

Fr. P

487. *Fr. P* was ordained in 1980.³⁹ As early as 1994, the Diocesan Corporation was on notice of a substantial likelihood of *Fr. P*'s sexual misconduct with minors. Years later, instead of following the *Charter* and the *Essential Norms*, the Diocesan Corporation allowed him to retire. The Diocesan Corporation also failed to seek the DRB's assessment of sexual abuse allegations against *Fr. P* and failed to refer or timely refer *Fr. P* to the CDF. Further, the Diocesan Corporation engaged in other improper conduct by (a) making false or misleading statements to beneficiaries by, among other things, suggesting in 2003 that *Fr. P* had not been removed from ministry for sexual misconduct; (b) creating false or misleading records to establish a purported, legitimate basis for *Fr. P*'s retirement and eligibility for related benefits; (c) providing these benefits and other compensation to *Fr. P* even though his laicization would have relieved the Diocesan Corporation of its duty to financially support him; and (d) failing to reasonably monitor *Fr. P*, exposing itself and minors to unnecessary risks.

³⁹ Unless otherwise noted, the allegations against *Fr. P* are based exclusively on documents that were obtained from public sources or produced from diocesan files for Attorney General review. The allegations against *Fr. P* 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.

Pre-2002 Notice of and Response to Sexual Abuse Allegations

488. Between *Fr. P*'s ordination and the adoption of the *Charter* and the *Essential Norms* in 2002, the Diocesan Corporation received at least two complaints against him for alleged inappropriate behavior with minors. During this period, *Fr. P* was assigned to parish ministry and ultimately promoted to pastor in 2000.

489. In September 1991, Vice Chancellor Robert Zapfel received an anonymous complaint, alleging that *Fr. P* had sexually abused a minor. The complaint was filed by Complainant 1's mother and claimed that in 1989, *Fr. P* took Complainant 1, then fifteen years old, on a trip and masturbated in front of the Complainant. The mother also reported that she had been in a sexual relationship with *Fr. P*. In a memo to Vicar General Cunningham, Zapfel observed that the mother "did not seem to be in any way vengeful toward [*Fr. P*], in fact, she said that she 'did not want to hurt him.'" Zapfel wrote that he had "no real reason to doubt the woman's honesty." Even so, Zapfel recommended taking no action because the mother asked that she remain anonymous.

490. Two years later, in November 1993, Complainant 1's mother contacted the Diocesan Corporation again and this time consented to the release of her identity. In a memo by Vicar General Cunningham, which documented his conversations with Complainant 1 and his mother, Cunningham wrote that the Complainant alleged that when he was thirteen years old, *Fr. P* had taken him and a friend to a cabin, where he had exposed himself to the boys. Cunningham's memo concludes: "[In 1990], [Complainant 1] and his brother were also in the cabin. The brother had gone to bed; . . . The priest asked the [Complainant] if [he] knew . . . how to use [condoms]." Additionally, handwritten notes on Cunningham's memo state: "Priest masturbated in front of kid; put condom on. . . . Priest says 'Don't tell anyone'—but then priest

told mother & said he would get counseling.” Handwritten notes in *Fr. P*’s file from November 1993 state: “Priest acknowledged misconduct” and “arrangements made for St. Luke 1/30/94.”

491. On January 25, 1994, Complainant 1’s mother wrote to Vicar General Cunningham, expressing her concern that *Fr. P* continued to supervise children:

I was very upset and confused at the fact that [*Fr. P*] is still in charge of the CYO and altar boys I really believed that after speaking with you and having confirmation made on his part that, at minimum, he would be removed from working with youth. I surely hope that I am not being pacified.

On the same day, Cunningham sent *Fr. P* a confirmation of his upcoming treatment at the St. Luke Institute.

492. In an April 1995 memo, a diocesan lawyer memorialized his phone call with a law enforcement official about additional allegations against *Fr. P*:

The allegation is that approximately seven years ago, . . . [*Fr. P*] masturbated in front of a thirteen-year old, who is now twenty years old. . . .

According to [the law enforcement official], the parents spoke to Msgr. Cunningham and he said he would take care of the case but don’t tell the Police because of the bad image for the Church. Msgr. Cunningham said this is ridiculous—that he never said any such thing.

