

Permanent Judicial Commission
Synod of the Northeast, Presbyterian Church (U.S.A.)
SNE 2023-04: Rev. Ryan Irmer v. the Presbytery of the Highlands of New Jersey
Decision and Order
26 April 2024

Rev. Ryan Irmer
Complainant

v.

Presbytery of the Highlands
of New Jersey
Respondent

SNE 2023-04

Decision and Order

Arrival Statement

The first Complaint in this case, designated SNE 2023-04, was received as a Remedial Complaint under D-4.0000, claiming an irregularity on the part of the Presbytery of the Highlands of New Jersey (“PHNJ”). The Complaint was received by the Stated Clerk of the Synod of the Northeast (“SNE”), Rev. Nancy Talbot, on Thursday 30 November 2023, and forwarded to the Executive Committee (“EC”) of the Synod Permanent Judicial Commission (“SPJC”) on the same day. The Complaint sought a Stay of Enforcement of the vote of the congregation of the Long Valley Presbyterian Church (“LVPC”), the vote of the presbytery’s Committee on Ministry (“COM”) to dissolve Rev. Irmer’s pastoral call to LVPC, and the imposition of Administrative Leave upon Rev. Irmer.

The EC of the SPJC issued its Preliminary Ruling on 5 December 2023, answering all five Preliminary Questions in the affirmative and accepting the case for trial. On 28 February 2024 the Stated Clerk of SNE informed the parties that the trial would be held on Tuesday 16 April 2024 in New Jersey.

On 10 December 2023 the Stated Clerk of the SNE informed the parties that at least three members of this Commission had supported in writing a Stay of Enforcement on the imposition of Administrative Leave upon Rev. Irmer.

The Committee of Counsel of the PHNJ filed its Answer to the Complaint in SNE 2023-04 with the Stated Clerk of the SNE on 31 January 2024. Accompanying Respondent’s Answer to the Complaint was a Challenge to the Stay of Enforcement of Administrative Leave in this matter. On 9 February 2024 the EC of the SPJC affirmed its Preliminary Ruling. No challenge to this affirmation was filed. The EC of the SPJC further scheduled a hearing on the Challenge to the Stay of Enforcement for 8 March 2024 over Zoom.

Complainant filed a second Complaint on 31 January 2024, designated SNE 2024-01, claiming that the continuing statements and actions by officers and agents of the Presbytery allegedly interfering with his search for a new call violated the Stay issued in 2023-04 and seeking a far more detailed and comprehensive Stay of Enforcement to cause those statements and actions to cease. The core of the new Stay that Complainant sought was contained in two separate paragraphs of the Complaint.

Rev. Nancy Talbot, the Stated Clerk of the Synod of the Northeast, reported to the parties that at least three members of the SPJC had certified support for a Stay of Enforcement based on each paragraph.

Although Respondent's Answer to the Complaint in SNE 2024-01 had not yet been filed at the time of the 8 March 2024 hearing on the Stay in SNE 2023-04, Respondent indicated that it would also challenge the SPJC's Stay of Enforcement in 2024-01. The Executive Committee of the SPJC then (a) requested briefing from the parties on the challenges to the Stays of Enforcement in both 2023-04 and 2024-01; and (b) proposed the consolidation of the two matters. The parties did not object to addressing both stays in one hearing or to the proposed consolidation of the two matters. The SPJC scheduled and held a hearing to consider both challenges to the Stays of Enforcement on Friday 8 March 2024.

In its ruling issued on 14 March 2024, the SPJC did consolidate the two cases into SNE 2023-04, and ordered that the Stay of Enforcement issued in Case No. SNE 2023-04 on or around December 18, 2023, and the Stay of the Enforcement issued in Case No. SNE 2024-01 on or around February 20, 2024, be consolidated, sustained, and modified into one Stay of Enforcement under Case No. SNE 2023-04 to remain in full force and effect during the pendency of these proceedings pursuant to D-4.0602c.

The parties met over Zoom with the EC of the SPJC on Monday 8 April 2024 for the Pre-Trial Conference, dealing with issues related to the Certified Record, the organization and logistics of the trial, and efforts to achieve agreement on facts and issues. On or about 12 April 2024 the parties jointly submitted their STIPULATION OF FACTS FOR TRIAL IN REMEDIAL ACTION 2023-04, which included at the end their STIPULATED LIST OF ISSUES OF CONSTITUTIONAL INTERPRETATION, consisting of 10 items labeled A through J. Our Decision appearing below is organized around those ten issues of constitutional interpretation.

Complainant and Respondent submitted Trial Briefs on 12 April 2024, and the SPJC held the trial at the Central Presbyterian Church in Summit, NJ, on Tuesday 16 April 2024, beginning at 9:00 a.m. and ending at approximately 9:15 p.m. The trial was an open meeting; the witnesses were sequestered.

Jurisdictional Statement

This Commission finds that it has jurisdiction: The Presbytery of the Highlands of New Jersey (PHNJ) is a constituent presbytery of the Synod of the Northeast. Rev. Ryan Irmer, Complainant, is a minister-member of PHNJ, and is the subject of the actions at issue in this case. The complaint was filed in a timely manner, and states complaints which, if true, would constitute an irregularity and for which this Commission could grant relief.

