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JUDICIAL CASE 2009-24
COMPLAINT RE ROGER PHELPS
VS.
PACIFIC PRESBYTERY

I. SUMMARY OF THE FACTS

March 1, 1998 Lee Irons (Irons) was ordained as a Teaching Elder (TE) in the Orthodox Presbyterian Church (OPC) on March 1, 1998. Irons was a member of the Presbytery of Southern California (PSC) of the OPC.

July 2002 The PSC brought the charge against Irons of "violating your ordination vows by teaching, contrary to the Scriptures and the *Westminster Standards*, that the Decalogue is no longer binding on believers as a standard of holy living."

January 2003 Irons was found guilty of the charge by the PSC and the Censure of Indefinite Suspension from the office of Pastor was approved but awaited Irons' Appeal to the OPC General Assembly. Irons' Appeal was denied and Censure was affirmed.

October 2003 In accordance with the provisions of the OPC *Book of Discipline* Irons declared himself independent of the jurisdiction of the OPC.

Feb. 7, 2004 At its Stated Meeting, the PSC erased the name of Charles Lee Irons from its role of ministerial members because he had renounced the jurisdiction of the OPC by declaring himself independent.

March 14, 2004 Irons was received into the membership of New Life Burbank Church, PCA (NLB) by Reaffirmation of Faith.

December 2007 Irons applied to come under care of Pacific Presbytery (PP) as a candidate for the gospel ministry. At the May 3, 2008, Stated Meeting of PP, the Presbytery denied Irons' application.

June 7, 2008, The NLB Session recommended Irons as an approved candidate for the office of Ruling Elder (RE), and on July 6, 2008, Irons was elected subsequently by the NLB Congregation to the office of RE. The NLB Session installed Irons on September 14, 2008.

January 27, 2009 PP established a Committee of Review and Control (Committee) to examine the records of the NLB Session in order to determine whether any Constitutional irregularities were present. The Committee presented its report to PP on May 2, 2009, in which the Committee recommended that no Constitutional irregularities were present. A Minority Report was also filed. PP adopted the Report of the Committee.

May 14, 2009 The Complainant complained against the action of PP in adopting the Committee's report. The Complaint was denied by PP on September 26, 2009. Complainant subsequently complained against the action of PP in denying his Complaint dated May 14, 2009, alleging that PP erred when it adopted the resolution stating "Pacific Presbytery does not find any Constitutional infractions with regard to the nomination, examination, election, ordination of Mr. Lee Irons by New Life Burbank Session."

1 II. STATEMENT OF THE ISSUE

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3 Did PP err when it denied the Complaint of RE Roger Phelps, dated May 14, 2009?

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5 III. JUDGMENT

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7 No.

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9 IV. REASONING AND OPINION

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11 The central issue of this Case is whether PP erred when it took no action opposing the
12 ordination of Irons to the office of Ruling Elder by the NLB Session. The Complainant contends
13 that because PP declined to accept Irons as a candidate for the gospel ministry (per *BCO* 18-3),
14 Irons was disqualified for the office of Ruling Elder at NLB. This contention is incorrect. PP
15 was not required to find Irons unqualified for the office of Ruling Elder in this specific instance.

16 As an initial matter, it is important to establish the standard of review that is relevant for
17 this Court in this matter. The standard of appellate review is of fundamental importance in
18 determining whether a lower court has erred in its decision. In this Case, the appropriate
19 standard of review is one of "great deference to a lower court." The standard is clearly spelled
20 out in *BCO* 39-3.3:

21
22 A higher court should ordinarily exhibit great deference to a lower court regarding
23 those matters of discretion and judgment which can only be addressed by a court
24 with familiar acquaintance of the events and parties. Such matters of discretion
25 and judgment would include, but not be limited to: the moral character of
26 candidates for sacred office, the appropriate censure to impose after a disciplinary
27 trial, or judgment about the comparative credibility of conflicting witnesses.
28 Therefore, a higher court should not reverse such a judgment by a lower court,
29 unless there is clear error on the part of the lower court.

30
31 A central claim of the Complainant in this matter is that because the office of Elder
32 constitutes "one class of office" and because "ruling elders possess the same authority and
33 eligibility to office in the courts of the Church as teaching elders" (*BCO* 8-9), there must be an
34 identical standard for eligibility of a man to the office of Ruling or Teaching Elder. But this is
35 simply not the case. While Ruling Elder and Teaching Elder constitute one office, such
36 singularity of office does not require an identical process or standard for each. For example,
37 Ruling Elders are examined and ordained by the Session (*BCO* 24-1, 24-6), but Teaching Elders
38 are examined and ordained by the Presbytery (*BCO* 21-4, 21-5). Further, while both Ruling and
39 Teaching Elders are examined in Bible content and the principles and rules of the government
40 and discipline of the Church, only Teaching Elders are examined in their knowledge of the Greek
41 and Hebrew languages and Church history.

42 The fact that a man may be approved for the office of Ruling Elder and not for the office
43 of Teaching Elder (or vice versa) is not *prima facie* evidence of error by a court. Each Court of
44 the Church has discretion with respect to whom the Court admits into its membership. A lower
45 or higher court is not required to grant (or deny) admission to a man merely because another
46 court has granted (or denied) admission to that man. This is true regardless of whether the

1 question of a man's fitness is related to doctrinal or moral concerns. Respondent is incorrect
2 when it attempts to bifurcate the standard applied for admission to office in two categories –
3 doctrinal and moral, and imply that there is a different standard for each of the two categories; in
4 both doctrinal and moral instances, the Court in question has discretion to make its determination
5 of a man's fitness for office. In many instances, it would appear impossible to separate the
6 doctrinal and moral categories. A Court may reject the man who holds completely orthodox
7 views for any number of reasons: because of the manner in which he holds such views, because
8 of perceived character flaws, or even because of a lack of readiness for the ministry. In any
9 event, the Court of Original Jurisdiction is entitled to great deference in its determination of
10 whether or not to ordain a man to sacred office. This does not amount to a bifurcation of the
11 Office of Elder in any way, since both Sessions and Presbyteries have such discretion.

12 In this Case, we find that the Session of NLB had the appropriate jurisdiction to make a
13 determination of whether Irons should stand for election to the Office of Ruling Elder. The PSC
14 voted to accept Irons's renunciation of its jurisdiction on February 7, 2004. Upon PSC's taking
15 this action, Irons ceased to be a member of the PSC and was no longer subject to its jurisdiction.
16 He was free to join with any other Church, and in fact he did so when he was received into the
17 membership of NLB. As a member in good standing of NLB, Irons was eligible for nomination
18 and election to the Office of Ruling Elder just as any other male member in good standing of
19 NLB. The PSC explicitly admits this, when it responded to NLB upon notification of Irons's
20 ordination to the Office of Ruling Elder by stating: "[w]e acknowledge your judicatory's right to
21 evaluate the doctrine of Mr. Irons and to duly call him to ordained service." (Letter from PSC to
22 the Session of NLB, dated February 8, 2010) Because of this explicit recognition by PSC of the
23 right of the Session of NLB to call Irons to ordained service, we do not need to address the issue
24 of the relationship of the NAPARC Agreement to our Constitution.

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26 The Complaint is denied.

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28 The Statement of Facts was written by RE Cub Culbertson. The Issues, Judgment and
29 Reasoning and Opinion were written by TE Fred Greco, with amendments by the full SJC.
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