The diocesan attorney copied Vicar General Cunningham on the memo.

493. *Fr. P* served as a pastor between 2000 and 2003, when he resigned.

Defendants’ Violations of Sexual Abuse Policies and Secular Fiduciary Duties

494. The Diocesan Corporation did not conduct an independent investigation into the allegations above pursuant to the *Charter* and the *Essential Norms*.

495. About a year after the *Charter*’s adoption, *Fr. P* resigned in August 2003. On the day of his resignation, Bishop Mansell issued a Decree of Suspension, revoking *Fr. P*’s faculties pursuant to the *Essential Norms*. The decree also prohibited *Fr. P* from publicly saying Mass, wearing clerical garb, or publicly holding himself out as a priest. *Fr. P*’s file lacks any

indication that the Diocesan Corporation publicly disclosed this decree. *Fr. P* announced his resignation in a letter to parishioners:

Earlier today . . . I met with Bishop Henry Mansell and Monsignor Robert Cunningham in the Bishop's office. Considering my limited physical abilities, the fact that I am now eligible to collect Social Security, as well as other factors it was determined that I am to be considered a retired priest of the Diocese effective immediately.

496. Diocesan records maintained to reflect a priest's status falsely state that *Fr. P* retired on September 1, 2003, when he was about sixty-two years old.

497. In September 2003, an anonymous letter regarding *Fr. P's* retirement was distributed to parishioners:

Please be advised that [*Fr. P*] . . . was recently removed along with several other priests in the Diocese because of past sexual offenses with school children. . . . For those of us who had children at [the s]chool, we were in shock when Father [*P*] was transferred so quickly. Now we know why Parents, if you find your child was abused by Father [*P*] please go to the Police not the Diocese they will cover it up.

498. The pastor of the parish defended *Fr. P* in a letter to parents:

[The anonymous] letter has made very damaging, false accusations against Fr. [*P*] while he was parochial vicar here

Let me clarify 3 points:

- 1) Fr. [*P*] has retired from the priesthood.
- 2) Msgr. Robert Cunningham, The [sic] Vicar General for the Diocese has informed me that NO ALLEGATIONS of sexual abuse were ever made to the Chancery against Fr. [*P*] while he was stationed [here].
- 3) Parochial Vicars have a term of 5 years. Fr. [*P*] stayed beyond his term to lovingly care for Msgr. . . . as he was dying. After Msgr.[']s . . . death, Fr. [*P*] was ready to move to his next assignment. I was Pastor at that time and there was never a hint of any abuse as the reason for his transfer.

If anyone has any knowledge of who wrote this letter, or if you actually saw the person or persons who delivered it, please contact [law enforcement].

499. Shortly after Bishop Kmiec's installation, *Fr. P* sent him a letter in December

2004, thanking the bishop for the invitation to the Christmas luncheon for senior priests because it made *Fr. P* “feel much less separated from [the] Diocese.” At the outset of the letter, *Fr. P* introduced himself as “one of your ‘unassignable priests.’”

500. Among other things, the absence of documentation indicating that the Diocesan Corporation regularly supervised *Fr. P* shows that the Diocesan Corporation failed to reasonably monitor him.

501. In March 2018, the Diocesan Corporation included *Fr. P* on a public list of “diocesan priests who were removed from ministry, were retired, or left ministry after allegations of sexual abuse of a minor.” After this disclosure, the Diocesan Corporation received another complaint alleging that between 1983 and 1986, *Fr. P* had sexually abused a minor.

502. In about September 2019, the Diocesan Corporation, in a disclosure on its website, indicated that it had referred *Fr. P* to the CDF; however, the Diocesan Corporation did not produce referral documents to the Attorney General.

503. The Diocesan Corporation repeatedly violated the *Charter* and the *Essential Norms* by failing to seek the DRB’s assessment of sexual abuse allegations against *Fr. P* and failing to refer or timely refer *Fr. P* to the CDF. Instead, it made false or misleading statements to its beneficiaries; prepared false or misleading business records; and failed to reasonably monitor *Fr. P*. The Diocesan Corporation’s actions concealed *Fr. P*’s conduct from the public and placed its beneficiaries at risk.