

**Fr. G**

258. *Fr. G* was ordained in 1975.<sup>27</sup> As early as 1991, the Diocesan Corporation was on

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<sup>27</sup> Unless otherwise noted, the allegations against *Fr. G* are based exclusively on documents that were obtained from public sources or produced from diocesan files for Attorney General review. The allegations against *Fr. G* 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.

notice of a substantial likelihood that *Fr. G* had inappropriately touched young girls. Years later, instead of applying the *Charter* and the *Essential Norms*, the Diocesan Corporation failed to conduct internal investigations into allegations that *Fr. G* had sexually abused minors; failed to seek or, alternatively, reasonably document the DRB's assessment of allegations against *Fr. G*; and failed to refer or timely refer *Fr. G* to the CDF. Further, the Diocesan Corporation engaged in other improper conduct by (a) disregarding the risk of sexual abuse; (b) preparing false or misleading records that approved *Fr. G*'s out-of-state ministry despite the Diocesan Corporation's knowledge of "8 reported incidents of sexually inappropriate behavior with female children"; (c) making false or misleading statements regarding its response to allegations against *Fr. G*; and (d) providing benefits and compensation to *Fr. G* even though his laicization would have relieved the Diocesan Corporation of its duty to financially support him.

*Pre-2002 Notice of and Response to Sexual Abuse Allegations*

259. Prior to 2002, *Fr. G* served in parish ministry except for a brief time in about 1990 when the Diocese may have temporarily removed him from ministry.

260. In February 1989, a parishioner sent a letter to Bishop Head, reciting several complaints about *Fr. G*, including the alleged "molest[ation of] a young girl." *Fr. G*'s file lacks any record of a resolution of this allegation.

261. In September 1990, two nuns from *Fr. G*'s parish sent letters to Bishop Head regarding *Fr. G*'s behavior with young girls. The first observed that parents had objected to his seating girls on his lap to tickle them. The second claimed that *Fr. G* had embraced and tickled girls and inappropriately brushed up against an eighth-grade girl.

262. In mid-May 1991, Vicar General Cunningham prepared a memo to the file regarding a meeting with Bishop Head, *Fr. G*'s pastor, and the principal of the parish's school.

The group discussed allegations that *Fr. G* had engaged in inappropriate behavior with children, such as hugging, placing them on his lap, and touching.

263. *Fr. G's* file contains a document dated May 30, 1991; titled *Rev. G: Social History*; and prepared for Bishop Head's signature. The document shows Head's basis for sending *Fr. G* to the St. Luke Institute for a mental health evaluation:

Since [September 1990], Father [G]'s assignment was changed . . . . Those changes took place after a number of discussions between myself and Father [G] concerning his actions with young people which are, at least, gravely imprudent and highly immature. . . .

We had a lengthy discussion about this pattern of activity that seems to be somewhat compulsive in nature. It is a serious situation and one in which I have told Father [G] we must take some definite action. . . .

...

In summary, this is a young priest who seemingly is not aware of the inappropriate actions that he performs by tickling young girls of kindergarten and first and second grade age and sitting them on his lap and being over demonstrative in his expression of attention to them. The record shows that he has also been imprudent in his actions with older girls of seventh and eighth grade age.

264. In July 1993, the Diocesan Corporation received a letter from the principal, who had met with the Diocesan Corporation in 1991. She reported that she had barred *Fr. G* from the school and terminated his involvement in all school activities due to: his alleged "inappropriate" conduct with girls at a school picnic; questions about whether his alleged misconduct had led students to withdraw from the school; and reports that he had "rub[ed] a little girl's legs" and accompanied an eight year old on rides during a school outing to a theme park.

265. In June 1994, diocesan staff informed Vicar General Cunningham about complaints by two adult sisters alleging that, prior to 1984, *Fr. G* had inappropriately touched them on numerous occasions when they were minors. The staff reported that *Fr. G* had

“sexual[ly] abuse[d], molest[ed], and fondl[ed]” the girls even though the women had not used these terms. The sisters specifically alleged that while *Fr. G* swam with them, he had “pick[ed] them up in the water and touch[ed] their buttocks or their breasts.” When Cunningham interviewed *Fr. G* about these accusations, *Fr. G* denied any wrongdoing.

