

1 STATE OF MINNESOTA DISTRICT COURT
2 COUNTY OF RED LAKE NINTH JUDICIAL DISTRICT
3 Case Type: Personal Injury
- - - - -

4 Doe 457,
5
6 Plaintiff,

7 v. Court File No.: 63-CV-17-267
8 Judge Kurt J. Marben

9 Diocese of Crookston and
10 St. Mary's Mission Church
11 a/k/a St. Mary's Mission
12 Church, Red Lake,
13
14 Defendants.

12 VIDEO DEPOSITION

13 The following is the video deposition of
14 JIM CLAUSON, taken before Jean F. Soule, Notary
15 Public, Registered Professional Reporter, pursuant
16 to Notice of Taking Deposition, at the Crookston
17 Inn and Convention Center, 2200 University Avenue,
18 Crookston, Minnesota, commencing at 8:52 a.m.,
19 Tuesday, October 9, 2018.

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1 APPEARANCES:

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On Behalf of the Plaintiff:

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15 The Videographer: Ms. Linda Costello

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Jim Clauson - 10/9/2018
Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 PROCEEDINGS
2 Whereupon, the video deposition of JIM
3 CLAUSON was commenced at 8:52 a.m. as follows:
4 * * *
5 THE VIDEOGRAPHER: Good morning. This
6 is the videographer speaking. My name is Linda
7 Costello, here on behalf of Depo International.
8 Today is Tuesday, October 9th, 2018, and the time
9 is 8:52 a.m. We are at 2200 University Avenue in
10 Crookston, Minnesota, to take the deposition of
11 James Clauson in the matter of Doe 457 versus
12 Diocese of Crookston and St. Mary's Mission Church,
13 also known as St. Mary's Mission Church, Red Lake.
14 Will counsel please introduce
15 themselves for the video record?
16 MS. LINDSTROM: Elin Lindstrom and
17 Trusha Goffe for the Plaintiff, from Jeff Anderson &
18 Associates.
19 MR. BRAUN: Thomas Braun, B-R-A-U-N,
20 on behalf of the Diocese of Crookston.
21 THE VIDEOGRAPHER: Will the court
22 reporter please administer the oath?
23 * * *
24 (Reporter's Note: The oath was
25 administered by the court reporter.)

Page 3

1 MR. CLAUSON: I do.
2 * * *
3 MR. BRAUN: Before we get underway, I
4 just want to put something on the record regarding
5 the deposition of Mickey Fairbanks. Mr. Fairbanks
6 was served a subpoena to be deposed here this
7 morning in Crookston, Minnesota. On the 5th of
8 October we received correspondence from an Attorney
9 Rogers in Bemidji indicating that Mr. Fairbanks
10 would not be attending the deposition today. A
11 letter from Mr. Fairbank's physician was sent to my
12 office, describing some medical issues that
13 Mr. Fairbanks is currently undergoing.
14 This is now the third deposition that
15 Mr. Fairbanks has not appeared for after having
16 been properly served, and I just want to note his
17 failure to appear again here this morning.
18 MS. LINDSTROM: And I'll note that
19 Mr. Fairbanks is not represented by Jeff Anderson &
20 Associates.
21 * * *
22 JIM CLAUSON,
23 after having been first duly sworn,
24 deposes and says under oath as follows:
25 ***

Page 4

1 EXAMINATION
2 BY MS. LINDSTROM:
3 Q. Mr. Clauson?
4 A. Uh-huh.
5 Q. Can you please state your full name
6 and spell your last name for the record?
7 A. James Albert Lawson, C-L-A-U-S-O-N.
8 Q. And what is your date of birth?
9 A. 10-22-53.
10 Q. Do you prefer that I call you
11 Mr. Clauson?
12 A. Jim.
13 Q. Jim, okay, Jim. Jim, have you had
14 your deposition taken before?
15 A. No.
16 Q. So do you understand that you're under
17 oath this morning?
18 A. I do.
19 Q. I just want to go over some ground
20 rules. First, is if you need a break to use the
21 restroom or you just want to take a break, just let
22 me know and we can take a break at any time.
23 A. Great.
24 Q. Second is that you and I might develop
25 a conversational tone. I just ask that you let me