Appearances

Complainant, Rev. Ryan Irmer, appeared along with his Counsel, Rev. Robert Eyre. The Committee of Counsel for the PHNJ appeared along with their Counsel, Ruling Elder Tania Nemeth. The Stated Clerk of the SNE, Rev. Nancy Talbot, administered the oath to witnesses and kept time for the parties. One member of the SPJC, Ruling Elder Craig Barth, was recused because he is a member of a church in the PHNJ. Two members of the SPJC, Commissioned Ruling Elder Brunhilda Sanders-Lee and Ruling Elder Peter Weishaar, were excused. The Commission maintained its quorum throughout the trial and deliberations.

Exhibit Notation

The Certified Record in the case consisted of three types of exhibits: more than 175 documents, two YouTube videos created by Rev. Irmer, and Zoom recordings of several meetings. The Stated Clerk of PHNJ certified the authenticity of each of those records and provided them to the SPJC and the parties in the form of links to Dropbox files on three occasions.

Each file was identified, both in the Exhibit List provided by the Stated Clerk and in the file name itself, by a so-called Exhibit Number which began with C or R or SC. In the first two batches of documents the prefix C indicated that the files had been provided by Complainant, while R referred to files provided by Respondent and SC to additional files provided by the Stated Clerk himself. All of the files in the third batch contained Exhibit Numbers with the prefix SC.

During the trial, each counsel requested that various exhibits be entered into the trial record. When the Moderator of the SPJC ruled to admit an exhibit, it was assigned a sequential “Trial Exhibit Number” with the prefix TC if it were presented by the Counsel to the Complainant, or TR if it had been presented by the Counsel to the Respondent. The parties’ joint Stipulation contained citations to various exhibits, which were admitted as a whole and designated with the prefix TS unless they had already been admitted separately upon request by one of the Counsels.

All references to exhibits in this Decision and Order use the Trial Exhibit Numbers. Two tables are appended to this Decision and Order, serving as a concordance between the PHNJ Exhibit Numbers and the Trial Exhibit Numbers.

Findings of Fact

Based on the joint stipulations from the two parties and the testimony and evidence introduced at trial, the SPJC found the following facts:

1. The Complainant, Rev. Ryan Irmer, a minister-member of the Presbytery of the Highlands of New Jersey, was the installed Pastor of Long Valley Presbyterian Church (“LVPC”).
2. Disputes between Complainant and one or more members of session grew during 2022. Complainant sought help from the Committee on Ministry (“COM”) of PHNJ, which arranged for mediation in February 2023. That effort was not successful; the disputes remained unabated. [STIP # 5 & 6]
3. On 10 May 2023 Complainant met with Rev. Jeanne Radak, the Presbytery Leader of PHNJ, informing her of the toll that the escalating disagreements were taking on his physical and mental health, supported by a note from his Advanced Practice Nurse, again seeking help from COM. [STIP # 7, 8 & 23; TS02]
4. The COM created a “Care Team” consisting of three of its members in response to Complainant’s request. Complainant met them via Zoom on 25 May 2023. [STIP # 9, 13 & 20]
5. In a message dated 26 May 2023 the head of the Care Team, Rev. David Young, informed both Complainant and the member of session with whom he had been most in conflict that COM recommended “... a paid Leave of Absence beginning ... June 18th and continuing until September 10, 2023,” with no indication that it was later to be called an Administrative Leave nor that it would involve any restrictions beyond a so-called “email and social media ‘sabbatical’” to promote a “cooling-off period.” [STIP # 21 & 22; TS01]
6. The COM also recommended that Complainant attend the Clergy Program at the Davidson Centre for the Professions in Davidson, NC. [STIP # 22; TS01].
7. Rev. Young also informed Complainant that the presbytery had engaged the services of Rev. Byron Leasure, a minister described as “a trained clergy coach and consultant in conflict management, to work with the pastor and the session....” [STIP # 22; TS01].

