

**THE PERMANENT JUDICIAL COMMISSION  
OF THE GENERAL ASSEMBLY  
OF THE PRESBYTERIAN CHURCH (U.S.A.)**

**ARTHUR W. BAYLEY**  
Complainant/Appellant

v.

**Remedial Case 206-7**

**PRESBYTERY OF MINNESOTA VALLEYS**  
Respondent/Appellee

This is a remedial case that has come before this commission on appeal by Arthur W. Bayley, minister, from a decision of the Permanent Judicial Commission of the Synod of Lakes and Prairies.

This commission finds that it has jurisdiction, that appellant has standing to appeal, that the appeal was properly and timely filed, and that the appeal is in order.

**HISTORY**

A series of controversies between the complainant, Arthur W. Bayley, and the respondent, the Presbytery of Minnesota Valleys, began in December of 1987, when Bayley, then pastor of the Browns Valley Church (a federated United Methodist/Presbyterian church), objected to a statement placed in the minutes of the presbytery Council of Respondent that

"Browns Valley Church is withholding mission funds from the Presbyterian and Methodist Churches because of the position of the Minnesota Council of Churches has taken on privacy guidelines in relationship to sodomy and homosexuality.

Written objection was raised by complainant acting on behalf of the Browns Valley Church Council on December 7, 1987, with a request that the minutes be changed to utilize the church's precise wording for their reasons for withholding mission funds. No action was taken by

the respondent. On November 17, 1992, complainant, who was no longer the pastor of Browns Valley Church, filed a petition with the respondent requesting respondent to take the action requested by Browns Valley Church in 1987. This petition was converted to a formal complaint filed with the Synod of Lakes and Prairies on January 4, 1993.

The second controversy arose in January, 1988, when the respondent through its council voted to send a fact-finding committee to Browns Valley Church. Complainant complained to the fact-finding committee at the time of their visit that he believed they were there illegally. On January 4, 1993, complainant filed a formal complaint on that action stating the presbytery council exceeded its authority in appointing the fact-finding committee and further complaining that the committee failed to report accurately the concerns of the Browns Valley Church.

The next controversy began after the complainant, now retired and living within the bounds of the Presbytery of Northern Plains, requested of the respondent that his membership be transferred to the Presbytery of Northern Plains and the transfer request was approved by respondent on April 23, 1991. However, the transfer letter was not sent by the respondent's stated clerk until January 3, 1992, following two communications from Mr. Bayley requesting him to do so.

Then, on April 21, 1992, at complainant's request, he received a copy of his file that had been transmitted to Northern Plains, and found therein certain material that he considered improper. On May 19, 1992, the complainant corresponded with the respondent's committee on ministry (COM) moderator, complaining of letters about him in his file that he deemed detrimental and the absence of his written reply to a letter sent to him by COM. This correspondence protested a lack of due process; it did not specifically identify an irregularity or a delinquency with a requested remedy. In July, 1992, complainant requested the Presbytery of

Northern Plains to delay any further action on his transfer, and filed a complaint with the Synod of Lakes and Prairies against the respondent that was subsequently withdrawn. Finally, the complainant filed his present complaint about the delay in transfer and the contents of his file on January 4, 1993, having previously included these items, as well, in his November 17, 1992, petition.

On June 30, 1993, the Synod of Lakes and Prairies PJC held a pretrial conference to determine whether the complaint filed January 4, 1993, was timely filed under the provisions of D-6.0600a, which required

A complaint of an irregularity to be filed within 30 days after the irregularity has occurred and a complaint of a delinquency to be filed within 30 days after failure or refusal of the respondent to act at its next meeting when so requested pursuant to D-6.0300.

The synod PJC dismissed the case because complainant failed to file a timely complaint. A notice of appeal to the General Assembly PJC was timely filed by the complainant.

### **THE ISSUE IN THE CASE**

The basic issue before this PJC is whether the complaint was timely filed so as to give to the synod PJC jurisdiction to hear the case.

### **SPECIFICATIONS OF ERROR**

- (1) The synod PJC erred because the complaint was timely filed.

This specification of error is not sustained.

The various items complained of by complainant occurred starting in December, 1987, and the last items complained of involving delay in granting complainant's request for transfer and the contents of his file were known to complainant on April 21, 1992. He presented his objections to the respondent but did not file the present complaint until January 4, 1993. On the

undisputed evidence stated in the record, we hold that the complaint was not timely filed and, therefore, the synod PJC properly dismissed the case.

Although we might question whether Mr. Bayley's complaint for remedial action adequately specified an irregularity in a particular decision or action pursuant to D-6.0300, we have not addressed this question because it was not considered by the synod PJC. Our decision, therefore, is not based upon a determination of the merits of complainant's contentions, but rather on the basis of lack of jurisdiction.

The procedures set forth in the Book of Order in its Rules of Discipline pertaining to the judicial process are there to provide due process in a manner that is orderly and consistent. Permanent judicial commissions are bound to follow the established procedures.

Section D-6.0600 places time limits on the filing of a complaint that must be followed in order for a PJC to have jurisdiction to afford relief in a particular case. At the time the synod PJC dismissed the case, D-6.0600 provided that:

a complaint of an irregularity shall be filed within 30 days after the irregularity has occurred, and that a complaint of a delinquency shall be filed within 30 days after failure of the respondent to act at its next meeting when so requested pursuant to D-6.0300.

The 205th General Assembly (1993) approved an amendment to D-6.0600 to extend the time limit from "30 days" to "three months." This provision did not control at the time of the synod PJC's decision.

The purpose of D-6.0600 is to prevent controversies within the church from going on and on and on, thus producing festering sores which destroy the peace and tranquility of the church that are essential for us to accomplish our Christian goals.

If a complainant fails to comply with the time requirements of D-6.0600, he or she cannot thereafter utilize the judicial process provided in the Book of Order.

Under the factual circumstances before us, the synod PJC properly dismissed the case for lack of jurisdiction.

(2) "The [synod PJC] made illegitimate use of the Book of Order."

This specification of error is not sustained. The synod PJC followed the required procedure in dismissing the complaint, because it was not timely filed.

(3) "Minnesota Valleys Presbytery cannot participate in the complaint and at the same time claim that the complaint is invalid."

This specification of error is not sustained. The respondent, by seeking to work out a solution to the problems raised by complainant, did not waive its right to challenge the jurisdiction of the synod PJC on the basis the complaint was not timely filed.

(4) "Minnesota Valley Presbytery missed the 30-day deadline to respond to my Petition to them dated November 17, 1992, and consequently are required to respond to the merits of the complaint."

This specification of error is not sustained. The record shows that the respondent made a good faith effort to respond to the issues raised by the complainant in his letter dated November 17, 1992, by a series of letters commencing after December 2, 1992. The Rules of Discipline contain no 30-day deadline for a requested correction of an alleged delinquency. There is a time limit for filing a complaint of an alleged delinquency as outlined under Specification Number 1, above.

**ORDER**

It is therefore ordered that the decision of the synod PJC dismissing the complaint is affirmed.

It is further ordered that the stated clerk of the Presbytery of Minnesota Valleys, the appellee, report this decision to the presbytery at its first meeting after receipt, that the presbytery 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 (Book of Order, D-8.1900).

The untimely death of Harold Densmore on October 24, 1993, precluded his participation in the proceedings.