these questions: Do you acknowledge yourself to be a sinner, and believe that only in the death of Jesus Christ is there atonement for sin, and forgiveness of sin. Do you believe in the Lord Jesus Christ as the Son of God, and Savior of sinners, and you receive Him, and rest upon Him alone for salvation. Do you repent of your sin, and in humble reliance upon the grace of the Holy Spirit, desire to live as becomes the followers of Christ, submitting to the government and discipline of the Church in purity and peace. The Table of The Lord is not a Table of merit. It is a table of Grace! A Celebration of giving thanks to The Lord for what He has done for us!

- 01/14/19 The Minutes of the RCC Session meeting state: "The fencing of the table was discussed again." The Complainant made a related motion that failed for lack of a second.
- 03/05/19 The Complainant filed a Complaint against an alleged action of the RCC Session on January 14, 2019 stating in his Complaint that "the RCC Session reaffirmed its practice of fencing the Lord's Table contrary to the provisions of the Book of Church Order (BCO) 58-4."
- 04/08/19 The RCC Session denied the Complaint.
- 04/09/19 The Complainant carried his Complaint to the South Florida Presbytery ("SFP").
- 08/13/19 The SFP Minutes state: "MCRT [Minister and Church Relations Team] formed a commission to rule on this matter and has returned a decision against the Complainant. Floor opened to questions; motion to approve decision of the commission passed."

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- 08/21/19 Complainant carried his Complaint to the General Assembly which was received by the Stated Clerk's office on August 23.
- 11/12/19 The SFP approved a motion to rescind the motion of the SFP on August 13, 2019 "because no actual ruling or decision was made."
- 05/13/20 Stated Clerk's office received the Record of the Case from SFP.
- 05/21/20 An SJC Panel was appointed to hear the Complaint.
- 07/10/20 The SJC Panel conducted the hearing by videoconference. The Panel included TE David Coffin (Chairman), TE Hoochan Paul Lee, and RE Bruce Terrell (Secretary). Also present were Panel alternates TE Mike Ross and RE Steve Dowling, along with Complainant Mueller, TE Dominic Aquila (Mr. Mueller's assistant) and TE Damon Palmer (Presbytery's representative). The Panel decision was drafted by TE Coffin and, after some revisions, was adopted unanimously by the Panel.

### **II. STATEMENT OF THE ISSUE**

Did the Session of Redlands Community Church (RCC), at its Stated Meeting on January 14, 2019, err when, according to the Complaint, it "reaffirmed its practice of fencing the Lord's Table contrary to the provisions of The Book of Church Order (*BCO*) 58-4?"

### **III. JUDGMENT**

No. The Complaint is denied.

### **IV. REASONING AND OPINION**

The Minutes of the Session meeting of January 14, 2019 include only one reference to the issue of "fencing the Lord's Table":

The fencing of the table was discussed again. Elder Mueller raised the issue that the table is not being fenced in accordance with the *BCO*, specifically by not warning the congregation that only members of RCC or of an evangelical church in good standing may partake. A motion was made to

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use language that Elder Mueller had previously submitted for fencing the table but the motion was not seconded and failed.

Clearly, the Session did not reaffirm anything in this matter; it did not take any action at all. A motion was made with respect to the subject, but it failed for lack of a second. There is no obligation for any Session member to second a motion. Thus, in this instance, there cannot be any error.

In hindsight, this Case could have been, and should have been, ruled out of order early in this adjudication process for the same reason it is now being denied.

However, if RE Mueller had filed a Complaint within 60 days of the Session's decision on August 18, 2018 to adopt the 342-word statement for worship folders related to fencing the Lord's Supper, it would have been timely filed.

Finally, it should be understood that Complainant still has recourse with respect to the substance of his complaint. *BCO* 40-5 provides for a credible report of "any important delinquency or grossly unconstitutional proceedings" of a lower court to be brought before the court next higher, before which the court alleged to have offended must give an account of what it has done or failed to do. After such a hearing the higher court has power to "reverse or redress the proceedings of the court below in other than judicial cases; or it may censure the delinquent court; or it may remit the whole matter to the delinquent court with an injunction to take it up and dispose of it in a constitutional manner. . ." There is no time requirement or deadline for delivering a *BCO* 40-5 report to the next higher court.