Page 5

1 finish a question before you begin to answer.
2 A. Okay.
3 Q. If at any time you can't understand me
4 or can't hear me or want me to rephrase a question
5 because you didn't understand it, just let me know
6 and I'll rephrase or speak louder.
7 A. Okay.
8 Q. The other thing that we tend to do is
9 say uh-huh or unh-uh. You need to answer audibly,
10 with either a yes or no, or whatever your answer
11 may be, so the court reporter can keep an accurate
12 record. So if I remind you at some point, I'm not
13 meaning to badger you, it's just to make sure the
14 record is clear.
15 A. I'll take a reminder.
16 Q. Are you on any medications this
17 morning that would prevent you from testifying
18 accurately or truthfully?
19 A. No.
20 Q. Okay. Did you talk to anybody aside
21 from your attorney prior to being deposed today?
22 A. No.
23 Q. Did you talk to anybody from the
24 Diocese about your deposition?
25 A. Um, no, just people knew that --

Page 6

Jim Clauson - 10/9/2018
Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 **through the media that I was going to be deposed,**
2 **but they didn't talk to me about it, just said, oh,**
3 **yeah, I hear you're being deposed.**
4 Q. Did Bishop Hoepfner or Monsignor
5 Michael Foltz talk to you in anticipation of the
6 deposition today?
7 **A. When I -- when I received the letter**
8 **that I was going to be deposed, Monsignor Foltz**
9 **just asked me if I got it.**
10 Q. Did he talk to you about anything of
11 substance --
12 **A. No.**
13 Q. -- regarding the deposition?
14 Did you review any documents in
15 anticipation of the deposition today?
16 **A. No.**
17 Q. What is your role in the chancery or
18 with the Diocese of Crookston, Jim?
19 **A. Well, my -- my role right now is**
20 **I'm -- I'm not employed there after September 30th.**
21 **But my role when I was there was I was hired to --**
22 **the initial job was the Safe Environment**
23 **coordinator's position, and Monsignor Baumgartner**
24 **was the vicar general at that time, and the way he**
25 **explained it to me in the interview was he was**

Page 7

1 **looking for a person that had human resources**
2 **experience. At that time Safe Environment, he**
3 **felt, was more of a controlled kind of in a lawyer**
4 **sense, and they wanted to be under the human**
5 **resources umbrella; and in my previous employment**
6 **of 36 years I had taken lots of management**
7 **training, human resources training. I'm not a**
8 **human resources professional. I've just had a lot**
9 **of training in that area and had to work -- use**
10 **those tools when I was at Coca-Cola, and that's**
11 **what he was looking for, was somebody that -- in**
12 **his words, I need to -- I need to have a layperson**
13 **I can just talk to and ask questions about things**
14 **that are going on, so I -- I need another**
15 **perspective on things that are going to happen. At**
16 **that time I had no idea what really that was going**
17 **to encompass, but --**
18 Q. Okay. You said you're no longer
19 employed as of September 30th. Was that a decision
20 that you made to leave the chancery or was your
21 position terminated?
22 **A. My position was terminated.**
23 Q. And who relayed that information to
24 you in the chancery?
25 **A. Monsignor Foltz.**

Page 8

1 Q. Did he give you a reason for the
2 termination?
3 **A. Um, at the time, no. Well, what had**
4 **happened was is probably in -- around December of**
5 **2017, so that would have been last winter, I had**
6 **indicated to him and Chad Ryan, the finance**
7 **officer, that, you know, looking ahead I was going**
8 **to be 65 years old this month, and I just said, you**
9 **know, I want to continue to work, but I would -- I**
10 **would be willing to work if we could work something**
11 **out maybe full-time through the end of this year,**
12 **and then I -- what I offered them was I said maybe**
13 **I would go down to part-time and I could handle**
14 **your employee benefits, and we had a person that**
15 **worked for me in Safe Environment that I thought**
16 **would be a good transition with my help to do -- to**
17 **get out of those responsibilities and to slow down**
18 **a little bit, and so we had conversations over**
19 **about five months about how this could work, and**
20 **the verbal agreement that we had was that I would**
21 **work full-time until the end of the year, and then**
22 **they asked me, well, if I would work a couple days**
23 **a week, and I said, yeah, that would be about**
24 **right. It was going to be 40 percent of my wage**
25 **for 40 percent time, basically, is what it was**

