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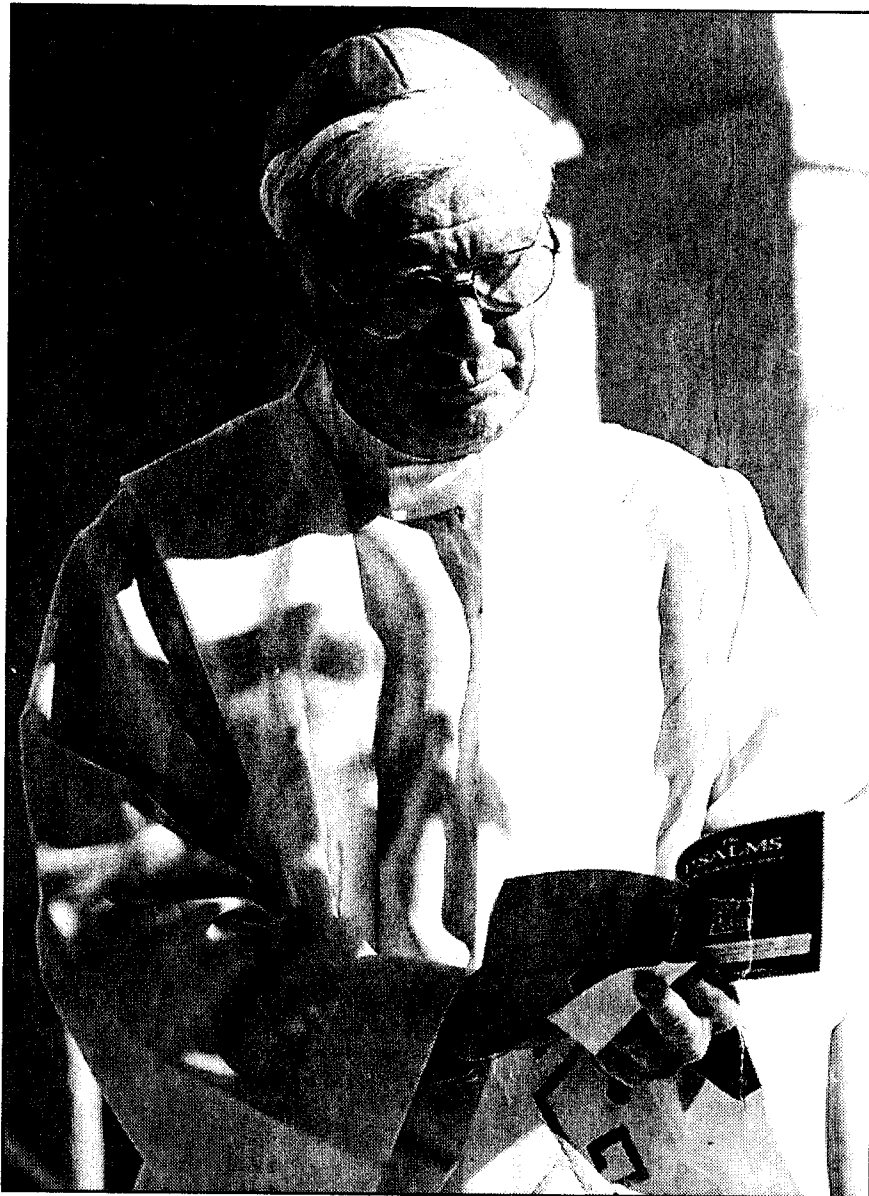
Local

Special Olympics come
to Peninsula, B1

Sunday Brunch

Fans bid farewell
to those beloved
television series, E1

Monterey Diocese has little to say about abuse cases



Herald file photo

Diocese of Monterey Bishop Sylvester Ryan acknowledges that five diocesan priests had been sent to some type of rehabilitation program during his 10-year tenure but that none had been transferred to other parishes.

SERIES OF LAWSUITS QUIETLY SETTLED

By **ALEX FRIEDRICH**
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Although the head of the Diocese of Monterey has maintained that the diocese has largely escaped the sexual misconduct scandal that plagues the Catholic Church nationwide, The Herald has learned that the diocese over the past quarter century quietly settled some lawsuits that include allegations of sexual misconduct.

