

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

Thomas Priest, Jr.,)	
Appellant/Appellee (Complainant),)	
)	
v.)	Order on Challenge of the Preliminary
)	Questions and Appeal
)	
Presbytery of Detroit,)	
Appellee/Appellant (Respondent).)	Remedial Case 221-01

Arrival Statement

These remedial cases come before the General Assembly Permanent Judicial Commission (GAPJC or this Commission) on appeal GA2011-109 filed by Appellant/Appellee Thomas Priest, Jr. (Appellant), on appeal GA2011-110 filed by Appellee/Appellant Presbytery of Detroit (Presbytery or Appellee), both from a Decision of the Permanent Judicial Commission of the Synod of the Covenant (SPJC) rendered on November 15, 2011, and on a challenge to the Executive Committee of this Commission (GAPJC EC), rendered January 31, 2012. For the purpose of judicial economy, the two appeals and the challenge are herein combined.

Jurisdictional Statement

As appeals from the decision of a synod permanent judicial commission, Remedial Cases GA2011-109 and GA2011-110 are properly before the GAPJC, were timely filed, and raise one or more of the grounds for appeal contained in D-8.0105.

Appearances

Appellant appeared in person and was represented by Archibald Wallace III. Appellee appeared through its counsel, Mark Schneider.

History

Appellant was a candidate for ministry under the care of Presbytery, as well as a member of Calvary Presbyterian Church (Calvary). On April 20, 2010, an individual sent a letter addressed to the Committee on Preparation for Ministry (CPM) complaining about Appellant's

conduct. The Stated Clerk of the Presbytery was sent a copy of the letter. The Stated Clerk notified the author of the letter that CPM does not have disciplinary jurisdiction over Appellant. On April 21, 2010, the author sent the same or a similar letter to Calvary's session. After an investigation, Calvary's session determined that no charges should be brought against Appellant.

After receiving the letter, CPM appointed a sub-committee to investigate the grievances in its role of determining Appellant's fitness for ministry. The sub-committee conducted interviews and collected related information. On January 18, 2011, the sub-committee recommended to the full CPM that Appellant participate in mediation training and assessment.

A hearing was scheduled for the purpose of determining whether the CPM would accept the recommendations of the sub-committee. The hearing was originally scheduled for February 1, 2011, but was rescheduled for March 1, 2011, at the request of Appellant so that he could have counsel present. At the close of the hearing, CPM voted to accept the recommendations of the sub-committee. CPM advised Appellant of the decision.

On June 9, 2011, Appellant filed a complaint with SPJC. On August 19, 2011, the Executive Committee of the SPJC (SPJC EC) found: Appellant did not have standing, the complaint did not state a claim upon which relief could be granted, the complaint was untimely, and SPJC did not have jurisdiction over the matter. Appellant challenged the decision of SPJC EC.

On October 4, 2011, CPM met with Appellant and approved him as ready to pursue a call.

On November 15, 2011, SPJC overruled SPJC EC and found that Appellant did have standing, but affirmed SPJC EC's dismissal based on a lack of timeliness, lack of jurisdiction, and failure to state a claim upon which relief can be granted. On December 19, 2011, Appellant appealed SPJC's decision on timeliness, jurisdiction, and failure to state a claim upon which relief can be granted. On December 21, 2011, Presbytery appealed SPJC's decision on standing.

On January 31, 2012, the GAPJC EC found that Appellant did not have standing to file the original complaint and dismissed the complaint. On February 29, 2012, Appellant challenged the decision of the GAPJC EC. Therefore, all four preliminary questions are before this Commission.

Specifications of Error

There are four specifications of error raised by the appeal, cross-appeal, and the challenge.

1. *SPJC erred in finding there was no jurisdiction to hear the complaint (GA2011-109).*

This specification is not sustained. See the Decision below.

2. *SPJC erred in finding the complaint was not timely filed (GA2011-109).*

This specification is not sustained. See the Decision below.

3. SPJC erred in finding the complaint fails to state a claim upon which relief can be granted (GA2011-109).

This specification is not sustained. See the Decision below.

4. SPJC erred in finding that complainant had standing to file the case (GA2011-110).

This specification is not sustained. See the Decision below.

Decision

Jurisdiction: Since this is a remedial case alleging an irregularity by a presbytery, the complainant must show that the presbytery acted and that the action taken was irregular. Appellant argued that the action taken by CPM constituted a final act of Presbytery. This argument lacks merit. The only action taken was that of CPM, which is not a governing body (D-2.0102).

Even if the facts alleged in the complaint are true, at most the action by CPM was made in the course of its responsibilities to guide the complainant as he prepared for ordained ministry pursuant to then applicable G-14.0405 and G-14.0412. Having decided that CPM was not acting as Presbytery and is not a governing body, there was no basis for the exercise of authority through the judicial process. The party complained of, Presbytery, took no action.

Timeliness: Presbytery did not act and, hence, there was no triggering event for timeliness. See D-6.0202a.

Relief: CPM directed Appellant to take additional steps to prepare himself for ministry, which CPM has the authority to do. [2006, PJC 217-1, Hope v. Presbytery of San Francisco] Since Presbytery as a governing body never acted, there is no basis for relief.

Standing: This Commission finds that Appellant had standing to file a remedial case with SPJC. However, since the other three preliminary questions have been answered in the negative, the issue of standing is immaterial.

Order

IT IS THEREFORE ORDERED that the decision on the preliminary questions by the Permanent Judicial Commission of the Synod of the Covenant is affirmed and its dismissal of the case is affirmed. Consequently, the dismissal of the case by the Executive Committee of the General Assembly Permanent Judicial Commission is also affirmed.

IT IS FURTHER ORDERED that the Stated Clerk of the Synod of the Covenant report this Decision to the Synod of the Covenant at its first meeting after receipt, that the Synod of the

Covenant 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 Detroit report this Decision to the Presbytery of Detroit at its first meeting after receipt, that the Presbytery of Detroit 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

Commissioner Meta Shoup Cramer was absent and did not take part in the deliberations or decision.

Certificate

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 Case 221-01, Thomas Priest, Jr., Appellant/Appellee (Complainant), v. Presbytery of Detroit, Appellee/Appellant (Respondent) made and announced at Louisville, KY this 28th day of July, 2012.

Dated this 28th day of July, 2012.