The Commission approved the decision on the following roll call vote:

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>Absent</i>	Greco, <i>Concur</i>	Ross, <i>Dissent</i>
Chapell, <i>Concur</i>	Kooistra, <i>Concur</i>	Terrell, <i>Concur</i>
Coffin, <i>Concur</i>	Lee, <i>Concur</i>	Waters, <i>Concur</i>
Donahoe, <i>Absent</i>	Lucas, <i>Concur</i>	White, <i>Concur</i>
Dowling, <i>Concur</i> (20-1-0)	McGowan, <i>Concur</i>	Wilson, <i>Concur</i>

MINUTES OF THE GENERAL ASSEMBLY

**CASE 2019-09  
COMPLAINT OF RE WILLIAM F. MUELLER  
VS.  
SOUTH FLORIDA PRESBYTERY**

**CONCURRING OPINION  
November 16, 2020**

TE David F. Coffin, Jr.,

Joined by TE Hoochan Paul Lee, TE Guy Prentiss Waters, RE John R. Bise,  
RE Steve Dowling, RE EJ Nusbaum, TE Fred Greco, TE Paul L. Bankson

I concurred with the proposed decision of the Standing Judicial Commission (SJC) in this case, to deny the Complaint for the reasons stated in the decision. However, so that there will be no misunderstanding with respect to the significance of the denial of this Complaint, some further observations concerning the Record of the Case in this matter are in order.

First, this decision does not imply that the provisions of *BCO* 58-4 for “fencing the Table” may be neglected or set aside. Chapter 58 of “The Directory for the Worship of God” has full constitutional authority and compliance with its provisions is the obligation of all officers and courts of the Presbyterian Church in America. In particular, that the invitation to participate in the Lord’s Supper should include the condition that participants be “communicants in good standing in any evangelical church” (*BCO* 58-4) is a constitutional obligation that cannot be set aside except by the regular means of amending the constitution (*BCO* 26). That such is the case is well-founded in the acts and deliverances of the General Assembly (*M29GA*, 29-28, III, pp. 135-136; *M21GA* (1993) 21-56, III, 18, p. 141-143).

Second, this decision does not imply that the Complainant received a full and fair hearing by the lower courts. In particular, the Record of the Case shows a profound failure on the part of Presbytery as to its constitutional duties concerning a Complaint filed against a lower court. Not one of the provisions of *BCO* 43-6, -8 or -9 were followed by Presbytery, thus depriving the Complainant of his rights, much to the detriment of the Complainant’s case. So egregious was Presbytery’s handling of the Complaint that Presbytery rescinded its action to deny the Complaint at the next stated meeting of Presbytery. That act came to nothing, however, because by that time Complainant had forwarded his Complaint, as was his right, to the SJC.

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Finally, it is important to underscore the SJC's closing observation in the decision:

Complainant still has recourse with respect to the substance of his complaint. *BCO* 40-5 provides for a credible report of "any important delinquency or grossly unconstitutional proceedings" of a lower court to be brought before the court next higher, before which the court alleged to have offended must give an account of what it has done or failed to do. After such a hearing the higher court has power to "reverse or redress the proceedings of the court below in other than judicial cases; or it may censure the delinquent court; or it may remit the whole matter to the delinquent court with an injunction to take it up and dispose of it in a constitutional manner. . . ."

### **CASE 2019-10 AND CASE 2019-12 COMPLAINTS OF TE JOHN EVANS and RE ALAN PITTS, ET AL.**

**v.  
ARIZONA PRESBYTERY**

### **DECISION ON COMPLAINTS July 20, 2020**

#### **I. CASE SUMMARY**

These cases came before the SJC through the Complaints of TE John Evans (2019-10) and RE Alan Pitts and three others: TEs John Kelley and William Phillips and RE David Campbell (2019-12). Upon motion by Arizona Presbytery ("AZP") and without objection, the two cases were joined (with a consolidated record) for review by the SJC per *OMSJC* 18.3.a.

TE Evans was pastor of Covenant Presbyterian Church ("CPC") in Sun City West, Arizona, where he had settled with his family in the fall of 2017, after 20 years of missionary service abroad. RE Pitts was serving as Clerk of the CPC Session. RE Campbell served on the Administrative Commission ("AC") of the AZP and also on AZP's Shepherding Team ("ST"). TE Kelley was an Honorably Retired member of AZP, and TE Phillips was an Assistant Pastor at another church within the Presbytery. Both TEs Kelley and Phillips also served on the ST.