

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

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Dianne Carter (Bentley) Cuthbertson, )  
Complainant. )  
 )  
v. )  
 )  
Session of Matthews Murkland Presbyterian )  
Church, )  
Respondent. )  
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**DECISION and ORDER**

**Remedial Case 215-2**

This is a remedial case which has come before the General Assembly Permanent Judicial Commission (GAPJC) on appeal by Dianne Carter Bentley Cuthbertson, Appellant/Complainant from a decision by the Permanent Judicial Commission of the Synod of the Mid Atlantic (SPJC).

**History**

The Permanent Judicial Commission finds that it has jurisdiction, that Appellant has standing to appeal, that the appeal was properly and timely filed, and that the appeal states one or more of the grounds for appeal (D-8.0105).

On October 12, 1999, Dianne Carter Bentley Cuthbertson filed a complaint with the Presbytery of Charlotte (Presbytery) against the session of the Matthews Murkland Presbyterian Church. In the Complaint she alleged improper use of money donated to the church by Presbyterian Disaster Assistance (PDA) and failure to permit the complainant access to session minutes. On receipt of the complaint the Presbytery assigned case number 99-2 to the allegation of improper use of the funds and case number 99-3 to the issue involving access to session minutes.

There is not in the record a copy of the decision issued by the Presbytery in either case. However, based upon the Notice of Appeal on December 1, 2000 this Commission can conclude that a decision was issued.

On March 4, 2001, the order of the SPJC on complainant's appeal found the specification of error in case 99-2 was not sustained. Specification of error in case 99-3 was sustained. The SPJC ordered the Presbytery to conduct a hearing on case 99-3 and determine whether to grant the requested relief.

The complainant filed an appeal from the decision of the SPJC in case 99-2 (now titled case 2001-2) on April 18, 2001. On February 8, 2002, the Executive Committee of the GAPJC issued a Preliminary Order finding that the GAPJC has jurisdiction, that the appellant has standing to file the appeal, that the appeal papers were properly and timely filed, and that the appeal states one or more of the grounds set forth in D-8.0105.

The record in this case indicates that the respondent received over \$200,000 from the PDA following a fire in its sanctuary on June 6, 1996. Because the church indicated they did not wish to rebuild the sanctuary, PDA gave permission to use the money to “bolster the efforts of your congregation in developing new channels of ministry within your community.”

The record also shows that at the stated meeting on March 6, 2000 the session was reminded that the former church secretary was still listed with the Board of Pensions of the Presbyterian Church (U.S.A.) as a current employee at the Matthews Murkland Presbyterian Church. The former secretary left the employment of the Church due to medical reasons in July 1999. For nine months (July 1999 through April 2000), the session reported to the Board of Pensions that the former secretary was an employee of the Matthews Murkland Presbyterian Church in order for the former secretary to continue to receive medical benefits. The session used PDA funds from the general account in excess of \$1,600 to pay her insurance premiums.

The session sought advice from PDA and the Presbytery on the use of the funds and were told the ultimate decision regarding the use of the funds rest with the session of the Matthews Murkland Presbyterian Church. Notwithstanding the advice and the opinion given, any discretion regarding use of the funds must adhere to the broad purposes for which funds were provided, i.e., developing new channels of ministry within the community.

### **Specification of Error**

*That the Session of Matthews Murkland Presbyterian Church USA improperly used monies given by Presbyterian Disaster Assistance for the purpose of rebuilding and for developing new channels of ministry within the community.*

This specification of error is sustained.

G-10.0102h places upon the session the responsibility of “assuring that all offerings are distributed to the objects toward which they were contributed.” In expending money from the interest gained from the PDA for church operating expenditures and for the fraudulent expenditures for the health insurance of the former secretary, the session failed to meet its fiduciary responsibility. However, given that said monies had been clearly intended for the building up of the ministry of the Matthews Murkland Presbyterian Church USA, the church’s repayment schedule assigned to the Session should not impair the church’s ability to continue its ministries, but should not exceed a five year period.

### **Order**

IT IS THEREFORE ORDERED that the SPJC decision is reversed in conformity with this decision.

IT IS FURTHER ORDERED that the Presbytery of Charlotte is ordered to form an administrative commission to work pastorally, educationally, and administratively with the current parties of the Matthews Murkland Presbyterian Church USA for the purpose of

promoting the peace, unity and purity of the church. The charge to the administrative commission shall include:

- a. To correct any financial irregularities in such a fashion that shall bring the church into compliance with G-10.0102h, “assuring that all offerings are distributed to the objects toward which they were contributed”;
- b. To guarantee session’s compliance with G-10.0102i which calls in part for the session to provide “full information to the congregation of its decisions” in all financial matters;
- c. To assist the session in fulfilling the requirements of G-10.0401d which call for an annual full financial review; and
- d. To work with the session and PDA to clarify the guidelines for the use of PDA funds, to assist in the preparation of an interim report to PDA, and to assist in devising a repayment schedule for any monies improperly used.

IT IS FURTHER ORDERED that the Stated Clerk of the Synod of the Mid-Atlantic report this decision to the Synod at its first meeting after receipt, that the Synod 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 Charlotte 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.

Fane Downs, member of this Commission was not present and took no part in the deliberations or decision.

Dated this 14<sup>th</sup> day of July 2002.

#### CERTIFICATE

We certify that the foregoing 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.) in Remedial Case 215-2, Dianne Carter Bentley Cuthbertson v. Session, Matthews Murkland Presbyterian Church, made and announced at Phoenix, AZ on July 14, 2002.

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Mary Lou Koenig, Moderator  
Permanent Judicial Commission of the General Assembly

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Ernest E. Cutting, Clerk  
Permanent Judicial Commission of the General Assembly

I certify that I did transmit a certified copy of the foregoing to the following persons by UPS Next Day Air, directing C. Laurie Griffith to deposit it in the mail at Phoenix, AZ on July 15, 2002.

Dianne Carter Cuthbertson, Complainant  
Session, Matthews Murkland Pby Church, Respondent  
Martha Jane Raedels, Stated Clerk, Presbytery of Charlotte  
Barry Van Deventer, Stated Clerk, Synod of the Mid-Atlantic  
General Assembly Permanent Judicial Commission (regular mail)

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 C. Laurie Griffith, on July 14, 2002.

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Ernest E. Cutting, Clerk  
Permanent Judicial Commission of the General Assembly

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 at Phoenix, AZ on July 14, 2002 in Remedial Case 215-2, Dianne Carter Bentley Cuthbertson v. Session, Matthews Murkland Presbyterian Church, and that it is the final judgment of the General Assembly of the Presbyterian Church (U.S.A.) in the case.

Dated at Phoenix, AZ on July 14, 2002.

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C. Laurie Griffith  
Manager of Judicial Process and Social Witness