

**Communion of Reformed Evangelical Churches
Council Court of Appeals
Final Ruling and Findings**

**Appointed to Review Actions of Augustine Presbytery
In the Matter of
Moormans v. St. Peter Presbyterian Church
January 2012**

November 1, 2012

In January 2012, Rev. Jack E. Phelps, Presiding Minister, Communion of Reformed Evangelical Churches, appointed a Council Court of Appeals to hear an appeal from St. Peter Presbyterian Church challenging the decision of Augustine Presbytery in this case. Under Rev. Phelps' charge we have reviewed the rulings and findings of the Augustine Presbytery Court, the letter of appeal from St. Peter Presbyterian Church, and various other documents.

By a vote of four to one, the Council Court of Appeals has voted to affirm the appeal. This action vacates the ruling of the Augustine Presbytery Appeals Court (APAC), but leaves open the option of further action on the part of the Moormans family.

We were careful to note Rev. Phelps' warning against retrying this case and always presumed that the Augustine Presbytery Court acted in good faith. Our decision was based solely on our view that this appeal was not properly brought before APAC and that they should not have heard the case until it had been properly perfected in accordance with the clear requirements of our CREC Constitution.

In their appeal to this Council Court, St. Peter Presbyterian Church rightly pointed out that the appeal from the Moormans was brought under Article IV.D.4.1 of our Constitution. Under this section the appellant is required to meet each of four conditions. APAC acknowledges in their opinion that there is a prima facie case that these requirements were not met in total. It argues in its decision that while the letter of our Constitution was not met, the spirit was. It is our opinion that their argument falls short as regards the first three of the four requirements.

The first requirement is for the Presiding Minister to have "a letter from the accused session in question declining to hear the case, or a letter advising him that the case was heard and rejected." There was no such letter in this case and in fact SPPC presented a letter in their appeal showing that they offered to hear this case without conditions on November 17, 2010.

The second requirement is for the Presiding Minister to have a "letter from the government of the church where complainant is a member saying that the church affirms the truth of the Apostle's Creed, and agrees to hold the complainant accountable if the decision goes against him." Moormans have been received as members at Abingdon Presbyterian Church which sent a letter affirming the Apostle's Creed, but also stating that they "would not see any ruling of the Court as impacting the Moormans membership status at APC." If the Augustine Court had ruled against the Moormans it could certainly have affected the status of their membership. It is thus our opinion that this provision was also not met.

The third is that “the charges as framed have two or three available and accountable witnesses listed for each specified complaint.” Since no such list was provided, we assume that this provision was not met.

The fourth is the only provision that can be seen as subjective, requiring that “the complainant has not overtly discredited himself in his manner of bringing the charges,” We trust the judgment of the Augustine Court on this requirement.

However, our Constitution requires all four to be met before an appeal may be heard. It would appear that these requirements could have easily been met in this case. If these discrepancies are corrected and the appeal perfected, the appeal can still be brought before the Augustine Presbytery at a later date. We believe that, in such case, both the local church court and the Presbytery court should assist those who are making an appeal by helping them perfect the appeal in conformity to our current Constitutional language.

In an attempt to assist Augustine Presbytery and other Presbyteries that may hear such appeals, we would like to address two other aspects of APAC's ruling. The first seems to be the foundation of their ruling, being found at the head of the Ruling section.

APAC states: "The court rules that Mark Moormans and his family were members at Abingdon PCA (APC) when they were disciplined by censure and erasure (which is held to be excommunication) by St. Peter's Presbyterian Church (SPPC). Since the Moormans were no longer under the jurisdiction of SPPC:..." APAC seems to be asserting that when a member is received into membership at another church, that means that their membership vows at the first church are no longer binding upon them. We see no reasoning from the Court indicating why they believe this. While dual membership would present difficulties and should surely be avoided, it seems wrong and destructive of bi-lateral church membership covenants to give a second church a unilateral ability to void the jurisdiction of a first church.

Secondly, we would urge future Presbytery courts to be careful not to go beyond their proper appeals function with extended "Findings" statements. In APAC's Findings, for example, it articulates a particular view of church membership practices and pastoral sensibilities that, while reflecting the views of the Court, cannot be seen as Biblically binding practices. Because of that, they should by no means be seen as binding upon all CREC churches. We would urge future Courts to rule narrowly in such cases, and leave intact our current freedom to operate within the broad bounds of what our Savior in His word prescribes.

We deeply appreciate all the hard work and prayer poured into this matter by everyone involved. We trust that our love and commitment to Christ, His people and His churches will be kept in mind as this decision is received. We pray confidently that the final end of this matter will be better than its beginning (Ecc. 7:8a). May the Lord continue to grant patience with one another (Ecc. 7:8b), an absence of sinful anger (Ecc. 7:9), wisdom (Ecc. 7:11,12) and finally, peace, the right ordering of relationships with God and one another.

For the King,

Pastor Burke Shade, Cornerstone Reformed Church, Chairman

Pastor Garrett Craw, Christ Church Santa Clarita

Pastor John Stoos, Church of the King

Pastor Galen Sorey, Christ Presbyterian Church

Pastor Dennis Tuuri, Reformation Covenant Church