

Fr. F

239. *Fr. F* was ordained in 1963.²⁶ As early as 1986, the Diocesan Corporation was on notice of a substantial likelihood that *Fr. F* had sexually abused minors. Years later, instead of applying the *Charter* and the *Essential Norms*, the Diocesan Corporation allowed him to retire. The Diocesan Corporation also failed to refer or timely refer *Fr. F* to the CDF. Further, the Diocesan Corporation engaged in other improper conduct by (a) preparing false or misleading records to establish a purported, legitimate basis for *Fr. F*'s retirement and eligibility for associated benefits; (b) providing these benefits and other compensation to *Fr. F* even though his laicization would have relieved the Diocesan Corporation of its duty to financially support him; and (c) failing to reasonably monitor *Fr. F*, exposing itself and minors to unnecessary risks.

Pre-2002 Notice of and Response to Sexual Abuse Allegations

240. Prior to the adoption of the *Charter* and the *Essential Norms*, the Diocesan

²⁶ Unless otherwise noted, the allegations against *Fr. F* are based exclusively on documents that were obtained from public sources or produced from diocesan files for Attorney General review. The allegations against *Fr. F* have not been independently investigated by the Attorney General and are recited only to establish the information provided to, and decisions taken by, the Diocesan Corporation in connection with its response to reports of alleged sexual abuse.

Corporation received at least two complaints alleging that *Fr. F* had sexually abused minors. During this period, *Fr. F* served in parishes and medical facilities.

241. In April 1986, sixteen-year-old Complainant 1 and his parents contacted the Diocesan Corporation to allege inappropriate behavior by *Fr. F*. Complainant 1 alleged that for several months “he ha[d] been receiving ‘rub-downs’ or massages from [*Fr. F*].” At first, Complainant 1 “was fully dressed; as time went on, he began to take his clothes off. First, a shirt, then his pants, etc. Eventually, these rub-downs included the private parts of his body.” The parents reported that Complainant 1 “frequently stayed overnight in the rectory when [*Fr. F*] was alone.” After summarizing the allegations, the unknown author of the diocesan document, which recorded these allegations, wrote: “I do not believe all this could be false.”

242. Shortly thereafter, Vicar General Cunningham met with *Fr. F*. *Fr. F* denied the allegations, admitting only that Complainant 1 had stayed in the rectory on several occasions and that he would sometimes hug the teen when the boy “was depressed.” *Fr. F* was “warned . . . that there could be severe legal consequences if [Complainant 1] went to the authorities.”

243. On April 15, 1986, Auxiliary Bishop Trautman and Vicar General Cunningham met with *Fr. F* to “suggest[] that it would be in [*Fr. F*]’s own interest to resign.” *Fr. F* agreed to resign, and the plan was for *Fr. F* to announce “several days off for health reasons,” and then to later “submit a letter of resignation.” Trautman also insisted that *Fr. F* seek therapy.

244. On April 28, 1986, *Fr. F* resigned as pastor. By letter, *Fr. F* advised Bishop Head that he had “consulted with Bishop Donald Trautman, V.G., and Rev. Msgr. Robert Cunningham, Chancellor, in the past few weeks,” and “wish[ed] to submit [his] resignation . . . due to reasons of continuing health problems as a result of a hypertension condition.”

245. By letter dated December 8, 1986, Southdown advised Auxiliary Bishop

Trautman that *Fr. F* had begun his in-patient treatment program.

246. In a December 23, 1986 letter to Southdown, Auxiliary Bishop Trautman outlined “the difficulties that led to the admission of Fr. [F]” and expressed disappointment about *Fr. F*’s lack of cooperation with Southdown. Trautman then detailed the allegations raised by Complainant 1 and emphasized that “[t]hese facts were not denied”:

It was admitted that the boy had been invited to spend overnight in the rectory on several occasions. This always occurred when the staff was not present in the rectory. On those occasions [*Fr. F*] would put his arm around the boy and hug him. In the words of the boy he was “all over me”. There was also a description of some lotion that was rubbed by [*Fr. F*] on the boy. The boy’s penis was rubbed. . . . I could give more graphic detail but I think it’s sufficient to state that there was admission that the boy stayed overnight one or two times a week in a four to five month period. . . . There was also a veiled threat that if the boy did not cooperate [*Fr. F*] would dock his pay since he was engaged in some work around the property of the church.

