

**Fr. Q**

504. *Fr. Q* was ordained in 1969.<sup>40</sup> As early as 1999, the Diocesan Corporation was on

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<sup>40</sup> Unless otherwise noted, the allegations against *Fr. Q* are based exclusively on documents that were obtained from public sources or produced from diocesan files for Attorney General review. The allegations against *Fr. Q* have not been independently investigated by the Attorney General and are recited only to establish the information provided

notice of a substantial likelihood that *Fr. Q* had engaged in sexual misconduct with minors and young adults. Years later, instead of applying the *Charter* and the *Essential Norms*, the Diocesan Corporation placed *Fr. Q* on medical leave. The Diocesan Corporation also failed to sufficiently conduct internal investigations into allegations that *Fr. Q* had sexually abused minors; failed to seek the DRB's assessment of sexual abuse allegations against *Fr. Q*; and failed to refer *Fr. Q* to the CDF. Further, the Diocesan Corporation engaged in other improper conduct by (a) disregarding the risk of sexual abuse by allowing *Fr. Q* to remain in ministry; (b) providing benefits and other compensation to *Fr. Q* even though laicization would have relieved the Diocesan Corporation of its duty to financially support him; and (c) failing to reasonably monitor *Fr. Q*, exposing itself and minors to unnecessary risks.

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

505. Prior to the adoption of the *Charter* and the *Essential Norms* in 2002, the Diocesan Corporation received at least four complaints against *Fr. Q* for alleged inappropriate behavior with or sexual abuse of nine minors or adults. During this period, *Fr. Q* served in the military as well as multiple parishes; he was promoted to pastor in 1992.

506. In September 1992, Vicar General Cunningham learned of alleged “disturbing” behavior by *Fr. Q* toward Complainant 1 and at least three other “young high school girls” who worked in a rectory. *Fr. Q* was accused of hugging Complainant 1 and the three girls, “sometimes for a prolonged period of time.” Between September 16 and 21, 1992, Cunningham tried unsuccessfully to contact Complainant 1's parents. *Fr. Q*'s file does not contain any documentation of the Diocesan Corporation's attempts to contact the parents of the three other girls.

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to, and decisions taken by, the Diocesan Corporation in connection with its response to reports of alleged sexual abuse.

507. On September 21, 1992, Vicar General Cunningham met with *Fr. Q*, who denied any wrongdoing. In Cunningham's summary of this meeting, he described *Fr. Q* as "genuinely remorseful" for "what [*Fr. Q*] thought was the misperception of some people." Still, Cunningham memorialized an explicit warning to *Fr. Q*: "I spoke with [*Fr. Q*] about the impropriety of a 50-year old man hugging a 16-year old girl on a regular basis and asked him to cease immediately from doing that."

508. On September 23, 1992, Vicar General Cunningham spoke with Complainant 1's mother. Cunningham apologized for any "unpleasantness" caused by *Fr. Q*. The mother alleged that, in addition to the hugging, *Fr. Q* had kissed her daughter on the shoulder and the face. In a memo documenting his conversation with the mother, Cunningham concluded that, because he had already met with *Fr. Q*, "[no] further action [was] needed at this time." Bishop Head wrote on the memo, in part, that "the 'kissing incidents[:] any further [illegible] like this & we will move him immediately."

509. In November 1993, a teacher at *Fr. Q*'s parish met with Vice Chancellor Zapfel to report that: (a) a co-worker had told her that *Fr. Q* had "'molested'" the co-worker's daughter and (b) in a separate incident, after an unidentified "girl" had been informed that she would be prohibited from making Confirmation, the girl remarked that "she would appeal directly to Father [*Q*], who had been giving her money[,] . . . 'loves her' [and] would do anything for her"; the girl would later be identified as Complainant 2. In Zapfel's memo documenting these allegations for Vicar General Cunningham, Zapfel reported that he did not doubt the teacher.

510. In December 1993, Complainant 3 alerted Vice Chancellor Zapfel to *Fr. Q*'s alleged inappropriate behavior. She recounted that in about 1983, she had sought counseling from *Fr. Q* after she was raped at age twenty-two. She alleged that, "because [*Fr. Q* knew] this

part of her background, he seem[ed] to take certain liberties with her,” for example, within the last three to four years, *Fr. Q* had (a) “rubbed up against her in a ‘sexual way’”; (b) “exposed himself to her”; (c) told her she was in his dreams; and (d) engaged in similar conduct with one of her sisters. In a memo for Vicar General Cunningham, Zapfel recorded that he had no reason to doubt Complainant 3, who served with *Fr. Q* in the military.