Page 9

1 **going to be, and so then I thought about it, and**
2 **I'm -- I'm an early riser, and I -- I said, well,**
3 **how about if I work Monday through Thursday four**
4 **days a week 8:00 to 12:00, and he goes, oh, that's**
5 **a really good idea because then I'd be available to**
6 **people four days a week rather than just two. So**
7 **we had an agreement on that, and Chad Ryan was in**
8 **on it, and I just -- and I did tell them, I said,**
9 **well, you know, I want to work this out, but if we**
10 **can't, I'll just work full-time at least another**
11 **year or so.**
12 **Sometime around early April, early to**
13 **mid-April, I don't remember the exact timing of it,**
14 **Monsignor Foltz came in after lunch to my office**
15 **and he -- he sat down at one of the chairs in my**
16 **office and he said, well, he said, I got it -- I**
17 **got it approved by the finance council, and he says**
18 **we're going to offer you six months at half-time**
19 **and then you're done. And I -- I looked at him and**
20 **I says, what? And he said, yep, you'll just be**
21 **done. And I said, well, you know, we kind of had**
22 **this agreement. And he said, well, he said,**
23 **that's -- that's just -- that's what it is. And I**
24 **said, okay.**
25 **I mean, I -- at that time I was a**

Page 10

1 little bit shocked because we'd -- you know, we'd
 2 been having a conversation around something
 3 different, and so about a week later he came back
 4 in and he said, well, maybe we'll offer you a
 5 little more money to help with your benefits. And
 6 I said, well, it's -- the half-time thing doesn't --
 7 what bothers me about it is you want me to
 8 transition my duties to three other people, and I
 9 said the busiest time of my year is June, July,
 10 August and September, and I said I don't think I
 11 can -- I -- honestly, I don't think I can train
 12 those people in 20 hours a week in that -- during
 13 that time.

14 So that conversation pretty much ended
 15 there, and I spoke with my wife then the night --
 16 that night, and I just said, you know, I really
 17 want to -- Renee that's taking over the Safe
 18 Environment, I said, she's worked for me for four
 19 years, but I -- I really don't want to leave her in
 20 the lurch, and I said I just don't feel good about
 21 leaving, like June 30th -- if I wasn't going to
 22 accept the half-time thing my contract would
 23 have -- or agreement would have ended on June 30th,
 24 and we had a Safe Environment -- the USCCB was
 25 coming to do an audit in August, and I've done all

1 seven of them that they've had, and I said I don't
 2 want to leave that with Renee, as well, without
 3 some help.

4 So I came back and I told Monsignor, I
 5 says, look, I said, the six -- the half months sick
 6 time -- six months at half time I don't think is
 7 going to work for my transition out of here, but I
 8 said if you're willing to -- to do three months at
 9 full-time that would work better for me
 10 transitioning out, and it's really the same amount
 11 of time. If it's -- if it's a money issue, it's
 12 the same thing. And he said, oh, I kind of like
 13 that idea. And so he talked to Bishop and he
 14 called down and said, yes, we'll do July, August,
 15 and September, and then you'll be done the end of
 16 September.

17 So that's what my employ -- my
 18 employment agreement that I just finished, that's
 19 what it was, and I -- I just continued to train the
 20 three people that were taking over, because I also
 21 did property liability insurance and also did all
 22 the employee benefits for all the parishes. So I
 23 really had -- you know, it's -- it was all under a
 24 human resources umbrella, but I had one person
 25 doing employee benefits, somebody else was doing

1 property liability, and Renee is doing the Safe
 2 Environment piece of it. So I -- I did have three
 3 people that I was trying to train. So that's what
 4 got me to here and --

5 Q. So you're no longer employed by the
 6 Diocese --

7 A. Right.

8 Q. -- at this time?

9 Did Bishop Hoepfner talk to you about
 10 your employment being terminated at any --

11 A. No.

12 Q. Did he say good-bye when you left the
 13 office?

14 MR. BRAUN: Objection as to form. You
 15 can answer.

16 THE WITNESS: I mean, he didn't, but I
 17 don't think he was in -- that week that was my last
 18 week they had a little -- there was two people
 19 leaving, Tina Stanger and myself, and we usually
 20 just do a little coffee-and-roll thing at 10:00 in
 21 the morning, which is what they did.

22 I don't believe Bishop was actually in
 23 town. So Monsignor Foltz was there and some of the
 24 other employees that were working that day. It
 25 was -- it was fine, so --

1 BY MS. LINDSTROM:
 2 Q. So who is replacing your position, is
 3 it multiple people?

4 A. Nobody. Well -- oh, there's three
 5 people that are taking over my duties, but they
 6 didn't hire anybody.

7 Q. And who are those three individuals?

8 A. Renee Tate is the Safe Environment
 9 coordinator; Sharon Dufault is taking over the
 10 employee benefits piece of it; and Chad Ryan, the
 11 finance officer, is taking over the property
 12 liability, that function.