8. On 1 June 2023, the session of LVPC met in a called meeting to approve the COM's plan. The minutes of the meeting indicate that Complainant "turned over the Moderation of the meeting to Pastor David Young of COM," who referred to "...a breakdown of good communication and working relationships between the pastor and elders" and described Complainant's leave as "administrative leave" with no indication that it was for any purpose other than to "support Pastor Ryan and his family." [STIP # 24 through 27; TR31]
9. Following the meeting of members of COM's Care Team with session, the Stated Clerk of PHNJ wrote to members of the congregation on 4 June 2023 also using the term "administrative leave" but indicating that "we anticipate his return in the fall." [STIP # 28 through 30; TS03]
10. Complainant did attend the Davidson Centre.
11. Complainant met with Rev. Leasure on 7 August 2023, telling Rev. Leasure of his desire to return to his pastorate at LVPC. He reiterated his desire to complete his leave and return to LVPC to the Care Team on 23 August. [STIP # 33 & 37]
12. In response, Rev. Young of the Care Team asked whether Complainant wished his desire to return to his pastorate at LVPC be conveyed to its members at an upcoming Q&A Session; Complainant did so wish, and Rev. Young promised to do so. However, Rev. Young did not inform the congregation, later telling Complainant that he believed that session should be informed first. He further told Complainant that Complainant would not moderate or even attend session meetings in September, because of what Rev. Young called "unresolved matters." [STIP # 37 through 41]
13. The Care Team and Rev. Leasure established "a process of reconciliation" requiring both Complainant and the session to exchange lists of three things that the other party must do to resolve the conflicts. Both the session and Complainant complied on 23 September 2023, and Complainant asked to meet with members of session to discuss the lists. [STIP # 45, 46 , 48 and 49]
14. LVPC's session met on 4 October 2023, moderated by Rev. Leasure without notice to Complainant. Session discussed Complainant's list, and voted to inform COM of their request to dissolve the pastoral relationship with Rev. Irmer. Rev. Irmer was informed of that decision by emails from Rev. Young and by two members of session reporting during a Care Team meeting on 11 October 2023. [STIP # 50 & 53]
15. Rev. Robert Eyre, by then engaged as Counsel to Complainant, objected to the process and actions of LVPC's session and the Care Team in letters to the Presbytery Leader and Rev. Young on 23 October 2023 [STIP # 55; TC17] and to LVPC's session on 25 October 2023 [STIP # 57; TS05]. The Clerk of Session of LVPC replied that the session would not change its decision or plans. [STIP # 58]
16. LVPC's congregational meeting was held on 5 November 2023. Complainant was excluded. Rev. Leasure was present, answering questions and sharing his judgments of the allegedly broken relationship between Complainant and members of session. [STIP # 63 & 69]
17. COM invited Complainant to attend their meeting on 7 November 2023. COM gave Complainant 20 minutes to speak; he was asked no questions and received no acknowledgement of the objections sent by Rev. Eyre. The Care Team appeared before the COM after Complainant. Then COM discussed the request by LVPC to dissolve the pastoral relationship. [STIP # 70 & 87; testimony of Complainant]

18. The following day, Rev. Radak and Rev. Jacqui Van Vliet informed Complainant that the COM had voted to dissolve his pastoral relationship with LVPC [although Complainant holds that the COM lacked the *specific* authorization from the presbytery to dissolve *his* pastoral relationship], to specify his severance package, and to impose upon him Administrative Leave pending a psychological evaluation. They claimed in the letter that their action could not be reviewed by presbytery. In the letter they introduced the paragraph announcing the Administrative Leave with the sentence, “We realize this is something you were not expecting.” [STIP # 71 & 72; TC08]
19. The report of the COM to presbytery for the stated meeting on 14 November 2023 was part of the Consent Agenda, and was accepted by presbytery without comment. Complainant was excluded from the presbytery meeting. [STIP 72, 73 & 80; TS08]

Decision

In their document “Stipulation of Facts for Trial in Remedial Action 2023-04¹,” the parties agreed to ten issues of constitutional interpretation, listed as letters A-J. Based on the facts, the relevant portions of the Book of Order, and organized around the stipulated issues, the DECISION of the Permanent Judicial Commission is as follows:

ISSUE 1 [Originally identified as “A” in the Stipulated list of Issues of Constitutional Interpretation.]

Complainant alleges that the Presbytery of the Highlands of New Jersey’s Committee on Ministry acted erroneously in dissolving the pastoral relationship between Complainant and LVPC per G-3.0109b(5).

This claim of irregularity is sustained.

The COM lacked specific authority to dissolve the pastoral relationship between LVPC and Complainant per G-2.0903, G-3.0109, G-3.0109b(5), and G-3.0307. The Presbytery commissioned the COM with particular powers to dissolve pastoral calls in instances where both the pastor and congregation agree, powers which the Presbytery has a right to delegate when there is “specific authorization” (*John v. Presbytery of New York City, Remedial Appeal 225-05*). The first page of the document describing the COM’s delegated responsibilities [TR26] references that the COM “makes recommendations to the presbytery regarding the establishing and dissolving of pastoral calls...” and lists “dissolution and severance, when necessary.” The second page of the document, however, specifically states that the COM is authorized to dissolve only “pastoral relationships *where pastor and congregation concur*.” [TR26, emphasis added] Lacking the specific authority to dissolve the pastoral relationship where the pastor does not concur, an action of the presbytery was necessary to constitute the dissolution of the call. Therefore, Respondent also erred in denying Complainant the ability to state why the call should not be dissolved at the November 14th Presbytery meeting per G-2.0903, which says that “if pastor does not concur with the request to dissolve the relationship, the presbytery shall hear from him or her the reasons why the presbytery should not dissolve the relationship.” [TS08]

ISSUE 2 [Originally identified as “B” in the Stipulated list of Issues of Constitutional Interpretation.]

Complainant alleges that the COM lacked constitutional authority pursuant to D-7.0902 or otherwise to place Complainant on administrative leave or impose conditions or restrictions on his functions as pastor or his search for a new call.

This claim of irregularity is sustained.

