

No Permit Needed to Go Door-to-Door

In July, Pastor Jim Siekbert of Chippewa Lake Baptist Church in Medina, Ohio contacted LLM about knocking on doors in nearby Seville, Ohio.

Church members were canvassing the area in advance of their church's summer day camp when they were stopped by a local police officer, who told church members that they could not go door to door without a village-issued permit. Rather than argue legal issues on the street, the members reported the incident to their pastor. Pastor Siekbert's daughter knew the mayor and reached out to her that evening. The mayor stated that the ordinance did indeed apply to churches. Pastor Siekbert called LLM the next morning.

LLM Attorney Jim Robideau told Pastor Siekbert that the law was well settled in this area, and that he should contact the village Chief of Police for a copy of the local ordinance. Within hours, Pastor Siekbert informed Attorney Robideau that the Chief of Police had apologized to the pastor for the incident. According to the Police Chief, the officer involved was new to the force and hadn't received training on the ordinance and its exemptions. The mayor, who had been recently sworn in, also lacked knowledge of the exemption for churches. The Chief invited the church back to his community to continue outreach efforts.

We at LLM thank God for men like Pastor Siekbert who are burdened for their communities, and for public servants who are quick to correct matters and invite churches back into their jurisdiction. We are glad that this matter was able to be resolved swiftly and without any harm to this church's reputation in the community.

"Rain Tax" Falls on the Just and Unjust

In response to an inquiry by a Montgomery County, Maryland Independent Baptist church, LLM is looking into a tax bill that includes a "Water Quality Protection Charge."

LLM has seen this type of charge in other states, where it has been called an

"assessment" and upheld by courts. The county tax for this purpose was struck down by a local judge in 2015 as unconstitutional but quickly resurrected under other authority. LLM is investigating the legal basis for this tax against a church.

A legal challenge claiming such charges to be unconstitutional as applied to Maryland houses of worship was heard by the Maryland Court of Special Appeals in Annapolis on May 3, 2017. The ruling would be binding in Montgomery County. A decision has yet to be rendered.

Maine, Other States License "Pastoral Counselors"

LLM Attorney Terry Hamilton is working with an Independent Baptist pastor in Maine to establish a biblical counseling ministry under his local church. Upon inquiry into Maine's licensing regime, we discovered that **Maine**, along with **North Carolina** and **Kentucky**, licenses "Pastoral Counselors." These states are not alone:

- **Tennessee** licenses "Clinical Pastoral Therapists."
- **New Hampshire** licenses "Pastoral Psychotherapists."

Why are some pastors seeking a state license as a "Pastoral Counselor?"

The answer is simple – **MONEY**. Some health insurance companies will pay a fee to a state licensed Pastoral Counselor for counseling services covered under the insurance contract. Most pastors, who do not have (1) a professional degree in counseling and (2) a state license as a Pastoral Counselor, need not apply.

Do state laws allowing for state licensed Pastoral Counselors impact Independent Baptist pastors who provide Biblical counseling for church members and others?

NO. For 2,000 years, Baptist pastors have been counseling the flock without ever seeking a license from the state. Indeed, mandatory state licensure of all pastors before they could counsel church members and others would be prohibited under the U.S. Constitution as a violation of separation of church and state.

Ohio Church Deals With State EPA

Grace Baptist Church in Oak Harbor, Ohio is not connected to a municipal water source and must therefore conduct its own well testing, maintain records, and submit reports to the OEPA. The results of its July testing resulted in a heavy-handed email to the church school demanding action within 48 hours or face a stiff fine. Pastor Rick Bickelhaupt did not access the email until well after the 48-hour deadline had lapsed. His phone call to the OEPA regional office was met with further impossible demands. At that point, Pastor Bickelhaupt called LLM.

LLM Attorney Robideau advised good faith compliance with the email, and an additional step. Most state lawmakers want to be aware of overbearing state bureaucrats who create problems (in this case, impossible demands) for constituents. In this case, Attorney Robideau recommended that Pastor Bickelhaupt speak to his state legislators about the OEPA enforcement action.

Pastor Bickelhaupt followed this advice. Before the day was over, he had received two phone calls back from state Rep. Steve Arndt. Rep. Arndt advised him not to comply with the demand email, to await correspondence from the OEPA central office, and that the regional office was under investigation!

LLM is thankful that Pastor Bickelhaupt and Grace Baptist Church have a strong testimony in Oak Harbor. LLM recommends that pastors establish and maintain relationships with their elected officials for situations such as this.

Obamacare Penalty Not Enforced

In LLM's March 2017 newsletter, we reported on **President Trump's January executive order** directing the government to provide relief from Obamacare within the boundaries of the law. We recently heard back from a Michigan pastor whose tax return was accepted by the IRS without payment of the dreaded individual shared responsibility payment.

If you have questions about Obamacare or other legal issues, please call LLM.