Among the alleged victims were: an 11-year-old Salinas girl allegedly molested by a priest in the late 1990s; two teenage boys molested by a Capitola man who was posing as a monk so he could perform volunteer work with teenage parishioners; and an adult who had turned to two priests for help with his alcohol problem in the mid-1980s.

In a fourth case, a former church employee alleged in a civil suit that she had been assaulted by a Watsonville

priest whom she suspected of having sex with an altar boy. (See accompanying article for details.)

When asked last month whether any financial settlements had been reached in cases involving pedophilia, Bishop Sylvester Ryan said there had been none during his tenure. He became bishop of the Diocese of Monterey in 1992.

However, court records and interviews with lawyers and others involved in the lawsuits indicate the diocese paid money to settle lawsuits filed in 1994 and 2000. It's not clear whether money was involved in a case that was settled in 1999. A financial settlement also ended a 1985 case involving two priests.

Ryan has declined to provide detailed responses to inquiries about those cases, saying in one interview on April 24, "The numbers are not anybody's

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business."

After The Herald discovered the settlements, Ryan did acknowledge that five priests had been sent to some type of rehabilitation program during his tenure but that none had been transferred to other parishes.

"No one has violated anyone in any ways that is a crime," Ryan told The Herald last week.

The Herald's search of court records in three of the four counties covered by the diocese confirmed that no criminal charges had been filed. The diocese stretches over Monterey, Santa Cruz, San Benito and San Luis Obispo counties, ministering to more than 175,000 Catholics in 46 parishes.

A representative of a public relations firm retained by the diocese said Thursday that he expected diocesan officials to respond to The Herald's findings by providing a fairly complete accounting of the diocese's history of sexual misconduct.

Vince Guarino of Armanasco Public Relations said diocesan lawyers and others were researching their records and were expected on Friday to provide at least some detail on specific cases and the diocese's handling of the priests and others who were involved.

On Friday, however, the diocese elected to take a largely no-comment position, saying that confidentiality agreements contained in each of the settlements barred them from making statements.

With revelations of clerical misconduct having reached epidemic proportions, the Catholic Church nationwide has come under increasing scrutiny for its handling of past cases and its propensity to move offending priests to other parishes rather than remove them or report them to law enforcement.

In the midst of what can only be called a crisis, the pope called all American archbishops to the Vatican last month and urged them to establish a zero-tolerance policy for abusive priests.

The diocese was asked for the number of complaints about any type of sexual misconduct by local priests in the past 25 years. In a terse, one-page response, diocesan officials chose instead to focus only on cases involving minors.

"The major concern on the part of the media nationwide involves pedophiles... or misconduct with minors," said the Rev.

Ed Kaminski, a diocesan spokesman and editor of its newsletter, The Observer.

Mixing the two issues, pedophilia and sexual misconduct involving adults, "might cause some confusion in the minds of the readers," Kaminski said. "We may look at that at some time in the future, but one step at a time."

Bishop Ryan said on April 24 that with the exception of a recent case of child molestation involving Anthony Falco, a Santa Cruz County man posing as a priest, "no pedophile violations as such" had occurred during his 10-year tenure in the Monterey diocese.

After The Herald learned of the 1999 case involving the 11-year-old girl who had accused a Salinas priest of inappropriate touching, the diocese modified that statement Friday, emphasizing: "No convictions of pedophilia have occurred."

The diocese's written policy on sexual abuse of minors states that "no out-of-court settlement will be made" if an internal investigation finds that allegations of sexual abuse are false. Instead, the document states, "the matter will be vigorously defended by the diocese."

When asked about the apparent settlement of the 1999 lawsuit involving the 11-year-old, diocesan officials refused to respond Friday, saying only: "The nature of the case cited requires confidentiality."

"The terms of the cases cited prohibit the disclosure of this information. All cases have been resolved to the satisfaction of the law," said the statement from Kaminski and Guarino.

In an earlier interview, Ryan stressed that out-of-court settlements "don't happen just because the diocese is trying to hide something, but because the insurance companies don't want to go to court."

Diocesan officials also refused to discuss their handling of priests accused of sexual misconduct except to say that none was transferred to another parish.

"These are personnel issues that remain confidential," Kaminski said Friday.