¹ The parties agreed on the record at trial that this document represented shared stipulations of both fact and issues before the SPJC, with the exception of factual background number 5.

D-7.0902 addresses the use of administrative leave in allegations of sexual abuse, which is not raised in this case. D-7.0905 suggests the availability of administrative leave in other circumstances: “Nothing in this section shall preclude a presbytery from establishing its own rules for administrative leave or other restrictions on a minister’s service.” This language in D-7.0905 indicates that (a) a presbytery does have the authority to impose administrative leave or other restrictions on service, and (b) that authority should be guided by written rules.

In this case, Respondent did not have an established, written policy on administrative leave at the time of the COM meeting on November 7, 2023, when the COM voted to place Complainant on administrative leave, pending a psychological examination [TC08]; nor did Respondent create or communicate a clear definition or parameters of administrative leave in its work with Complainant. As a result, and as discussed more fully below, the COM’s action violated fundamental fairness because Complainant was not on notice prior to the COM meeting that he might be placed on administrative leave or the potential impact of administrative leave, which prevented his opportunity to be heard at the COM meeting on the question of administrative leave (*Lewis v. Pby of NYC, Remedial Case 207-13, 11.066*).

Without any written rules, Respondent’s imposition of administrative leave had no defined guardrails and did not provide notice to Complainant that such action by the COM was even a possibility. Testimony at trial indicated that while Respondent had used administrative leave for medical reasons in the past, generally those were circumstances where the pastor did not object to being placed on leave. [Testimony of Presbytery Leader Rev. Jeanne Radak]

Although a presbytery has powers under G-3.03 over the ministries of its members, including some ability to impose conditions or restrictions on the functions of its members, Respondent consistently rooted its authority to restrict Complainant’s functions within the presbytery in its imposition of administrative leave. (See, e.g., TR02, Email from Stated Clerk Shussett to Complainant: “Per the Presbytery’s action on Administrative Leave, however you are not permitted to function in any way associated with being ordained to the Ministry of Word and Sacrament.”) Likewise, Respondent relied upon administrative leave to justify denying Complainant’s transfer of membership to another presbytery. [TC16] As found below, Complainant was not afforded fundamental fairness when the COM placed him, involuntarily, on administrative leave in November; therefore, Respondent’s subsequent conditions and restrictions on Complainant likewise were unfair.

ISSUE 3 [Originally identified as “C” in the Stipulated list of Issues of Constitutional Interpretation.]

Complainant alleges that the actions taken by the COM on 7 November 2024 were disciplinary in nature or otherwise required the application of the procedural safeguards of *Church Discipline*; and that the COM did not comply with such procedural safeguards.

This claim of irregularity is not sustained.

Because we find that the COM’s decision to place Complainant on involuntary administrative leave pending a psychological evaluation without prior notice or the ability to be heard on the issue violated standards of fundamental fairness (see discussion in Issue 4, below), we need not decide whether procedural safeguards and due process would be required outside of a formal disciplinary process.

We do not find that the COM’s actions to dissolve the pastoral relationship or to approve the severance package approved by the congregation of LVPC were akin or rose to the level of being disciplinary in nature. While, as discussed herein, the COM’s actions to dissolve the pastoral relationship between Complainant and the congregation were flawed and violated the Presbytery’s own policy, that in and of itself does not make the action disciplinary in nature. Furthermore, as discussed herein, the severance

package complied with a policy that the Presbytery would later adopt in compliance with G-3.0303c, and therefore Complainant was not harmed.

ISSUE 4 [Originally identified as “D” in the Stipulated list of Issues of Constitutional Interpretation.]

Complainant alleges that the constitution of the Church required the actions taken by the COM on 7 November 2023 to comply with the standards of fundamental fairness, and that the COM did not comply with those standards.

This claim of irregularity is sustained in part and not sustained in part.

“[A] presbytery is ‘obligated to treat all parties fairly and provide them with an opportunity to present their positions. The test is fundamental fairness – the opportunity to be heard and a consideration of their respective positions without prejudice.’” (*Wolfe v. Presbytery of Winnebago, 2010, 219-04*, quoting *Lewis v. Presbytery of New York City, Minutes, 1995, 11.066*) The actions of the COM at its 7 November 2023 meeting are subject to the fundamental fairness standard and whether it gave Complainant the opportunity to be heard and it considered Complainant’s position without prejudice. The COM took three actions on 7 November 2023: dissolving the pastoral relationship, approving terms of dissolution, and placing Complainant on Administrative Leave.

Based on the facts before us, the COM and the Presbytery failed to give the Complainant an opportunity to be heard prior to its imposition of involuntary administrative leave upon Complainant and thereby violated standards of fundamental fairness. Testimony by Complainant and Rev. David Young revealed that Complainant was uncomfortable with having his time away from LVPC being labeled as “administrative leave.” To address Complainant’s unease and Complainant’s belief that the congregation might think that his consenting to time away from the congregation was due to misconduct, in his address to the congregation on Sunday 4 June 2023 Rev. David Young addressed these concerns by telling the congregation that “it is important to note that this Leave did not come about in response to any form of misconduct, misappropriation of funds, or anything criminal. In our day and age, unfortunately, these are too often the assumptions that are made. That is simply not the case.” [TR32] By late August 2023, Complainant had communicated to the Care Team his desire that the voluntary administrative leave end and that he be able to return to LVPC. The materials Complainant’s attorney submitted to the COM for its 7 November 2023 meeting set forth Complainant’s position that he no longer consented to the voluntary administrative leave and considered its continuation to be an imposition of “involuntary ‘administrative leave.’” [TC19 at 14, et seq.]

