

History

On December 18, 2018, Appellant Harry Hoyt filed a Complaint against the Presbytery of East Iowa (Presbytery), its Stated Clerk, its Ministers and Congregations Commission (MCC), and the Rev. Dr. Richard Miller (the original Respondents), with the SPJC. The complaint alleged the “Presbytery of East Iowa as represented by the Stated Clerk and MCC made public accusations that were defamatory and untrue that the former members of the Church Government and Personnel Committee of First Presbyterian Church in Davenport operated outside the polity of the denomination as defined by the Book of Order, and violated Iowa law.”

Appellant’s initial complaint was based on events that occurred on October 1, 2018, when the MCC called a special meeting of the session of First Presbyterian Church in Davenport (FPCD) and delivered a letter, which “made a number of demands of the Session” and accusations that the Church Government and Personnel Committee (Committee) had “acted in violation of polity and broken Iowa Law.” As a ruling elder of FPCD, Hoyt served on the Committee. Additionally, Hoyt had served as moderator of the Presbytery from February 12, 2008, to February 24, 2009; Presbytery bylaws accorded him continuation of his membership after he served as moderator. The Presbytery suspended its bylaws in January 2018.

Respondents filed their Answer to the Complaint on February 19, 2019, responding to the allegations. On the same day, Respondents also filed a Motion to Dismiss for Lack of Standing, Motion to Dismiss for Lack of Jurisdiction, and Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted. The Respondents recommended administrative review in their Answer and Alternate Prayer for Relief. On February 25, 2019, the Moderator and Clerk of the SPJC issued a Preliminary Order for dismissal, finding, *inter alia*, that the SPJC had authority over the Presbytery but not over the individuals cited in the complaint, the complainants did not have standing to file the case, and the complaint did not state a claim upon which relief could be granted. The SPJC dismissed the complaint, but also noted its agreement with the Presbytery that an administrative review by the Synod of Lakes and Prairies (Synod) would “prove beneficial to both the Complainants and the would “prove beneficial to both the Complainants and the Respondents, [sic] and recommend[ed] that the Synod institute such a review.”

On March 11, 2019, Complainants submitted a Challenge to the dismissal. They requested that the individuals not be named as parties and argued that Hoyt did have standing. Additionally, Hoyt withdrew requests for a rebuke and monetary damages, and argued that the complaint did state a claim upon which relief could be granted. On the same day, Respondents filed their Brief in Answer to Challenge. On March 19, 2019, Hoyt filed a Brief in Support of Challenge to SPJC Findings and Dismissal. The SPJC scheduled a hearing to hear the challenge. On May 4, 2019, Hoyt filed amendments to his complaint, to correspond to the changes he made in his Challenge to the dismissal. After the hearing, on May 4, 2019, the SPJC issued a Decision and Order. It found that Hoyt did not have standing either by virtue of being a former moderator or as a former employee of the Presbytery. The SPJC also found that it could not grant the relief requested by Hoyt on two grounds: (1) The SPJC “has no authority to compel the Synod of Lakes and Prairies to take action” because a commission cannot order its council to do anything;

and (2) a trial before the SPJC “would not achieve reconciliation of the parties involved and so would not grant the relief sought by the appellant.” The appeal was denied.

Notably, the SPJC included in its Decision and Order a section on “Possible Alternatives to Judicial Process,” suggesting three possible paths to resolution: (1) A non-judicial process such as mediation; (2) a request for vindication, as set forth in D-9.0000; and (3) an administrative review by the Synod.

On June 5, 2019, Appellant filed an Appeal from the SPJC decision. The Appeal was transmitted to the officers of the GAPJC who reviewed it under provisions of D-8.0301. The GAPJC officers determined that the GAPJC has jurisdiction, Appellant has standing to file this Appeal, the Appeal papers were properly and timely filed, and the Appeal states one or more of the grounds for appeal set forth in D-8.0105. Appellant filed a brief in support of his appeal on November 4, 2019, and Appellee filed a brief responding to the appeal on February 7, 2020.