266. In an August 1998 letter, *Fr. G* wrote to Bishop Mansell to inquire about his prospects for a pastorate. His letter highlights his positive work and claims that previous complaints against him were found to lack merit. Mansell replied that “[*Fr. G* was] fully aware of the past difficulties which necessitate[d] . . . moving most cautiously.” One year later, in another letter to Mansell, *Fr. G* continued to defend his record with children and even claimed that the St. Luke Institute had concluded that it was unnecessary to restrict his ministry with female minors.<sup>28</sup> In November 1999, Mansell appointed *Fr. G* pastor.

*Defendants’ Violations of Sexual Abuse Policies and Secular Fiduciary Duties*

267. In April 2003, less than a year after the *Charter*’s adoption, Complainant 1 sent a letter to Bishop Mansell, alleging inappropriate behavior by *Fr. G* and requesting an inquiry into *Fr. G*’s behavior with young girls.<sup>29</sup> *Fr. G*’s file does not contain any decrees opening or closing a diocesan investigation into Complainant 1’s claims. The Diocesan Corporation failed to conduct an independent investigation into Complainant 1’s allegations pursuant to the *Charter* and the *Essential Norms*.

268. In November 2005, Complainant 2 filed a complaint with the Diocesan Corporation, alleging that in 1983, when she was eleven years old, *Fr. G* had approached her in class, walked to her seat, and “slid his finger behind her back and into her underwear.” Auxiliary

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<sup>28</sup> The Attorney General has not been able to verify this assertion.

<sup>29</sup> The actual letter from Complainant 1 is missing from *Fr. G*’s file. This allegation is based on a 2015 document entitled *Rev. G: Case Development – Synthesis*.

Bishop Grosz interviewed *Fr. G*, who denied these allegations.

269. Between October 1 and 5, 2006, *Fr. G* submitted to a mental health assessment at Southdown. A month later, in a letter to Auxiliary Bishop Grosz, *Fr. G* discussed the assessment and its related written report. In response, by letter dated November 8, 2006, Grosz acknowledged receipt of *Fr. G*'s letter and thanked him "for [his] willingness to go to The Southdown Institute for a recent assessment in accord with the wishes of the [DRB]." No record of the DRB's wishes or the DRB's deliberation that preceded its request appear in *Fr. G*'s file. The Diocesan Corporation failed to reasonably document the DRB's assessment.

270. On October 10, 2006, Chancellor Paul Litwin issued a letter of good standing so that *Fr. G* could perform an out-of-state baptism. The letter certifies that: (a) "[w]e have never received any information that would cause us to restrict [*Fr. G*'s] ministry in any way"; (b) "[t]o the best of my knowledge, there have never been any reports of improprieties on [*Fr. G*'s] part"; and (c) "there is nothing to our knowledge in [*Fr. G*'s] background that would restrict any ministry with minors." In an undated note attached to the file copy of this letter, Litwin's successor, Chancellor Regina Murphy wrote: "This letter was written after: 8 reported incidents of sexually inappropriate behavior with female children [and p]sychological evaluations at both St. Luke Institute 1991 and Southdown 2006."

271. The DRB met to consider *Fr. G* in November 2006. In a memo to the file, Auxiliary Bishop Grosz, based on his conversation with a diocesan attorney, recorded the substance of the DRB's purported recommendations. Grosz's memo states that the DRB agreed that: (a) "[*Fr. G*] will follow the recommendations of [an unidentified] report not to be alone around children" and (b) "[t]he [DRB would] ask[] for permission of Father [*G*] to have only . . . [the] psychologist on the [DRB] to [sic] review the assessment made by the Southdown

Institute.” Grosz’s memo concludes that *Fr. G* agreed to the DRB’s requests and recommendations. Grosz’s secondhand report of the DRB’s action does not reasonably document the DRB’s review and recommendations.