On the facts before us, the Presbytery’s lack of notice to Complainant as well as the Presbytery’s failure to provide Complainant an opportunity to object and be heard prior to the imposition of administrative leave violated standards of fundamental fairness. Rev. Jeanne Radak’s 6 November 2023 email to the Complainant inviting him to the 7 November 2023 COM meeting outlined the process for the COM meeting as it related to the Complainant and his objections to the dissolution of the pastoral relationship between himself and LVPC. [TR24] Nowhere in the email does it mention “administrative leave” or the placing of Complainant on “administrative leave.” Complainant testified that at the COM meeting his focus was on his objections to the dissolution of the pastoral relationship. He further testified that no questions were asked of him during or after the time allotted to him by the COM. On behalf of the COM and the Presbytery, Rev. Jaqui Van Vliet, the co-moderator of COM, and Rev. Jeanne Radak, sent a joint letter to Complainant dated 8 November 2023 in which they informed Complainant, among other things, of the COM’s decision to place him on administrative leave. [TC08] After informing Complainant that he had been placed on administrative leave, the letter goes on to state “[w]e realize that this is something you were not expecting” and that the decision was based on

COM's concerns about Complainant's "[readiness] to move forward with a new congregation." [TC08] The COM's action to place Complainant on involuntary administrative leave pending a psychological evaluation without prior notice or the opportunity to be heard prior to its imposition violated standards of fundamental fairness.

Based on the facts before us, the COM and the Presbytery did act with fundamental fairness and gave Complainant an opportunity to be heard as to the severance package, and there is no evidence they did not consider Complainant's position without prejudice. Complainant had at least two opportunities to discuss the severance package with Rev. Jeanne Radak and Rev. David Young prior to the COM's 7 November 2023 meeting, in addition to the time granted Complainant to be heard on that issue at the 7 November 2023 meeting. We do not find that the severance package violated standards of fundamental fairness.

As to COM's action to dissolve the pastoral relationship between Complainant and LVPC, we already have found that the COM's action to dissolve the pastoral relationship exceeded the authority granted to it by the Presbytery and that by excluding Complainant from its 14 November 2023 meeting, the Presbytery violated G-2.0903's requirement that if the pastor does not concur in the dissolution, the presbytery shall hear from them why it should not be dissolved.

ISSUE 5 [Originally identified as "E" in the Stipulated list of Issues of Constitutional Interpretation.]

Complainant alleges that Respondent acted unconstitutionally in denying Complainant access to the Presbytery Meeting on 14 November 2023.

This claim of irregularity is sustained.

The actions of Respondent were unconstitutional under G-2.0903, which requires: "If the pastor does not concur with the request to dissolve the relationship, the presbytery shall hear from him or her the reasons why the presbytery should not dissolve the relationship." Since the action needed to be taken at the presbytery meeting (see discussion under Issue 1, above), Complainant should have been heard at the 14 November 2023 presbytery meeting. Complainant was denied access to the presbytery meeting and had no opportunity to pull the matter of dissolution from the Consent Agenda or be heard on the issue; therefore Respondent violated G-2.0903.

ISSUE 6 [Originally identified as "F" in the Stipulated list of Issues of Constitutional Interpretation.]

Complainant alleges that the COM failed to correct the constitutional errors, fundamental unfairness, and denial of procedural safeguards in the process that led to the vote of the congregation on 5 November 2023.

This claim of delinquency is not sustained.

Complainant alleges several constitutional errors in the process leading to the vote of the congregation on 5 November 2023, including: the change in role of Rev. Leasure and the COM Care Team from a pastoral role to an "adverse witness"; the interference with Complainant's resumption of duties as pastor of LVPC; the lack of an actual request of the congregation to call a meeting to consider dissolving the pastoral relationship pursuant to G-2.0903; the exclusion of Complainant as moderator and member of the session; the refusal of the session or COM to correct these errors in advance of the congregational meeting; the disparagement of Complainant during his absence from LVPC; the exclusion of Complainant from the congregational meeting; the omission of the subject of approval of terms of dissolution from the notice of the congregational meeting; and other procedural issues. [2023-04 Complaint pp. 63-65]

The SPJC has jurisdiction over actions of the Respondent presbytery (D-4.0206(d)). We do not have jurisdiction over actions of the session or the congregation of LVPC. Our determination is confined to determining whether COM should have acted to correct any error or unfairness.