13 There won't be anybody doing -- the
 14 one piece they don't have is somebody to do the
 15 human resources work because they just don't have
 16 anybody that's really had any training in that
 17 area. So that's the one piece that they'll
 18 probably -- probably miss more.

19 Q. Specific to your work as a Safe
 20 Environment coordinator, what -- what did that job
 21 entail?

22 A. Well, I was in charge of, basically,
 23 creating the -- you know, the training modules for
 24 the adults, selecting what the children's training
 25 would be. I did the day-to-day work as far as

1 processing certifications. I mean, it was training
2 coordinators in the parishes, doing the on-site
3 visit. It was pretty much anything that
4 encompassed Safe Environment I was responsible for.
5 **The reason Renee Tate started about**
6 **four years ago to help me was because when they**
7 **gave me the employee benefits and the property**
8 **liability insurance, they all kind of -- the busy**
9 **times kind of pile in together around July to**
10 **August, and July is the start of our new Safe**
11 **Environment year, so it's very busy. So I need**
12 **a -- I need a clerical person to come in and help**
13 **do the certification part of it. So she's been**
14 **working with me -- had been working with me for**
15 **about four years doing that function.**
16 Q. And her title --
17 A. As well as her --
18 Q. Sorry, go ahead.
19 A. As well as her other duties, so --
20 Q. And her title when she worked
21 underneath you was what?
22 A. Well, she was a -- I don't actually
23 know. She was a clerical person, and she did data
24 entry for the diocesan annual appeal and the
25 census. She was actually started as a

Page 15

1 receptionist, so she was doing Safe Environment,
2 the reception area, and some data processing for
3 the -- the census and the diocesan annual appeal.
4 Q. Was there anything in your background,
5 Jim, that -- that qualified you to start working on
6 training modules or the children's training in the
7 parishes and schools?
8 A. I -- at Coca-Cola, we did -- we
9 were -- Coca-Cola Company was very big into -- into
10 training and -- so we did -- we did lots of modules.
11 I had experience not necessarily writing them but
12 having my people take them and, you know, doing the
13 work of just training people, and then we'd go
14 through the modules and how to record, you know,
15 that type information. So I -- that's the experience
16 I had, not necessarily creating a module.
17 Q. Did the training at Coca-Cola deal
18 with protection of children or young people?
19 A. No. It was -- I mean, it was driving
20 safety, and it was how to handle -- you know, with
21 customers and that type of thing. It wasn't
22 anything specific to that, no.
23 Q. When you got to the Diocese, did they
24 provide any training to you to prepare you for your
25 role as Safe Environment coordinator?

Page 16

1 A. Well, I went to the -- a national
2 conference, and that was in that very first year at
3 Omaha, and there was different trainings and
4 different people you could, you know, talk with,
5 and I made some contacts with people that I could,
6 you know, get information from.
7 **The training module that we had the**
8 **year I start -- I started on May 9th of 2011, and**
9 **the first on-site audit we had was in August of**
10 **that year, and the lady that was actually doing the**
11 **work said she was done June 30th and wasn't coming**
12 **back for it. So that was a concern because, you**
13 **know, it was a national audit, and I'd only been**
14 **there a few months and -- and I -- I -- I -- I told**
15 **Monsignor Baumgartner that -- I said, you know, I**
16 **said I -- I'm not really worried about it because I**
17 **said Coca-Cola has to probably be the biggest audit**
18 **company in the -- we just were auditing machines**
19 **and equipment and people all the time, I said. So**
20 **I understand the audit processes very well. It's**
21 **providing information and showing where it came**
22 **from. I said I think if I have access to what I**
23 **need I can do that. So I -- I wasn't really -- I**
24 **wasn't nervous, I was more looking at it as an**
25 **opportunity.**

Page 17

1 **So when the -- when the audit came**
2 **around, I had the records, and the auditors that**
3 **came, they had two very good suggestions for us.**
4 **One was the module we were using was at that time**
5 **the very first one, and I didn't create it, it had**
6 **been started before I got there and took the job,**
7 **and it was about the recommended technology**
8 **guidelines for work with -- pastoral work with**
9 **young people, and they asked me, they said, well,**
10 **if a new person starts, how are they going to know,**
11 **recognizing and reporting abuse, because you're**
12 **talking about this subject. And I said that's a**
13 **good question. I mean, I was new, so I said you're**
14 **right.**
15 **So one of the recommendation was is**
16 **that we had -- we had to come up with a way to**
17 **identify new people right away with recognizing and**
18 **reporting abuse, and there was a document that one**
19 **of our parishes had created for their new employees**
20 **which was called a New Employees Guide. So that**
21 **had already been written by some people, and I was**
22 **able to -- with the help of just a couple people in**
23 **the Diocese, we looked it over, and Monsignor**
24 **Baumgartner, we made a few little changes to it**
25 **but -- so for our new people, we instigate --**