272. In early March 2007, a diocesan attorney documented his recent meeting with the DRB member, who had been authorized to review *Fr. G*’s Southdown assessment:

[The DRB member] believes that Fr. [G] should continue to follow the recommendations made by the evaluators. More specifically, because of the perception that his behavior is sometimes inappropriate, Fr. [G] should have an adult present whenever he is with a young person. [The DRB member] believes that it is sufficient simply to confirm with Fr. [G] that he is following the recommendation. That view is consistent with what the [DRB] recommended—that is, letting Fr. [G] “self-enforce” the evaluators’ recommendations.

After this meeting, Auxiliary Bishop Grosz “encouraged Father [G] to contact [him] every couple months to ‘check in.’” There is no record that the Diocesan Corporation implemented any further restrictions on or monitoring of *Fr. G*.

273. Over eight years later, *Fr. G* remained in ministry and, on or about October 19, 2015, a deacon notified the Diocesan Corporation that: (a) families had left *Fr. G*’s parish because of *Fr. G*’s behavior and (b) in one alleged, recent incident, *Fr. G*, “instead of reaching to talk to [Complainant 3,] a female child[,] . . . pulled her into ‘his crotch area.’” On October 21, 2015, three years after Bishop Malone’s installation, Auxiliary Bishop Grosz met with Fr. Zilliox—at Malone’s request—to review the deacon’s information and the “file of complaints” against *Fr. G*. Diocesan documents record that “Zilliox expressed grave concern regarding the ‘track record’ of incidents of inappropriate behavior and boundary issues.”

274. On October 22, 2015, Bishop Malone, Auxiliary Bishop Grosz, and Fr. Zilliox met to discuss *Fr. G*. According to Grosz’s summary of the meeting:

Bishop Grosz informed all present that he spent 4 hours the night before processing the entire file of complaints about Father [G] and inappropriate

behavior. . . .

Bishop Grosz indicated that he is very concerned, as is Father Zilliox . . . , that in the entire file there are 8 incidents actually reported to the Diocese relative to inappropriate behavior on the part of Father [G].

Malone then placed *Fr. G* on administrative leave.

275. On October 23, 2015, Complainant 4's father spoke with Auxiliary Bishop Grosz and alleged that since June 2014, *Fr. G* had engaged in inappropriate behavior with his seven-year-old daughter, such as allowing her to straddle his lap and rubbing her shoulders.

276. On October 28, 2015, Bishop Malone issued a written decree, opening an internal investigation into the October 19, 2015 complaint that he described as allegations of the sexual abuse of a minor.

277. On October 30, 2015, in response to *Fr. G's* appeal of his administrative leave, Bishop Malone affirmed his decision and emphasized that recent complaints led Malone to uncover that the Diocesan Corporation had previously failed to conduct internal investigations required by the *Essential Norms*:

This latest allegation led me to review your file only to discover that other issues and incidents had occurred over the course of your priesthood, with no previous investigations and no appropriate resolutions of the issues according to the norms adopted and confirmed in . . . the Particular Law in the Conference of Bishops' Essential Norms of 2003/ revised in 2006 . . . .

Therefore, based on the current complaint and the fact that no previous formal investigation has ever been conducted or concluded; [sic] I am compelled to consider these current complaints and allegations as a furtherance of the case moving forward.

278. By letter dated November 2, 2015, Bishop Malone appointed an investigator and requested that the investigator submit a written report to the DRB within ninety days. The letter also notes that Malone received the DRB's recommendation that information "at least seems to be true" that *Fr. G* had possibly engaged in sexual misconduct with Complainant 4 and other

young girls. Other than this reference, *Fr. G's* file does not contain documentation reflecting this specific recommendation by the DRB.