Regarding the calling of the congregational meeting pursuant to G-2.0903, the decision of the GAPJC in *John v. Presbytery of NYC, Remedial 226-02*, affirmed the SPJC's determination in that case that the session could call "a special meeting of the congregation to consider dissolution of the pastoral relationship" where the session had heard concerns from several members "after several months of interaction among Rev. John, the Session, and the COM." The SPJC's decision in that case had noted that the "Complainant's interpretation would require the session to call a meeting of the congregation to determine if the congregation wants to call a meeting to consider the dissolution of the pastoral relationship, or wait until one fourth of the members requested a meeting in writing pursuant to G-1.0502" (*John v. Presbytery of NYC, Remedial Case SNE 202-02*); we agree those additional steps would be unnecessary here as well, where the session's decision to call a congregational meeting followed several months of involvement by a COM-appointed body with the congregation, the session, and Complainant.

We do have some concerns and questions about the process prior to the congregational meeting. For example, we acknowledge and are deeply troubled by the confusion and blurred boundaries around Rev. Leasure's role, who was simultaneously operating as a "coach" to Complainant, a "consultant" to the congregation and presbytery, a sometimes-moderator of session, and a preacher in worship. (We see less factual support for an adversarial role of the Care Team; testimony supported that the Care Team was seeking, in good faith, to care for both Complainant and the congregation and to restore the pastoral relationship if possible.) We likewise are concerned that the COM Care Team conducted several listening sessions with the LVPC congregation without sharing with Complainant the areas of contention that underlay the conflict and ultimately led to dissolution of the pastoral relationship.

But we also conclude that Respondent has the authority in G-3.0301a to dissolve pastoral relationships, and within that authority could appoint another moderator for meetings of the session or congregation. Additionally, G-2.0903 offers Complainant the opportunity to be heard by the presbytery, not the congregation, if he does not concur with a request to dissolve the pastoral relationship, and so it was not unconstitutional to prevent Complainant from addressing the congregation at the meeting.

Ultimately, the COM, in weighing any deficiencies in process, could nevertheless have concluded that the vote of the congregation itself was conducted fairly, with notice to and opportunity for discussion among members of the congregation. Thus, the COM could have found that any errors or unfairness leading up to the meeting would not have changed the outcome; the congregation had the power to vote against dissolution but chose to approve the motion for dissolution, with 83 votes in favor and 10 opposed (2 people abstained). (See *Phinisee v. Pby of Grace, Remedial Case 206-2, 11.085*, finding no error in the dissolution of the call, despite potential unfairness in the process, where the vote the congregation was overwhelming and the pastors had not demonstrated sufficient reasons why the relationships should not be dissolved.) And while the call for the congregational meeting would have been cleaner if it specifically referenced the terms of dissolution, we likewise determine that the COM could have found no prejudice in that (a) it would not have been unexpected for the congregation to consider terms of dissolution as part of a meeting on dissolution; and (b) the congregation had the opportunity to discuss and vote on those terms.

ISSUE 7 [Originally identified as "G" in the Stipulated list of Issues of Constitutional Interpretation.]

Complainant alleges that the COM's own meeting on 7 November 2023 violated constitutional standards of fundamental fairness and/or denied Complainant procedural safeguards and due process.

This claim of irregularity is not sustained.

Based on the facts before us, the COM did act with fundamental fairness and gave Complainant an opportunity to be heard.

“[A] presbytery is ‘obligated to treat all parties fairly and provide them with an opportunity to present their positions. The test is fundamental fairness – the opportunity to be heard and a consideration of their respective positions without prejudice.’” (*Wolfe v. Presbytery of Winnebago*, 2010, 219-04, quoting *Lewis v. Presbytery of New York City, Minutes*, 1995, 11.066) The actions of the COM at its 7 November 2023 meeting are subject to the fundamental fairness standard and whether it gave Complainant the opportunity to be heard and considered Complainant’s position without prejudice.

Notice was given to the complainant for the 7 November 2023 COM meeting. Rev. Jeanne Radak’s 6 November 2023 email to Complainant invited him to the 7 November 2023 COM meeting and outlined the process for the COM meeting as it related to Complainant and his objections to the dissolution of the pastoral relationship between himself and LVPC. [TR24; see also TR18]

Complainant and his attorney did attend the meeting and were heard. Complainant was allotted twenty minutes to address the committee regarding his dissolution of his pastoral relationship. This is confirmed by Complainant’s testimony during trial, as well as the testimony of Rev. Jeanne Radak. Complainant testified that at the COM meeting his focus was on his objections to the dissolution of the pastoral relationship.

ISSUE 8 [Originally identified as “H-J” in the Stipulated list of Issues of Constitutional Interpretation.]

Complainant alleges that the COM’s vote to approve an agreement to terms of dissolution was separately irregular for lack of policy under G-30303c; the COM’s vote to approve an agreement to terms of dissolution was separately irregular because there was no agreement in fact; and the COM’s vote to approve an agreement to terms of dissolution was arbitrary and inequitable, in violation of the principles of fairness and equity intended to govern such terms under G-3.0303c.

This claim of irregularity is not sustained.

