

1 12/03/23 Crossbridge Church Key Biscayne voted to withdraw from the PCA. The vote was
2 23-3. This was confirmed in a 2/4/24 email.

3
4 02/13/24 Presbytery Stated Meeting. The Presbytery Clerk reported Crossbridge Key
5 Biscayne had voted to leave the PCA. TE Siegenthaler, chairman of Presbytery's
6 Credentials Committee "reported that TE Filipe Assis [and] TE Carter Brown ...
7 are without a call with the Crossbridge vote to be removed from the PCA." The
8 Credentials Committee recommended that Presbytery "urge TE Marcus Assis, and
9 TE Carter Brown by letter to remove their membership from South Florida
10 Presbytery by the May 14, 2024 stated meeting" which was three months later.

11
12 A subsequent letter to TE Assis was signed by Credentials Committee Chairman.
13 It referenced an article in the *Key Biscayne Independent* purportedly reporting on
14 Crossbridge Key Biscayne's December 3, 2023 congregational meeting. The letter
15 began with:

16
17 When you were ordained in the PCA you affirmed this vow: Do
18 you approve of the form of government and discipline of the PCA
19 in conformity with the general principles of biblical polity?" It
20 appears you no longer approve of the form of government of the
21 PCA regarding the ordination of women. ...

22
23 The letter ending with this paragraph:

24
25 You have led the Crossbridge churches out of the PCA based on
26 your apparent change in convictions. It is inconsistent with your
27 vows to stay connected to the PCA when you no longer have a
28 commitment to this body. The South Florida Presbytery urges you
29 to submit a request for removal from membership before the May
30 14, 2024 meeting. Otherwise, the Presbytery will be obligated to
31 remove you through administrative or judicial process.

32
33 03/13/24 TE Assis sent an email to Presbytery's Clerk and copied the Credentials Chairman
34 and four others. Below are statements from that email.

- 35
36 - The article [in the *Independent*] that was quoted in the letter is
37 categorically inaccurate.
- 38 - I can assure you that I still agree with the form of government of the
39 PCA.
- 40 - I did make the remark at the [congregational meeting] that I didn't
41 believe in the ordination of women.
- 42 - I wanted to make it very clear that even though Crossbridge as a
43 church is no longer part of the PCA, it remains a complementarian
44 church, and it's not in its plans to start ordaining women in the future.

- 1 - Personally, I have not changed my view on the ordination of women
 2 as it was stated in [Presbytery's] letter. I also remain complementarian.
 3 I have said this in public many times throughout this process.
- 4 - With that, I am requesting that this committee consider granting me
 5 an extension 'till December of 2024 in order to assure that my transfer
 6 of credentials into the new denomination happens smoothly and
 7 accordingly. My hope is that this process will be completed before
 8 December 2024.
 9
- 10 05/14/24 Presbytery Stated Meeting. The Presbytery adopted a Credentials Committee
 11 recommendation to extend the prior deadline for TEs Assis & Brown to transfer
 12 their credentials to December 2024. The vote was 25-3.
- 13 08/13/24 Presbytery Stated Meeting. There was no action taken regarding the Appellants.
 14
- 15 02/14/25 TE Assis sent a three-page email to 70+ ministers in the Presbytery indicating he
 16 would be "unable to attend the next Presbytery meeting taking place this Saturday
 17 [the following day]. My justification is that our church is hosting a marriage
 18 conference ... for a great number of couples at our Pinecrest location, and my
 19 presence is absolutely needed." TE Brown sent a shorter but similar email to the
 20 same 70+ presbyters three hours later. The subject line of TE Assis' email was "A
 21 Response to the Allegations" and TE Brown's was "My Response to the
 22 Accusation." TE Brown's email included this statement: "I was taken aback when
 23 reading through the [Presbytery] minutes that a motion is being brought
 24 [tomorrow] to find a strong presumption of guilt of schism of TE Felipe Assis and
 25 TE Carter Brown."
 26
- 27 02/15/25 Presbytery Stated Meeting. Administrative Committee chairman TE Barry
 28 reported that TEs Assis and Brown "have been without call since June 2023" and
 29 presented an AC recommendation:
 30
- 31 [T]o find a strong presumption of guilt of schism (*BCO* 34-5) of TE
 32 Felipe Assis and TE Carter Brown and so institute process (31-3)
 33 and appoint a prosecutor to prepare the indictment and conduct the
 34 case.
 35
- 36 A substitute motion was made "to follow *BCO* 13-2 in following the procedure for
 37 a minister without call for a prolonged period, divesting TE Felipe Assis and TE
 38 Carter Brown of office without censure as laid out in *BCO* 34-10." It was adopted
 39 by a vote of 26-6.
 40
- 41 02/19/25 The Presbytery Clerk emailed notification of Presbytery's 2/15 actions to TEs
 42 Assis & Brown. The email ended with "*BCO* 34-10 says that the ground of the
 43 proceeding be stated. The ground, according to the Presbytery, is simply the status
 44 of being without call 'for a prolonged period of time,' according to *BCO* 13-2."