247. *Fr. F* did not complete his in-patient program at Southdown. In a February 1987 letter to *Fr. F*, Bishop Head wrote that he was “‘regrettably’ agreeing to [*Fr. F*]’s return to the Diocese of Buffalo because it was [his] hope and real expectation that [*Fr. F*] would enter fully into the programs offered at Southdown.”

248. In May 1987, the Diocesan Corporation received new allegations that *Fr. F* had sexually abused a minor. A therapist, on behalf of Complainant 2, alleged that *Fr. F* had sexually abused the Complainant in the early 1970s when he was fourteen or fifteen years old. Complainant 2 also reported to Vicar General Cunningham that he knew of “another young man . . . victimized” by *Fr. F*. Cunningham took notes of the alleged abuse:

Allegation involves oral sex; both men were slight in build; Fr. invited them to use weights in basement after they worked around parish; after using weights, he would give them a rub-down; it was a complete rub down—first on the back; then he would tell them to roll over; he would rub their genital area; place his mouth over victim’s penis; . . . kiss around genital area; kept victim’s underpants; gave victim money for new underwear.

249. From November 1987 until 2003, *Fr. F* served as a chaplain to a medical facility and a weekend assistant to a parish.

Defendants' Violations of Sexual Abuse Policies and Secular Fiduciary Duties

250. On August 25, 2003, eight months after the adoption of the *Essential Norms*, Bishop Mansell issued a Decree of Suspension, revoking *Fr. F*'s faculties pursuant to the *Essential Norms*. The decree prohibited *Fr. F* from publicly officiating Mass, administering the sacraments, wearing clerical garb, or publicly presenting himself as a priest. *Fr. F*'s file lacks any indication that the Diocesan Corporation publicly disclosed this decree.

251. Diocesan records maintained to reflect a priest's status record that *Fr. F* retired on September 1, 2003. The records do not accurately reflect that the Diocese removed *Fr. F* from ministry because of sexual abuse allegations.

252. Over a decade later, in 2016, the Diocesan Corporation received a call from a friend of *Fr. F*, asking why *Fr. F* had not been included in an article regarding retired priests. According to a memo prepared by Auxiliary Bishop Grosz, Grosz contacted the caller to "indicate that this specific matter is a private matter basically between the Bishop and the particular priest"; "a very confidential kind of thing"; and "a matter handled only between the priest and his diocesan bishop." The caller reported to Grosz that *Fr. F* had recently celebrated Mass. Grosz's memo includes a postscript summary of Grosz's follow-up contact with *Fr. F*:

[*Fr. F*] concurred with the response which Bishop Grosz had given to [the caller].

...

... [*Fr. F*] said he does not celebrate or concelebrate the annual Mass for the class of 1952. He sits in the front row to assist [another priest], who has problems with his eyesight. He does not wear vestments.

Bishop Grosz then read the last two sentences of the August 25, 2003 decree of suspension of Father [*F*], which notes: "*He is not permitted to celebrate Mass publicly or to administer the sacraments. He is not permitted to wear clerical*

garb or to present himself as a priest.”

253. The absence of documentation in *Fr. F*'s file indicating that the Diocesan Corporation regularly supervised him shows that the Diocesan Corporation failed to reasonably monitor him.

254. In early March 2018, after the Diocesan Corporation announced its settlement fund for complainants of alleged clergy sex abuse, the Diocesan Corporation received a third complaint that alleged that in the mid-1960s, *Fr. F* had engaged in inappropriate behavior with Complainant 3, who was fifteen to seventeen years old at the time of the alleged misconduct.

255. In March 2018, the Diocesan Corporation publicly identified *Fr. F* on a list of “diocesan priests who were removed from ministry, were retired, or left ministry after allegations of sexual abuse of a minor.”

256. In about September 2019, the Diocese, in a disclosure on its website, indicated that it had removed *Fr. F* from ministry in 2003 and that it had referred *Fr. F* to the CDF. Referral documents were not produced to the Attorney General.

257. The Diocesan Corporation violated the *Charter* and the *Essential Norms* by failing to refer or timely refer *Fr. F* to the CDF. Instead, it prepared false or misleading business records and failed to reasonably monitor *Fr. F*. The Diocesan Corporation's actions concealed *Fr. F*'s conduct from the public and placed its beneficiaries at risk.