The 20 October 2023 letter from Rev. Jeanne Radak to Complainant provides Complainant with two opportunities to be heard with respect to the severance package: 26 October 2023 with Rev. Radak and Rev. David Young from the Care Team and again on 7 November 2023 with the COM, commissioned by the Presbytery to act on all dissolutions [TR21/TC07]. The letter extended an invitation for legal counsel to be present. The letter concludes with a three (3) page detailed proposal for severance.

In the ruling of ISSUE 4 there has been a determination that COM and the Presbytery acted with fundamental fairness and gave Complainant an opportunity to be heard as to the severance package on these two (2) occasions. Complainant had opportunities to discuss and negotiate some of the terms. Just because it is called an agreement does not mean that the end result has to be entirely in Complainant’s favor. Therefore, we do not find that the severance package violated standards of fundamental fairness.

Furthermore, the ruling of ISSUE 3 speaks to the nature of a three-way call. The severance package was approved by a vote of the congregation of the LVPC after the motion was approved to dissolve the pastoral relationship. The severance package was approved by the COM commissioned by the Presbytery to act on all dissolutions [TR26]. The terms of severance were included in the COM report of the 14 November 2023 Stated Meeting and could have been pulled from the Consent Agenda. The Consent Agenda was approved by the attending body.

With respect to G-3.0303c, the Presbytery has authority to “establish *minimum* compensation standards, **including provisions for dissolution terms**, for pastoral calls....” This addition to the Book of Order went into effect in July 2023. The Presbytery, through its Administration and Coordinating Team (ACT) was in the process of establishing minimum compensation standards for dissolution of pastoral calls concurrently and separately from the actions of this proceeding. The severance agreement was consistent with these standards that were ultimately adopted by the Presbytery and were not separately irregular.

Comments

Clergy Coaching

Throughout the trial, there was much discussion about the use of Rev. Byron Leasure, provided by PHNJ. The role of Rev. Leasure was murky. At times, he was characterized as a consultant and, at other times, he was presented as a coach for Complainant; this led to confusion about confidentiality and unclear boundaries.

In the future, we recommend that any coaches PHNJ utilizes follow the same standard as the Synod of the Northeast's Coaching Network. Coaches in this network follow the code of conduct and ethics provided by the International Coaching Federation, which includes clear delineations of a coach's role, illuminates potential conflicts of interest in combining roles, and adheres to a strict code of confidentiality that may only be broken in extreme circumstances. PHNJ should consider the certification of coaches they employ and whether they meet the professional standards of coaches that are used throughout the Synod of the Northeast.

Pastoral Statement

The SPJC realizes that this whole process was difficult emotionally and spiritually for all involved. Although we are called upon to decide matters of constitutional interpretation and procedural fairness, we want to acknowledge that a case like this arises out of a complex and painful set of circumstances. Complainant is not alone among pastors in struggling with mental health challenges, particularly in a world and church changed by a global pandemic. Respondent is not alone among presbyteries in trying to navigate conflict among pastors and congregations, where there is no guidebook for doing so. Even as we find that the process did not always meet the test of fundamental fairness, we also know that Respondent faithfully dedicated considerable time and resources to working with LVPC and Complainant to try and seek a resolution. We recognize that Respondent was dealing with significant concerns raised about Complainant and his pastoral leadership by members of the congregation, which escalated to the point that members of the congregation “expressed concern regarding their safety” at the congregational meeting, and the session responded by engaging police presence for the congregational meeting at issue. [TS06] We also recognize that caring for Complainant’s well-being, and the well-being of his family, are an important part of “building up the body of Christ” (D-1.01).

We acknowledge that presbyteries have broad authority to supervise and regulate the behavior of their minister-members, when applied equally to all with prior notice and fundamental fairness. In the context of this case, we affirm that Respondent can expect Complainant, as well as the members and officers of LVPC, to honor and conform to any separation ethics policy of the presbytery.

As this remedial matter moves to resolution, we pray that members of the congregation, representatives of the presbytery, and Complainant and his family all seek and experience God’s peace and wholeness in their future ministries.

Remedies

On 5 November 2023, the “congregation voted to request that the Presbytery of the Highlands of NJ dissolve the Pastoral relationship between Pastor Ryan Irmer and the Long Valley Presbyterian Church.” The motion was approved by an overwhelming majority of the congregation. As stated above, the SPJC has no jurisdiction over the actions taken by a congregation. Even though Respondent’s action to concur with the vote of the congregation to dissolve the pastoral relationship was fundamentally unfair because Complainant was prevented from attending or speaking at the meeting of the presbytery, the appropriate remedy is not to reinstate the pastoral relationship; neither Complainant nor LVPC would benefit from forcing a relationship that is irreconcilably broken. Moreover, Complainant’s terms of dissolution were fair and consistent with the policy developed by the presbytery.

We therefore focus the remedies in our order on addressing Complainant’s current status within PHNJ and his path to a future call to ministry.

Order

IT IS ORDERED that the action of COM effectuated by PHNJ at its 14 November 2023 meeting to place Complainant “on Administrative Leave pending appropriate assessments” is hereby vacated in its entirety.