1 They were notified that a finalized divestiture action would be considered at the
2 5/13 stated meeting. It did not mention the provisions of *BCO* 34-10.

3
4 05/13/25 Presbytery Stated Meeting. Neither TE Assis nor TE Brown was present. The
5 Record gives no indication why they were absent. A second vote was taken "to
6 divest TE Felipe Assis and TE Carter Brown without censure, according to *BCO*
7 13-2 and 34-10." The vote was 30-5.

8
9 06/10/25 TEs Assis and Brown both filed Appeals with the PCA Stated Clerk's office.

10
11 07/29/25 An SJC Panel was drawn, and it included TE David Coffin, TE Jay Bruce, TE Paul
12 Bankson, RE Frederick Neikirk and RE Howie Donahoe.

13
14 08/08/25 The Panel held its Constituting Meeting.

15
16 08/27/25 The parties confirmed their willingness to combine the two Appeals and use a
17 single Record of the Case. A single Appeal document and a 25-page Record were
18 finalized. Panel Chair Coffin confirmed that there were no objections to this
19 revised Record.

20
21 09/02/25 The Panel Initial Meeting was held, where it judged the Case to be judicially in
22 order and ready for a Hearing. The Panel notified the parties of the Hearing date.

23
24 10/27/25 Appeal Hearing. The Appellee had previously filed a brief; the Appellants had
25 not. All Panel members were present. Appellants Assis and Brown were present.
26 Presbytery Clerk TE Robbie Crouse represented Presbytery.

27
28 11/01/25 The Panel adopted a Proposed Decision.
29
30

31 **II. STATEMENT OF THE ISSUES**

- 32
33 1. Shall Specification of Error 1 be sustained? ("*BCO* violation")
34 2. Shall Specification of Error 2 be sustained? ("Injustice in Fact Finding and Fairness")
35 3. Shall Specification of Error 3 be sustained? ("Appearance of Discrimination and
36 Pretextual Exclusion")
37
38

39 **III. JUDGMENTS**

- 40
41 1. Yes
42 2. No, Unable to judge
43 3. No, Unable to judge
44

1
2 **IV. REASONING AND OPINION**

3
4 Both *BCO* 13-2 and *BCO* 34-10 were referenced by the parties in this Appeal and are below.

5
6 *BCO* 13-2. A minister shall be required to hold his membership in the
7 Presbytery within whose geographical bounds he resides, unless there are
8 reasons which are satisfactory to his Presbytery why he should not do so. When
9 a minister labors outside the geographical bounds of, or in a work not under
10 the jurisdiction of his Presbytery, at home or abroad, it shall be only with the
11 full concurrence of and under circumstances agreeable to his Presbytery, and
12 to the Presbytery within whose geographical bounds he labors, if one exists.
13 When a minister shall continue on the rolls of his Presbytery without a call to
14 a particular work or a prolonged period, not exceeding three years, the
15 procedure as set forth in *BCO* 34-10 shall be followed. A minister without call
16 shall make or file a report to his Presbytery at least once each year.

17
18 *BCO* 34-10. Whenever a minister of the Gospel shall habitually fail to be
19 engaged in the regular discharge of his official functions, it shall be the duty of
20 the Presbytery, at a stated meeting, to inquire into the cause of such dereliction
21 and, if necessary, to institute judicial proceedings against him for breach of his
22 covenant engagement. If it shall appear that his neglect proceeds only from his
23 lack of acceptance to the Church, Presbytery may, upon the same principle
24 upon which it withdraws license from a licentiate for lack of evidence of the
25 divine call, divest him of his office without censure, even against his will, a
26 majority of two-thirds (2/3) being necessary for this purpose.

27 In such a case, the clerk shall under the order of the Presbytery forthwith
28 deliver to the minister concerned a written note that, at the next stated meeting,
29 the question of his being so dealt with is to be considered. This notice shall
30 distinctly state the grounds for this proceeding. The party thus notified shall be
31 heard in his own defense; and if the decision pass against him he may appeal,
32 as if he had been tried after the usual forms. This principle may apply, with
33 any necessary changes, to ruling elders and deacons.

