

**IN THE SYNOD OF THE SOUTH ATLANTIC
PERMANENT JUDICIAL COMMISSION**

St. Johns Presbyterian Church, Inc.*

Complainant, *

Vs. * Remedial Case 20-01

Presbytery of St. Augustine , *

Respondent. *

Determination of Preliminary Questions Pursuant to D-6.0305

The Stated Clerk of the Synod of the South Atlantic having properly transmitted notice of original Remedial Complaint dated November 16, 2020, and received on November 18, 2020, and Answer of Respondent Presbytery of St. Augustine dated December 18, 2020, the Moderator and Clerk have examined such papers with respect to the preliminary questions required to be determined as set forth in D-6.0305.

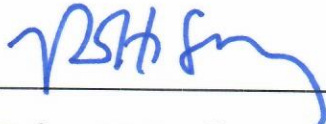
The Moderator and Clerk find that, while the Complainant may be justifiably frustrated with the pace of its request for “gracious dismissal,” and while some of that delay may be due to Complainant’s alleged failure to produce certain information necessary for consideration thereof, nonetheless two (2) of the four (4) preliminary questions are not met: (a) this council does have jurisdiction and (b) the Complainant has standing to file, but (c) the Complaint was not timely filed, and (d) the Complaint fails to state a claim upon which relief may be granted by this council.

With respect to timeliness, the Complainant has submitted copies of Session minutes from February 17, 2020, in which the Session directed the filing of this Complaint. One of the justifying factors listed in the minutes is “...no contact from the Administrative Commission in several months.” Even giving the most generous calculation, the latest factual allegation in the Complaint is at paragraph 95, in which it is alleged that “... in late April 2020, the AC Chair contacted the Clerk of Session...via telephone and asked to meet ‘one on one’...” Even that latest allegation occurred more than six months prior to the filing of the Complaint, far longer than the ninety (90) day maximum set forth in D-6.0200(a.)

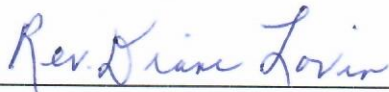
Further, the Complaint seeks, at paragraph 106, that the “Synod dismiss St. Johns on gracious and reasonable terms...” However, pursuant to G-3.0303(b,) it is the authority of the Presbytery to dismiss congregations. The Synod has no concurrent authority regarding dismissal.

Therefore, the Moderator and Clerk find that this Remedial Action may not proceed and herewith report such findings to the parties and the PJC.

Respectfully Reported this 4thth day of January, 2021.



Robert H. Smalley, III, Moderator



Rev. Diane Lovin, Clerk