IT IS FURTHER ORDERED that as it relates to this case and facts of this case, Respondent shall be prohibited from communicating (verbally, in writing, or otherwise) to the officers, agents, employees, or volunteers of another council of the PC(USA) that Complainant had been placed on “Administrative Leave pending appropriate assessments,” “administrative leave,” or “leave,” by the COM or by the Presbytery or that he was or is in any way involuntarily restricted or involuntarily suspended from exercising his duties, obligations, and rights as a Minister of the Word and Sacrament and minister-member of the PHNJ who is not currently serving a congregation or serving in a validated ministry.

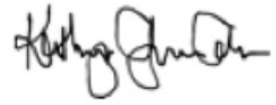
IT IS FURTHER ORDERED that Respondent shall be prohibited from restricting Complainant from exercising his duties, obligations, and rights as a Minister of the Word and Sacrament and minister-member of PHNJ who is not currently serving a congregation or serving in a validated ministry.

IT IS FURTHER ORDERED that Respondent shall allow Complainant to participate in the process of transfer of membership to another presbytery as it would any other minister member of the presbytery.

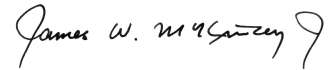
All other claims for relief are denied.

IT IS FURTHER ORDERED that the Stated Clerk of PHNJ report this decision to the presbytery at its next stated meeting, that the presbytery enter the full Decision upon its minutes, and that an excerpt from those minutes showing entry of the Decision be sent to the Stated Clerk of the SNE; and that the Stated Clerk of the SNE report this Decision at the next stated meeting of the synod.

Signed this 26th day of April, 2024:



Rev. Kate Jones Calone
Moderator, Permanent Judicial Commission



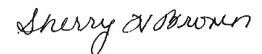
James W. McKinsey, Jr.
Clerk, Permanent Judicial Commission



Rev. Casey Carbone
Asst. Clerk, Permanent Judicial Commission



Rev. Evan Hansen
Clerk-Elect, Permanent Judicial Commission



Sherry Brown
Member, Permanent Judicial Commission



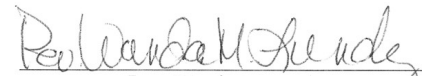
Rev. Joseph Chu
Member, Permanent Judicial Commission



Commissioned Ruling Elder Caroline Demers
Member, Permanent Judicial Commission



Rev. Shelley Gardner
Member, Permanent Judicial Commission



Rev. Wanda M. Lundy
Member, Permanent Judicial Commission

CONCORDANCE: PHNJ Exhibit # to Trial Exhibit

PHNJ #	Trial #	PHNJ #	Trial #	PHNJ #	Trial #
C02	TR30	R02	TR13	SC05	TR01
C03/R01	TS02	R03	TR32	SC24	TC18
C04/R28	TR31	R04	TR05	SC27	TR28
C05/R45	TS03	R05	TR3	SC30	TC01
C06	TS04	R07	TR16	SC31	TC02
C06	TR15	R09	TR19	SC33	TR23
C07	TC17	R10	TR18	SC36	TC03
C08	TS05	R13	TR35	SC37	TC04
C10	TS06	R18	TR20	SC38	TC05
C12	TS07	R20	TR22	SC39	TC06
C14	TS08	R25	TC08	SC40	TC07
C15	TR24	R26	TR26	SC80	TC09
C16	TC19	R27	TR27		
C17	TS09	R30	TR21		
C19	TS10	R32	TC10		
C21	TR02	R34	TS01		
C24	TR08	R38	TR14		
C25	TR09	R42	TC11		
C26	TR10	R43	TR33		
C27	TR11	R44	TR34		
C28	TR07	R45/C05	TS03		
C30	TR06	R49	TR17		
C31	TR12	R52	TR25		
C46	TC12				
C52	TC14				
C53	TC15				
C54	TC16				
C56	TR29				
C57	TC13				

CONCORDANCE: Trial Exhibit # to PHNJ Exhibit

Trial #	PHNJ #
TC01	SC30
TC02	SC31
TC03	SC36
TC04	SC37
TC05	SC38
TC06	SC39
TC07	SC40
TC08	R25
TC09	SC80
TC10	R32
TC11	R42
TC12	C46
TC13	C57
TC14	C52
TC15	C53
TC16	C54
TC17	C07
TC18	SC24
TC19	C16

Trial #	PHNJ #
TR01	SC05
TR02	C21
TR03	R05
TR04	C02
TR05	R04
TR06	C30
TR07	C28
TR08	C24
TR09	C25
TR10	C26
TR11	C27
TR12	C31
TR13	R02
TR14	R38
TR15	C06
TR16	R07
TR17	R49
TR18	R10
TR19	R09
TR20	R18
TR21	R30
TR22	R20
TR23	SC33
TR24	C15
TR25	R52

Trial #	PHNJ #
TS01	R34
TS02	C03/R01
TS03	R45/C05
TS04	C06
TS05	C08
TS06	C10
TS07	C12
TS08	C14
TS09	C17
TS10	C19

Trial #	PHNJ #
TR26	R26
TR27	R27
TR28	SC27
TR29	C56
TR30	C02
TR31	C04/R25
TR32	R03
TR33	R43
TR34	R44
TR35	R13