34
35 **Specification 1 - "BCO violation" - Did Presbytery rightly apply *BCO* 34-10?**

36
37 Contrary to the assertion of Presbytery's AC Chairman at the 2/15/24 Presbytery meeting, the
38 ministers did not automatically become "without call" when their churches voted to leave the
39 PCA. A pastoral call is a three-way agreement between the teaching elder, the calling body,
40 and the Presbytery (*BCO* 20-8 and 21-1). Thus, the establishment of a call requires a formal
41 action on the part of the Presbytery. In the same manner, the dissolution of a call must
42 necessarily involve a formal action by Presbytery (*BCO* 23-1). In this case, the Record
43 demonstrates that the Presbytery never took any action to dissolve the calls of TEs Assis and
44 Brown. Thus, the Presbytery clearly erred in seeking to use *BCO* 13-2 as a basis for moving
45 to divest these men.

1
2 In a situation like this, a minister could request that his Presbytery grant him permission to
3 labor out of bounds in the new, non-PCA church—at least for a set period of time. That would
4 be the ordinary first step. Or anyone else could make such a motion. If approval is not granted,
5 a motion could then be made to change his status to without call (i.e., without an approved
6 call to labor out of bounds.) If that motion fails, then other administrative options, like those
7 mentioned below, could be considered, especially if the minister indicates he no longer wants
8 to remain in the PCA.

9
10 Further, contrary to Presbytery's action, *BCO* 34-10 did not apply. For *BCO* 34-10 to apply, a
11 Presbytery must first judge that a minister has "habitually failed to engage in the regular
12 discharge of his official functions." Then, for a Presbytery to proceed to divestiture without
13 censure it must demonstrate that the man's failure is the result of his "lack of acceptance to
14 the Church."

15
16 The habitual failure could result from different scenarios. It could be for a culpable breach of
17 his covenant engagement, i.e., he intentionally ceases to perform the functions of a minister.
18 It could result from the fact that no church desires to call him as a pastor. But even in the latter
19 scenario, if the minister is seeking to serve in a ministerial capacity by supply preaching,
20 administering the sacraments, etc., a Presbytery could rightly judge that divestiture is
21 unwarranted. Similarly, a Presbytery could determine there are mitigating, documented,
22 circumstances, such as life situations, that would lead Presbytery to maintain the teaching
23 elder on its roll even if he has been without call for a prolonged period.

24
25 In this present Case, after each of the churches voted to leave the PCA, the ministers continued
26 being engaged in the regular discharge of their ministerial functions at those churches and
27 apparently remained acceptable to those churches.

28
29 In sum, neither of the Appellants was habitually failing to engage in the regular discharge of
30 his official functions, or derelict, or in breach of his covenant engagement, or lacked
31 acceptance to the Church, or lacked evidence of a divine call. *BCO* 34-10 clearly did not apply.

32
33 In addition, there is no evidence that the second provision of *BCO* 34-10 applied here.
34 Whenever the *BCO* capitalizes "Church" it refers either to the PCA as a whole or to the
35 universal Church. It never refers to a single local church or a presbytery. The Record indicates
36 both Appellants remained acceptable to their respective local churches, and even though the
37 churches were no longer PCA, they were still a part of the universal Church.

38
39 At the same time, the ministers clearly indicated they no longer planned to remain in the PCA.
40 In February 2025, TE Assis had been in the Presbytery for 17 years, and TE Brown for 14.
41 TE Brown's email to 70+ presbyters indicated "I have a strong conviction to remain
42 shepherding the church that I have had the privilege of serving for a decade. ... I remain
43 committed to joining a new denomination with Crossbridge Church, but this process has taken
44 much longer than anticipated." TE Assis wrote something similar, and added, "Our desire is

1 not to stay in the PCA, but we would like to keep our credentials until we can move them
2 permanently elsewhere."
3

4 It is incumbent on a church court to ensure, as far as possible, that a member under its
5 jurisdiction remains under the jurisdiction of some ecclesiastical entity. That is usually
6 accomplished by transferring a church member to another PCA church or transferring a
7 minister to another PCA Presbytery. However, unique situations arise.
8

9 The principle in *BCO* 38-3.a could have applied in this Case.
10

11 *BCO* 38-3.a. When a member or officer in the Presbyterian Church in America
12 shall attempt to withdraw from the communion of this branch of the visible
13 Church by affiliating with some other branch (*BCO* 2-2), if at the time of the
14 attempt to withdraw he is in good standing, the irregularity shall be recorded,
15 his new membership acknowledged, and his name removed from the roll.
16

17 Granted, while the two ministers had indicated the name of a denomination they were
18 considering, they had not yet affiliated with it. But the new, non-PCA independent churches
19 they pastored could have been regarded as "some other branch of the visible Church" and their
20 names could have been removed from Presbytery's roll and transferred to those local churches.
21 Ministers in some denominations hold their memberships in the local church.
22

23 A second option is described in *BCO* Chapter 46 on Jurisdiction. South Florida Presbytery
24 could have given the ministers a certificate of dismissal.
25

