

APPENDIX T

Rationale: Mr. Sanfacon is an inactive ruling elder and member of Tenth Presbyterian Church, Philadelphia. The Record indicates his original Complaint was filed with the Session 18 days after the 60-day window had expired (*BCO* 43-2). Thus, it was not timely filed. It was filed on June 16, 2014, against a Session action of March 30, 2014, thus 78 days afterwards. A “second” subsequent Complaint was filed with the Session on August 7, purportedly against a Session action of July 13, but this was essentially just an extension of the earlier Complaint and thus tied directly to it and therefore out of order. The Session recognized the Complaint was filed outside the 60-day window, yet addressed it anyway. Presbytery also recognized it was untimely filed yet also addressed it. This SJC ruling is similar to one in a 2001 case where the SJC ruled a Complaint out of order because the original complaint was not timely filed with the original court, despite the Session and Presbytery later having considered it anyway. (Case 2001-32 Christ Covenant v. Central Carolina Presbytery, M31GA, Charlotte 2003, pp. 107-109 http://pcahistory.org/ga/31st_pcaga_2003.pdf)

**CASE 2015-02
TE CHRIS GEARHART
VS.
CHICAGO METRO PRESBYTERY**

**DECISION ON COMPLAINT
April 29, 2015**

The Standing Judicial Commission (SJC) finds the above-named Complaint Administratively Out of Order (*OMSJC* 9.1.a.) in that the minister who would have had standing to file did not notify the PCA Clerk’s office within the 30-day window required by *BCO* 43-3. Furthermore, that minister did not subsequently give an unqualified ratification of the Complaint. The Complaint cannot be put in order, and therefore it is dismissed.

Rationale - TE Chris Gearhart was and is a member of Chicago Metro Presbytery. An unsigned document alleged to be a Complaint from TE Gearhart was sent to the PCA Clerk’s office on February 19, 2015, by an individual who did not have standing. Despite repeated attempts by the PCA Clerk to contact TE Gearhart, he did not contact the PCA Clerk until April 8, which was 77 days after the January 21 Presbytery action complained against (47 days after the *BCO* 43-3 deadline). In that e-mail he indicated, “I would like to submit this in my name,” but his lack of timely notification renders

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this Complaint Administratively Out of Order. Furthermore, in the same e-mail he indicated he was “not sure if the wording of the request fully represents my heart in the matter” and also that he “was not able to review the wording of the document” prior to it being filed.

CASE 2015-03
RE STEVE FLESHER AND RE RANDY WEEKLY
VS.
METRO ATLANTA PRESBYTERY
DECISION ON COMPLAINT
March 3, 2016

Because the issues raised in Complaint 2015-03 were adjudicated in Appeal 2015-08, the Complaint 2015-03 is moot. The SJC approved this decision on the following 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>
Burnet, <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>Concur</i>
Coffin, <i>Concur</i>	Kooistra, <i>Concur</i>	White, <i>Recused</i>
Donahoe, <i>Concur</i>	McGowan, <i>Concur</i>	Wilson, <i>Concur</i>

CASE 2015-04
COMPLAINT OF JOHN B. THOMPSON
VS.
SOUTH FLORIDA PRESBYTERY
DECISION ON COMPLAINT
MARCH 3, 2016

The SJC finds the Complaint judicially out of order as the objections raised in the Complaint ought to be raised by a defendant during process with the court of original jurisdiction (*BCO* 32-14), or thereafter, if not satisfied, by an appellant on appeal (*BCO* 42-3).