On March 23, 2020, in response to the COVID-19 pandemic, the GAPJC informed the parties by letter that the April 24, 2020, face-to-face hearing had been cancelled due to the decision by the Office of the General Assembly to cancel all face-to-face meetings until further notice. The GAPJC gave the parties the option of having the case decided on the briefs and record alone. The Commission invited the parties to file an additional two-page brief. Both parties agreed to this arrangement. On April 14, 2020, the GAPJC voted to amend its Manual of Operations to allow deliberations to take place electronically. On April 15, 2020, Appellant filed a Second Brief; Appellee did not file an additional brief.

Per its amended Manual of Operations, the GAPJC conducted deliberations by videoconference during its stated meeting between April 23 and 26, 2020.

Specifications of Error

Appellant did not delineate “Specifications of Error” in the appeal; therefore, this Commission has formulated the following Specifications of Error, drawn from Appellant’s arguments in the case.

Specification of Error No. 1: The SPJC erred in constitutional interpretation (D-8.0105g) by dismissing the complaint for lack of standing on the grounds that Appellant, a ruling elder and former moderator of the Presbytery, could not be granted enrollment after the end of his term of elected service.

This specification of error is neither sustained nor not sustained.

Appellant, having served as the moderator of the Presbytery in 2008-09, clearly had been granted the privilege of continuing membership, although the Presbytery alleges that membership ended when the Presbytery took action to suspend its bylaws in January 2018. Whether this provision of the Presbytery’s manual conformed to G-3.0301, and whether its

suspension changed Appellant's membership status or affected his standing to file a complaint, is a conclusion this Commission chooses not to reach.

It is clear that Appellant's presbytery membership status, and the status of all former moderators in the Presbytery of East Iowa who are ruling elders, was in question, given the Presbytery's purported action to suspend its bylaws without providing a procedural alternative. This decision by the Presbytery left a void in its governance, creating the potential for confusion regarding its own membership. This is one of the factors justifying special administrative review by the Synod.

Specification of Error No. 2: The SPJC committed an injustice in its decision (D-8.0105f) and erred in constitutional interpretation (D-8.0105g) in dismissing the complaint for lack of standing on the grounds that Appellant was no longer employed by the Presbytery at the time of the alleged irregularity.

This specification of error is not sustained.

To the extent that Appellant stated a particular irregularity in his complaint, it was the transmission of a letter from the MCC to the Session dated October 1, 2018. Appellant's last day of employment by the Presbytery was September 30, 2018. Inasmuch as he was not an employee of the Presbytery on the date of the alleged irregularity, he does not have standing to file a complaint under G-6.0202a(6).

Specification of Error No. 3: The SPJC committed an injustice in its decision (D-8.0105f) to dismiss the complaint for failure to state a claim upon which relief can be granted.

This specification of error is not sustained.

G-3.0303d explicitly authorizes a presbytery to "counsel with a session concerning reported difficulties within a congregation." The MCC's presenting the October 1, 2018, letter to the Session was not unconstitutional, and disagreement with such an action does not make it so. If there were concerns about the content of the letter, those concerns should have been brought to the attention of the Presbytery, giving the Presbytery an opportunity to affirm, amend, or rescind the MCC's actions.

The complaint does not allege "an irregularity or a delinquency of a lower council"; D-2.0202a defines an irregularity in a remedial case as an "erroneous decision or action" of that council. The letter of the MCC on October 1, 2018, was a fulfillment of the MCC's responsibilities in working with congregations. In any case, its actions were subject to review by the Presbytery as a whole, but the record in this case does not indicate that the Presbytery was ever asked to affirm, amend or rescind the MCC's actions.

Appellant sought relief that the SPJC was not in a position to grant. Appellant requested first that the SPJC direct the Synod to "conduct a thorough investigation," but a council's PJC may not direct that council to take an action; thus, the SPJC could not direct the Synod to conduct an administrative review. (However, this Commission *does* have authority to direct the

Synod to do so.) Second, Appellant requested that the SPJC direct the MCC and Presbytery Stated Clerk to issue a public statement to the congregation of FPCD, but PJC's cannot compel apologies or public statements from individuals or entities. Third, Appellant sought relief in the form of a trial before the SPJC, but that request is contrary to the purpose of judicial process under D-2.0100a; a trial would serve the purpose of determining whether relief should be granted, not serve as relief itself.

For all these reasons, the SPJC was correct to dismiss the case for failure to state a claim upon which relief can be granted.