When asked why the Diocese of Monterey has chosen to give out less information than some of its counterparts across the country, Kaminski said, "Each diocese is handling it the way they think it's best at this point. If there had been egregious errors like the ones... in Boston, by all means (we would) deal with them more forthrightly."

Alex Friedrich can be reached at 648-1172.

Records show 4 priests accused

By **ALEX FRIEDRICH**
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A review of court records from the past 25 years turns up civil cases in which four priests assigned to the Diocese of Monterey were accused of sexual misconduct, two involving minors. None of the cases resulted in any criminal charges.

► Salinas. In December 1999, the family of an 11-year-old girl who had attended Sacred Heart School sued the diocese in connection with allegations they had made against the Rev. Paul Valdez.

Monterey County court records reflect

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the existence of that lawsuit but contain no case file detailing the allegations or the result. Court employees said the file cannot be located. The family's attorney, Thomas Wills, said it might have been sealed after the settlement.

According to Valdez's attorney, Tom Worthington, the priest was accused of "inappropriate touching."

After an investigation by Salinas police, the Monterey County District Attorney's Office was asked to consider a possible misdemeanor charge of "annoying or molesting children," Chief Assistant District Attorney Terry Spitz said last week.

Even though that charge would have alleged only "fairly minor conduct," Spitz said prosecutors would have needed to prove that the touching was motivated by "an unnatural or abnormal sexual interest in the alleged child victim."

After a six-month inquiry, Spitz said, his office declined to prosecute because it could not "prove what the intent was."

When asked whether the diocese had paid any money to the family to settle the lawsuit, family attorney Wills would say only that "it was concluded."

Asked whether the court dismissed the case, Wills replied: "I don't file frivolous lawsuits."

Valdez is now pastor of St. Michael's Church in Boulder Creek. He declined to comment last week, referring questions to his lawyer, Worthington.

► Capitola. In 2000, Anthony Thomas Falco pleaded no contest to charges of molesting two teenage boys while he was posing as an itinerant Franciscan monk and volunteering as a

youth worker at St. Joseph's Church in Capitola. He admitted to molesting one of the young parishioners while they were on a religious pilgrimage to Bosnia.

After the family of one of the boys complained to law enforcement, he was prosecuted by the Santa Cruz County District Attorney's Office and is now serving a six-year prison sentence.

While Falco was never a church employee and the Bosnia trip was not officially sponsored by the church, St. Joseph's officials helped arrange fund-raising events to help pay for the journey.

Bishop Sylvester Ryan, who oversees the four-county Diocese of Monterey, emphasized that Falco was not a priest and had no official role with the church.

In lawsuits against St. Joseph's, the diocese and the church-run travel agency that arranged the Bosnia trip, the boy's family challenged the church's failure to stop the trip.

In a deposition as part of the lawsuit, the pastor of St. Joseph's, the Rev. Patrick Dooling, testified that he had doubted Falco's status as a monk and said that he had known before the trip that Capitola police had arrested Falco in early 1999 for possession of pornography depicting sexual acts involving underage males.

Even so, Dooling acknowledged that he had failed to alert the boy's family before the trip.

Each of the lawsuits was settled for undisclosed amounts, according to lawyers for the family, who at one point said in court documents that the church's liability could exceed \$2 million.

Terming it a confidential personnel matter, the diocese has declined to comment on what, if any, corrective action was taken

with Dooling, who did not respond to a request to comment last week. Diocesan officials stressed, however, that Dooling "was never charged with any allegations of misconduct."

He remains assigned to St. Joseph's.

"Obviously, mistakes were made in identifying (Falco)," Ryan told The Herald last month. "Father Dooling wished he'd made other decisions. We hope he and other people have learned an important lesson."

► Watsonville. In 1994, Dona French, an administrative assistant at Our Lady Help of Christians Church — also known as Valley Church — filed suit against the diocese. In essence, it was a wrongful termination lawsuit that contained allegations of sexual misconduct.

French says the suit was settled out of court for a sum she cannot disclose because of a confidentiality agreement.

French alleged in the Santa Cruz County lawsuit that the Rev. Bernardo Soares became verbally abusive toward her in the autumn of 1989 after she had heard him having sex with another priest in Soares' bedroom. The tension came to a head on Jan. 30, 1992, she said, when Soares assaulted her by pushing her against a counter in the rectory kitchen.

