



THE PERMANENT JUDICIAL COMMISSION
of
THE EVANGELICAL PRESBYTERIAN CHURCH

SESSION OF BEVERLY HEIGHTS CHURCH, et al. v.
PRESBYTERY OF THE ALLEGHENIES III

ORDER OF THE COMMISSION

[January 8, 2025]

On October 4, 2024, the session of Beverly Heights Church in Pittsburgh, Pennsylvania, and its Teaching Elder Nate Devlin (jointly, the “Complainant”) filed a complaint against the Presbytery of the Alleghenies (the “Respondent”).¹ The Complainant therein asked this commission to “stay all actions and recommendations” of the administrative commission that the Respondent established on August 1, 2023 “to address reports of disorder and disunity as well as to evaluate leadership regarding ‘nurture of members’ [G.4-4] and ‘life and character of officers’ [G.9-3]” at Beverly Heights Church (the “Administrative Commission”).² The Complainant asked that the stay be enforced “until [Beverly Heights Church] can hold [its] second meeting under [*Book of Government* section] 5-10 and vote on [its] request for dismissal.” According to the Complainant, the requested

¹ This was the third complaint filed by the Complainant against the Respondent. **In its first complaint**, filed on January 27, 2024, the Complainant objected to certain contempt charges filed against it by the Respondent (the “Contempt Charges”). Upon due consideration, we did not sustain the first complaint and declined to grant the relief requested in our opinion dated September 5, 2024 (“BHC v. POA I”). **In its second complaint**, filed on June 22, 2024, the Complainant asked this commission to overrule what it characterized as “an unconstitutional order for a financial review” of the finances of Beverly Heights Church. Assuming that all facts alleged by the Complainant were true, we determined in our opinion dated August 1, 2024 (“BHC v. POA II”), that the complaint did not state grounds on which relief may be granted and, therefore, dismissed the complaint.

² We found in BHC v. POA I that the Respondent gave the Administrative Commission “the full authority of the Presbytery to enact whatever actions it deems necessary within the scope of [the Evangelical Presbyterian Church] constitution in order to restore the peace and purity of [Beverly Heights Church] and bring reconciliation where possible among the people of God.”

stay is appropriate because the Respondent violated the Respondent's bylaws when it failed to formally appoint a chair for the Administrative Commission.³

As a threshold matter, we must determine under section 14-8 of the *Book of Discipline* whether the complaint stated grounds on which relief may be granted. Solely for the purposes of this determination, we have assumed that all facts alleged by the Complainant are true.

We found in BHC v. POA I that, despite the breadth of its concerns regarding actions of the Respondent, the Complainant filed no timely complaints prior to January 27, 2024, when the Complainant challenged the Respondent's reception of the Contempt Charges on December 28, 2023.⁴ We therefore declined to evaluate the Respondent's actions prior to that date. "Put simply," we concluded, "the Complainant's concerns over those prior actions are time barred."

The Complainant asks that we revisit this conclusion considering the Respondent's failure to vote, as a presbytery, on the chair of the Administrative Commission. The failure to hold such a vote continued as recently as the Respondent's September 21, 2024, meeting, when the Complainant's representative asked the Respondent "can you clarify who chairs the commission?" In response, the Ruling Elder who has been acting as chairperson of the Administrative Commission noted that, according to its legal counsel, his service as chair was lawful because "the commission is itself the presbytery."

"It is our position," the Complainant argues, "that the new revelation that the [Respondent] is willfully continuing in violation of its bylaws ... legitimately constitutes new information under [the *Book of Discipline* section 14-6] and should be considered for immediate action."

We disagree.

The identity of the Ruling Elder acting as chairperson was made known as early as May 21, 2024, when the Respondent filed the record of the case in BHC v. POA I. It was confirmed again by email on June 25, 2024. Then, following a "point of order" raised by the Complainant specifically referencing the section of the Respondent's bylaws requiring a vote on the chair, one of the Respondent's Teaching elders wrote the Complainant on July 3, 2024, "The [Administrative Commission] has the authority of the Presbytery, so in the event the Presbytery does not specifically appoint a chair at a Presbytery meeting, the [Administrative Commission] may appoint its own chair with the full authority of the Presbytery. It is my understanding that at its meeting on August 7, 2023, the [Administrative Commission]

³ According to the Complainant, Article I, Section 6.2 of the Bylaws of the Presbytery of the Alleghenies says, "The Presbytery Members shall determine chairmanship of all Presbytery Commissions."

⁴ *Book of Discipline* section 14-6 requires that a complaint "shall be filed with the next higher court no later than thirty (30) days after the date of the lower court action or decision made the basis of the complaint."

recorded RE Roger Rumer to be its Chairperson/Point of Contact. Therefore, my previous answer to your first point of order remains the same.”

In other words, the issue of whether the chair of the Administrative Commission was duly appointed was known to the Complainant as early as May 21, 2024. The time to argue that vesting “the full authority of the Presbytery” in the Administrative Commission did not include the authority of the Respondent to select the chair passed months prior to the date of the instant complaint. The complaint is therefore dismissed for failure to state grounds on which relief may be granted.