Specification of Error No. 4: The SPJC declined to receive proper evidence (D-8.0105c) when it did not accept materials from the Appellant into the record for consideration in its hearing on preliminary questions.

This specification of error is not sustained.

In a hearing to rule on preliminary questions, a PJC has wide discretion to decide what documents will be relevant for its consideration. Such documents are not "evidence" in the sense of what may be offered in a trial in accordance with D-14.0101. Therefore, the SPJC was free to consider whatever was necessary for ruling on the narrow questions before it, and to disregard the rest.

Decision

Because the complaint failed to state a claim upon which relief can be granted, the SPJC correctly dismissed the case. However, this Commission holds that further action is warranted. While judicial process was not the proper avenue for Appellant to address his concerns, Appellant may have valid concerns.

This case reveals considerable conflict, distrust, and confusion in the proceedings and relationships among the Presbytery; its Ministers and Congregations Commission; the First Presbyterian Church of Davenport; its Session; its Government and Personnel Committee; and Mr. Hoyt as a former presbytery moderator, former presbytery employee, and active member of his congregation. In the course of these proceedings, this Commission has identified a number of issues indicating that special administrative review, guided by G-3.0108, is in order. This would offer the parties the opportunity to seek resolution and reconciliation.

Order

IT IS THEREFORE ORDERED that the decision of the Synod PJC is affirmed and the case is dismissed.

IT IS FURTHER ORDERED that the Synod of Lakes and Prairies shall at its next stated meeting initiate special administrative review in accordance with G-3.0108b of the actions of the Presbytery of East Iowa (including its suspension of its manual of operations without providing a procedural alternative) and its Ministers and Congregations Commission in this case. The Synod shall consider whether the designation of an administrative commission with such powers and responsibilities as may be required under G-3.0109b(5) is warranted in this matter.

IT IS FURTHER ORDERED that the Stated Clerk of the Synod of Lakes and Prairies report this Decision to the Synod of Lakes and Prairies at the first meeting after receipt, that the Synod of Lakes and Prairies enter the full Decision upon its minutes, and that an excerpt from those minutes showing entry of the Decision be sent to the Stated Clerk of the General Assembly.

IT IS FURTHER ORDERED that the Stated Clerk of the Presbytery of East Iowa report this Decision to the Presbytery of East Iowa at the first meeting after receipt, that the Presbytery of East Iowa enter the full Decision upon its minutes, and that an excerpt from those minutes showing entry of the Decision be sent to the Stated Clerk of the General Assembly.


Absences and Non-Appearances

All current commissioners participated in the hearing and deliberations. The commissioner position from the Synod of the Northeast was vacant.

Certificates

We certify that the foregoing is a true and correct copy of the Decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.) in Remedial Appeal 224-08, Harry Hoyt, Appellant, v. Presbytery of East Iowa, Appellee, deliberating by videoconference under the provisions of 6.02.90e of its Manual of Operations, made and announced in Louisville, KY, this 26th day of April, 2020.

Dated this 26th day of April, 2020.



Ruth Goldthwaite, Moderator
Permanent Judicial Commission of the General Assembly



**Deborah Little Cohn, Clerk
General Assembly Permanent Judicial Commission**

I certify that I did transmit a certified copy of the foregoing to the following persons by Federal Express Next Day Air, directing Flor Vélez-Díaz to deposit it in the mail in Louisville, KY.

Harry Hoyt, Appellant
Jim Claypool, Committee of Counsel for the Appellee
Stated Clerk, Presbytery of East Iowa
Stated Clerk, Synod of Lakes and Prairies
General Assembly Permanent Judicial Commission

I further certify that I did transmit a certified copy of the foregoing to the Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.) by delivering it in person to Flor Vélez-Díaz, on April 26, 2020.



**Deborah Little Cohn, Clerk
General Assembly Permanent Judicial Commission**

I certify that I received a certified copy of the foregoing, that it is a full and correct copy of the decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.), sitting during an interval between meetings of the General Assembly on April 26, 2020, in Remedial Appeal 224-08, Harry Hoyt, Appellant, v. Presbytery of East Iowa, Appellee, and that it is the final judgment of the General Assembly of the Presbyterian Church (U.S.A.) in the case.

Dated in Louisville, KY, on April 26, 2020.