In the lawsuit, she said she suspected that Soares had been

sexually abusing a young altar boy who had been spending time in Soares' church apartment.

In her complaint, she said she and the Rev. Laurence O'Sullivan, since deceased, reported their concerns to Bishop Ryan in August 1992. Ryan promised to look into the allegations but failed to investigate fully, French contended in the lawsuit.

Ryan has declined to discuss her allegations.

According to her lawsuit, French reported her suspicions about Soares and the altar boy to the Santa Cruz District Attorney's Office. An official there verified that she had met with investigators but that there was not enough evidence to press charges.

French alleged in her lawsuit that Ryan retaliated against her and O'Sullivan for complaining.

O'Sullivan went to Arizona for treatment of an illness, she said, and she followed the

priest to care for him. She said that when he recovered and asked for reinstatement at Valley Church, Ryan refused. The diocese terminated her employment contract in February 1993, she said.

Soares is retired and living in San Juan Bautista. He did not return phone calls requesting comment.

French now lives in Scottsdale, Ariz. O'Sullivan died in 1997.

French said the situation had

left her frustrated.

"It didn't take a rocket scientist to know this kid had a problem," she said, referring to the altar boy. She said he "was having difficulty in school, difficulty with neighbors. He'd (done) some property damage. It was all pointing to a disturbed child."

French declined to provide The Herald with the altar boy's name.

► Capitola. In a 1985 lawsuit, a parishioner at St. Joseph's Catholic Church in Capitola accused two diocesan priests of exploiting his alcoholism and leading him to perform homosexual acts.

Gary Crabtree, then 34, said he was working in the sacristy of St. Joseph's when he went to two priests for help with his addiction. He alleged in court documents that the priests — St. Joseph's pastor Joseph Watt and the Rev. Michael Marini of Resurrection Church in Aptos — plied him with drugs and marijuana and took advantage of him.

"It happened once, and my impression was that it was consensual," Marini said Saturday. "How do I rape a 30-year-old man?"

In his lawsuit, Crabtree contended that on numerous occasions beginning in March 1983 the priests encouraged and caused his "participation in unlawful, improper and immoral sexual activities."

Crabtree's suit contends that the priests "wrongfully encouraged and counseled their parishioners in homosexual practices."

Marini responded: "That is so blown out of proportion. There's . . . a lot of legal language that is hyperbole."

He said he worked with Crabtree for two years to help him kick his habit and straighten out his life and finances.

Crabtree alleged that leaders of the diocese knew of the priests' activities, but failed to fire them. He said he never notified police.

Crabtree's lawyer, William Johnson of Oakland, said the diocese agreed to a financial settlement. He said a confidentiality agreement prevents him from disclosing the amount.

Marini said he "was not coddled" by the diocese but removed from his position and sent to counseling, which he said he still receives. After a year working in a different ministry away from the church, he said, he was reinstated.

Assigned to a Santa Cruz parish, he went on to be a highly popular priest. He retired from the priesthood a year ago at age 70.

"It was the wrong thing to do, and I know that," he said Saturday. "I have a commitment to celibacy, and by no means do I excuse myself for doing it. (However) I won't say what I did was unconscionable, because it wasn't. It was a gay issue, and it was 15 years ago."

Watt, also retired, recently moved from Monterey to Santa Cruz County.

Bishop Ryan said Marini and Watt "wouldn't have continued in the ministry (unless there was) some confidence that their conduct would be above board. They made mistakes with this, and they carried on. (And) they did beautifully."

Crabtree has since moved away from the Central Coast. Citing the confidentiality agreement, he refused to discuss details of the case last week but said his involvement with the priests "damaged me."

"It took me a few years . . . before I could get back to the church," he said.

Alex Friedrich can be reached at 648-1172.

Where victims can seek help

The Diocese of Monterey recommends that victims of sexual abuse by priests or others involved with the church contact the vicar general, Monsignor Charles Fatooh, or the chancellor, Molly McDonald, at 373-4345. Other resources in Monterey County include the Women's Crisis Center in Salinas at 757-1001 and the Monterey Rape Crisis Center at 375-HELP.