279. Four months later, in March 2016, a diocesan attorney sent a two-sentence memo regarding *Fr. G* to his law partner: “At the [DRB] meeting, we discussed the fact that [the investigator] is investigating this and will get back to us soon. We also discussed that in the future we should consider giving investigators a deadline for completing the investigation.” The Diocesan Corporation failed to reasonably document the DRB’s assessment through this internal law-firm memo or in other documents.

280. In June 2016, Bishop Malone asked the investigator to also investigate the 1994 complaints by the two sisters.

281. In July 2016, the investigator completed his written report that recounted his interviews of the two sisters, Complainant 3’s father, Complainant 4’s parents, *Fr. G*, and three character witnesses for *Fr. G*. The report concludes that the families of Complainants 3 and 4 were “being honest and truthful in the complaints.”

282. In September 2016, Bishop Malone issued a written decree closing the internal investigation of *Fr. G's* conduct and referring him to the CDF. The decree notes that Malone called a special meeting of the DRB in August 2016. *Fr. G's* file lacks any formal record of this special meeting.

283. Despite the September 2016 decree referring *Fr. G* to the CDF, Bishop Malone did not actually make the referral until July 2017. In the referral, Malone maintained that *Fr. G's* conduct had constituted the sexual abuse of minors. Malone also proposed, based on the DRB’s unanimous vote, that *Fr. G* be sentenced to a life of prayer and penance. *Fr. G's* file lacks any formal record of this unanimous vote.



284. In August 2017, the CDF responded and directed Bishop Malone to initiate a canonical trial for *Fr. G*. The trial had not been completed as of December 2019.

285. The Diocesan Corporation did not include *Fr. G* on its March 2018 public list of priests “who were removed from ministry, were retired, or left ministry after allegations of sexual abuse of a minor.”

286. On June 11, 2018, a news outlet ran a story on *Fr. G*'s removal from ministry in 2015. The article claims that parishioners had not been told the basis for *Fr. G*'s removal. According to the article, “[Bishop] Malone [told the newspaper that *Fr. G*] was removed from his parish assignment because ‘there is a sensitive investigation going on’[;] . . . that the results of the investigation have been sent to officials at the Vatican in Rome[; and that he was] awaiting guidance from the Vatican on how to proceed.”

287. On June 28, 2018, the Diocesan Corporation released the following public statement:

On June 27, [2018,] the [DRB] met and received the report of [an] Investigator . . . who was asked to investigate recent allegations of abuse against three (3) priests of the Diocese of Buffalo. Previously, the [DRB] has reviewed the report of an investigation conducted by [another investigator], regarding allegations made against Rev. [G].

As a result of these reports and the recommendations of the [DRB], Bishop Richard J. Malone has made the following determinations:

Allegations against . . . Rev. [V] and Rev. [G] have been substantiated and they will remain on administrative leave while the results of the Diocesan investigation are reviewed by the [CDF], who will make the final determination.

These June 2018 statements falsely implied that the Diocesan Corporation was awaiting a determination from the CDF regarding *Fr. G*. In fact, ten months earlier, in August 2017, the CDF had directed the Diocesan Corporation to conduct a trial of *Fr. G*'s alleged misconduct.

288. In November 2018, the Diocesan Corporation belatedly added *Fr. G* to its March

2018 list of priests “who were removed from ministry, were retired, or left ministry after allegations of sexual abuse of a minor.”

289. The Diocesan Corporation repeatedly violated the *Charter* and the *Essential Norms* by failing to conduct internal investigations into allegations that *Fr. G* had sexually abused minors; failing to seek or, alternatively, reasonably document the DRB’s assessment of sexual abuse allegations against *Fr. G*; and failing to refer or timely refer *Fr. G* to the CDF. Instead, it prepared false or misleading business records; made false or misleading statements regarding its response to allegations against *Fr. G*; and disregarded the risk that *Fr. G* could sexually abuse minors. The Diocesan Corporation’s actions concealed *Fr. G*’s conduct from the public and placed its beneficiaries at risk.