

**CONCURRING OPINION  
JUDICIAL CASE 2014-01  
TE DON AVEN AND TE DAVID DIVELY  
VS.  
OHIO VALLEY PRESBYTERY**

**JULY 15, 2015**

Concurring Opinion RE Jack Wilson, joined by RE Howie Donahoe and RE John White

I concur in the Judgment and Reasoning of the Commission. I write separately to note that not every difference with our Standards warrants the formation of a record with the level of analysis outlined in this decision. In my view, not every difference demands an evaluation of the implications of that difference with respect to other parts of our Standards. It is, in the first place, the duty of an officer or candidate to make his differences known in his own words with specificity and clarity. It is then the duty and purview of the Presbytery to evaluate those differences by the benchmarks outlined in *BCO* 21-4(f). Our decision should not be misconstrued as a framework for evaluating all differences with our Standards; or as a methodology to be employed in every instance of a change in views; or as an infringement upon the discretion of our presbyteries to determine generally the manner of inquiry or the means employed to evaluate the views of candidates and officers subject to their jurisdiction.

/s/ RE Jack Wilson, joined by RE Howie Donahoe and RE John White

**CASE 2015-01**

**D. G. SANFACON  
VS.  
PHILADELPHIA PRESBYTERY**

**DECISION ON COMPLAINT  
April 29, 2015**

The Standing Judicial Commission (SJC) finds that the above-named Complaint is Administratively Out of Order and cannot be put in order (*OMSJC* 9.1.a.). This ruling is based on the fact that the original Complaint was not timely filed, and therefore this ruling voids every action taken on the Complaint(s) by the lower courts.

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\\_pca\\_2003.pdf](http://pcahistory.org/ga/31st_pca_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