511. On December 28, 1993, Vicar General Cunningham drafted a memo summarizing his meeting with *Fr. Q* of the same day. In that meeting, *Fr. Q* denied Complainant 3’s allegations and the allegations related to Complainant 2. Cunningham warned *Fr. Q* that “apparently some of his actions are perceived to be inappropriate, and he had to be on guard,” noting that “there might be some need for counseling.”

512. On May 19, 1994, Vicar General Cunningham memorialized certain events regarding *Fr. Q*’s priestly service in the military:

[*Fr. Q*] called me this morning after speaking with . . . the [military]. Certain accusations have been made against Father [*Q*]. Father [*Q*] absolutely denies the accusations, but has admitted to them and claims to be going to the Diocesan Counseling Center to address them. I said, “Why did you admit them, if they did not happen?”. He indicated that he admitted them because the woman who is bringing the charges is vitriolic, and this is the only way he could be sure of his safety.

513. Four days later, Vicar General Cunningham prepared a memo regarding his meeting with *Fr. Q* of the same day. The memo indicates that the military was or would be investigating Complainant 3’s allegations against *Fr. Q*; diocesan records did not document the allegations Complainant 3 made to the military. According to the memo, *Fr. Q* retracted his May 19 statements to Cunningham: “Contrary to what Father [*Q*] told me [recently] when he was extremely upset, he told me that he has not admitted to any inappropriate behavior.”

514. On July 14, 1994, Vicar General Cunningham prepared a memo regarding *Fr. Q*,

which states, in its entirety: “[The military] called today to tell me that Father [Q] had admitted the incident that we had discussed. He will most likely resign from the [military] in lieu of any adverse action. He has 20 years of service in the [military] and will be taking retirement from that position.” Bishop Head made the following handwritten notes on Cunningham’s memo: “He should resign as soon as possible for his own sake & possible future action by others.”

There is no documentation in *Fr. Q*’s file indicating that the Diocesan Corporation took any steps to investigate the allegations. *Fr. Q* continued to serve in parish ministry.

515. In September 1999, Vice Chancellor Litwin drafted a memo to Vicar General Cunningham regarding another complainant, Complainant 4. Complainant 4, who was twenty years old and cared for *Fr. Q*’s parents at their home, claimed that in recent months, *Fr. Q*, while in his underwear, would “rub against her and attempt affection (kiss on the neck)” and that on a recent occasion, he had approached her “with only an undershirt (no bottoms).”

516. In October 1999, Vicar General Cunningham prepared a perfunctory six-sentence memo documenting his meeting with *Fr. Q* about Complainant 4. The memo states that *Fr. Q* indicated that she had dressed inappropriately, and he had “asked [her] not to come back.”

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

517. After the *Charter*’s adoption in 2002, the Diocesan Corporation failed to sufficiently investigate *Fr. Q*’s sexual misconduct with minors.

518. On October 28, 2002, Vicar General Cunningham met with *Fr. Q* to discuss *Fr. Q*’s parish. According to a memo documenting the meeting, they discussed the parish’s financial difficulties, and “[Cunningham] did suggest since [*Fr. Q*] has been pastor there for 10 1/2 years it may be time to consider a change in administration.”

519. In July 2004, *Fr. Q* asked the Priests’ Personnel Board if he could be relieved as

pastor to make way “for a new pastor and new ideas.” An evaluator from the board recommended that the board grant *Fr. Q*’s request because of an apparent medical issue. In September 2004, Auxiliary Bishop Grosz, acting as the Diocesan Administrator, accepted *Fr. Q*’s resignation as pastor and urged him to apply for another pastorate.

520. On October 21, 2004, Auxiliary Bishop Grosz met with *Fr. Q*. Grosz told *Fr. Q* that he was surprised *Fr. Q* had not applied for a pastorate, and *Fr. Q* explained his physical health issues. During the meeting, Grosz suggested that *Fr. Q* seek counseling, in part, because of the stress of his health issues, but *Fr. Q* maintained that counseling was unnecessary. Because of *Fr. Q*’s medical issues, Grosz approved several weeks off for *Fr. Q*.

521. Internal diocesan documents maintained to record a priest’s status reflect that *Fr. Q* was placed on medical leave on November 1, 2004.

522. On November 22, 2004, *Fr. Q* informed Auxiliary Bishop Grosz that he was willing to return to ministry, especially as a pastor. Grosz responded that *Fr. Q* could not return without his doctor’s approval and suggested that, in the first instance, *Fr. Q* return to ministry as a weekend-assistant.