26 *BCO* 46-7. No certificate of dismissal from either a Session or a Presbytery
27 shall be valid testimony of good standing for a period longer than one (1) year,
28 unless its earlier presentation be hindered by some providential cause; and such
29 certificates given to persons who have left the bounds of the Session or
30 Presbytery granting them shall certify the standing of such persons only to the
31 time of their leaving those bounds.
32

33 When a minister announces he hopes to move his membership and his credentials to another
34 body of the Church, the move may take time. In the present Case, Presbytery could consider
35 giving the ministers a certificate of dismissal without divesting them of their ordination. If,
36 after some period of time, the TEs had not finalized their transfers, the Presbytery could then
37 consider other actions.
38

39 While the administrative options available to this Presbytery might not have been perfect, they
40 were far more suited to the situation than divesting the ministers of their ordination while
41 knowing they were actively ministering in a church and hoped to carry their credentials into
42 another branch of the visible Church. It was a clear error of judgment to do so, and
43 unconstitutional to do so per *BCO* 34-10. The error is particularly egregious in this Case in
44 that it is a case without process. In such cases, where there are few procedures to protect the

1 rights of the teaching elder, it is incumbent on a Presbytery to ensure that the Constitutional
2 provisions are followed carefully and are fully documented.

3
4 **Specification 2** - "Injustice in Fact Finding and Fairness" - Did Presbytery disregard the
5 material in the February 14, 2024 emails from the Appellants? (i.e., the day before the meeting
6 at which they were divested without censure)

7
8 The SJC is not able to judge if presbyters disregarded the material. For example, the Record
9 does not indicate how many of the addressees read the two emails that were sent the day before
10 the 2/15/24 Presbytery meeting. Absent reasons adopted by a court for its actions, it is not
11 possible for a court to evaluate the intentions or motives of another court. Further, given our
12 determination that Presbytery erred in its application of *BCO* 13-2 and 34-10, it would be
13 inappropriate for us, as an appellate court, to opine on factual matters that are in dispute,
14 especially if those factual matters are not clearly set forth in the Record.

15
16 **Specification 3:** "Appearance of Discrimination and Pretextual Exclusion" - Does the Record
17 demonstrate the Appellants' contention that *BCO* 34-10 was misused "as a pretext for
18 exclusion" when it was made as a substitute for the motion to commence judicial process
19 against them?

20
21 The SJC is not able to judge the validity of the Appellants' contention. Further, given our
22 determination that Presbytery erred in its application of *BCO* 13-2 and 34-10, it would be
23 inappropriate for us, as an appellate court, to opine on factual matters that are in dispute,
24 especially if those factual matters are not clearly set forth in the Record.

25 26 27 **V. AMENDS**

28
29 The appeal is sustained and Presbytery's action of divesting the two ministers is reversed.
30 They are returned to being members in good standing. Presbytery must act to dissolve the
31 existing PCA calls for TE Assis and TE Brown. Presbytery should then either approve calls
32 for these men to labor out of bounds per *BCO* 8-7, consider the options offered in the
33 Reasoning above, or pursue another course of action consistent with the *BCO*.

34 35 36 **VI. RECORDING IN MINUTES**

37
38 In accordance with *OMSJC* 17.1(f), this SJC Decision along with any concurring and
39 dissenting opinions, shall be recorded in the minutes of Presbytery's next stated meeting after
40 receipt of those items.

41
42 An initial proposed Panel Decision was drafted by RE Donahoe and after several amendments
43 the final proposed Decision was adopted by the Panel by a vote of 5-0.
44

1 The SJC reviewed each part of the proposed decision and approved the final version of the
2 Decision **sustaining the Appeal** by a vote of **19-2-0** with two absent and one recused.

3

4 According to TE Tipton: “I recused myself as, prior to being elected to the SJC, I gave advice
5 to the presbytery that was material to the case.”

6

Bankson	<i>Concur</i>	Eggert	<i>Concur</i>	Neikirk	<i>Concur</i>
Bise	<i>Concur</i>	Evans	<i>Concur</i>	Pickering	<i>Concur</i>
Bruce	<i>Concur</i>	Greco	<i>Concur</i>	Sartorius	<i>Concur</i>
Carrell	<i>Concur</i>	Kooistra	<i>Concur</i>	Stegall	<i>Absent</i>
Coffin	<i>Concur</i>	Landry	<i>Dissent</i>	Tipton	<i>Recused</i>
Dodson	<i>Concur</i>	Lee	<i>Concur</i>	Waters	<i>Concur</i>
Donahoe	<i>Concur</i>	Marcinak	<i>Concur</i>	White	<i>Concur</i>
Dowling	<i>Absent</i>	Maynard	<i>Dissent</i>	Wilson	<i>Concur</i>

7