523. In a September 2006 memo, Auxiliary Bishop Grosz advised the Diocesan Corporation’s Finance Department that “Father [*Q*] will continue to assist in parishes and institutions of our diocese, even though his hours of ministry are restricted due to medical concerns.” Grosz continued that, as a result, “[*Fr. Q*] will continue to receive his ministry allowance as is the present arrangement.”

524. Since 2004, *Fr. Q* received \$27,650 annually while on sick leave, according to a December 2009 analysis by the Diocesan Corporation’s Finance Department for Auxiliary Bishop Grosz. At about the time of this analysis, *Fr. Q* told Grosz that he had been celebrating

weekly Mass at a home for seniors.

525. In January 2010, *Fr. Q* and Auxiliary Bishop Grosz met to discuss, among other things, *Fr. Q*'s compensation and ministry. *Fr. Q* advised that he had continued to celebrate weekly Mass at a home for seniors, and Grosz approved *Fr. Q*'s search for two or three nursing homes where *Fr. Q* could minister. Grosz also allowed *Fr. Q* to continue to receive compensation and benefits as a priest on sick leave.

526. In September 2012, one month after Bishop Malone's installation, Auxiliary Bishop Grosz drafted a memo of his call with *Fr. Q*. At the outset, the memo notes "that it had been some time since Bishop Grosz contacted Fr. [Q]." This admission and the absence of documentation in *Fr. Q*'s file indicating that the Diocesan Corporation regularly supervised him shows that the Diocesan Corporation failed to reasonably monitor *Fr. Q*. Grosz's memo also records that *Fr. Q* continued to celebrate Mass at a home for seniors and a health care facility.

527. *Fr. Q*'s file contains the following anonymous and undated handwritten note: "Bishop [:] I met with Fr. [Q]. He was fine with retiring. It's effective June 1<sup>st</sup> and all necessary departments have been notified." By letter dated June 5, 2013, *Fr. Q* sought approval from Bishop Malone to retire and, in his retirement, to continue to celebrate Mass at the home for seniors. Malone approved *Fr. Q*'s retirement and acknowledged *Fr. Q*'s offer to continue to celebrate Mass.

528. In early March 2018, the Diocesan Corporation announced a settlement fund for victims of clergy sex abuse. A few days later, Complainant 5 filed a complaint with the Diocesan Corporation, alleging that in about 1980, when she was a minor and pregnant, *Fr. Q* had sexually abused her. On March 17, 2018, Auxiliary Bishop Grosz memorialized his phone call with *Fr. Q* of the same day. During the call, Grosz confronted *Fr. Q* with Complainant 5's

allegations and the two engaged in the following exchange:

. . . Father indicated that he would never ever really hurt [Complainant 5].

Bishop Grosz then asked if, indeed, according to [Complainant 5], he remembers grabbing her and holding her tightly. Father [Q] responded yes to each of those. Relative to “sticking his tongue down her throat,” Father stated: “I don’t remember that at all.” Relative to the point that she indicated she could feel his erection while he was squeezing her, Father [Q] stated: “I was very close to her.” In addition, Father stated: “I really am sorry. I did not intend to upset her.”

*Fr. Q* also told Grosz that, “on his own,” he had sought counseling at the Diocesan Counseling Center “to address the concerns which were expressed to him.” Further, in his March 17, 2018 memo, Grosz also documented *Fr. Q*’s question and Grosz’s answer about the Diocesan Corporation’s upcoming public disclosure of priests with substantiated cases of sexual abuse: “[*Fr. Q*] asked if his name will appear on the list of priests who abused minors. Bishop Grosz noted that it is not.”

529. On March 20, 2018, the Diocesan Corporation did not include *Fr. Q*’s name in its public list of “diocesan priests who were removed from ministry, were retired, or left ministry after allegations of sexual abuse of a minor.”

530. *Fr. Q* died on March 29, 2018.

531. In November 2018, the Diocesan Corporation added *Fr. Q* to its March 2018 public list.

532. The Diocesan Corporation repeatedly violated the *Charter* and the *Essential Norms* by failing to sufficiently conduct internal investigations into allegations that *Fr. Q* had sexually abused minors; failing to seek the DRB’s assessment of sexual abuse allegations against *Fr. Q*; and failing to refer *Fr. Q* to the CDF. Instead, it failed to reasonably monitor *Fr. Q* and disregarded the risk that *Fr. Q* could sexually abuse minors or young adults. The Diocesan Corporation’s actions concealed *Fr. Q*’s conduct from the public and placed its beneficiaries at



risk.