Page 18

1 instituted that about in October of that year
2 and -- so what -- what happens for a new person is
3 they have to click and they have to go through the
4 guide which talks about recognizing and reporting.
5 There's a sign-off sheet and they submit it
6 electronically to us, and then they go into the
7 actual training for the year. So that's a new
8 person and -- so that was a very good -- you know,
9 it was a good suggestion that came from the
10 auditors that made me realize that, yes, we always
11 have to focus on recognizing and reporting abuse,
12 we're going to tell people other things, but we
13 have to focus on those two things for sure.
14 And there was a -- there was -- the
15 only other thing there was there was three priests,
16 visiting priests that had visited and we didn't
17 have letters of suitability on file for them, and I
18 wasn't actually taking care of that, Bonnie
19 Sullivan, the Bishop's secretary was, and she was
20 actually transitioning it to me, and we were able
21 to -- he -- I said, well, I'm sure we can get them.
22 We -- we knew the dates, and we contacted the
23 Diocese and they sent the letters of suitability.
24 I forwarded this information on to the auditors
25 and, really, that was the two main things that

Page 19

1 they -- that they talked about. Other than that,
2 what we were doing, they were very happy with how
3 we were doing our background checks and those type
4 of things.
5 So the next year is when I actually
6 changed the -- the process, because we -- we had a
7 big long module that you read, and I never liked
8 that at Coca-Cola, I liked where you read a little
9 bit and then you answer a few questions along the
10 way, and so we really -- I worked with the network
11 center, and we actually devised what we're using
12 today. It's got forward and back buttons. So if
13 you read something and you're not sure, you can go
14 back and read before you answer the questions, and
15 I've always had the -- my theory on the Safe
16 Environment was is that we're not trying to trick
17 anybody, we're trying to give them the information
18 they need. But, yes, we have a test because we --
19 they need to read some material and -- and
20 repetition is good. So a lot of the questions that
21 people will be answered will be taken out of the
22 training pretty much word for word, other than I
23 may change a word, you know, just so that it's a
24 false question rather than a true. So I like to
25 get people to -- to be able to read something at

Page 20

1 least once or twice during that module so that they
2 understand what they need to do, so --
3 Q. What was the name of the person whose
4 job position you took over when you got there in
5 2011?
6 A. It was -- it was two people, actually.
7 Reathel -- Reathel Giannonatti, and that's a tough
8 one, it's R-E-A-T-H-E-L, G-I-A-N-O-N-N-A --
9 O-N-A-T-T-I, I believe, and she actually is the
10 pers -- what her job function is today is she's in
11 charge of the DAA, the fund-raiser. She was the
12 director of the Safe Environment program. The lady
13 that was really doing 90 percent of the work was
14 Vicki Dathe, V-I-C-K-I, D-A-T-H-E, I believe was
15 her name, and so I actually was taking over for
16 those two people when I started.
17 Q. Who creates the content for the
18 training modules, is that something that's imposed
19 by an outside organization or is it the Diocese
20 that creates the content?
21 A. We -- we've always done that ourselves,
22 and what we -- Janelle Gergen, who is the
23 communications person, Renee, myself, and sometimes
24 I'll just have an employee that will come and say
25 I've -- you know, I saw this, I think this is

Page 21

1 something important people should know. So we'll
2 always investigate different things.
3 We've had -- we've done -- our module
4 consists of -- it switches -- every two years it's
5 different. It's recognizing abuse one year and
6 another topic that's important for youth, and then
7 the next year it's reporting abuse and another
8 topic. So it's really about a 50/50. The first
9 part always talks about recognizing and reporting,
10 the second part can be -- we've talked about texting
11 for teens, we've talked about Section 4 conduct
12 with minors, Code of Conduct. We've always used
13 something different, so it isn't just always
14 recognizing and reporting, there's always something
15 different that they're going to get at the end of
16 the module that we feel is important to them and --
17 and protecting children.
18 So it's a combination of people that
19 we just -- we look at the UC -- USCCB site for
20 articles. In fact, that was the one we were just
21 using the last year was taken from an article of
22 the USCCB.
23 So, yes, there was -- it's a process.
24 It starts over three, four months before the new
25 year starts, and we just, you know, work through

Page 22

Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 **it, and then we have to create the module, and it**
 2 **goes live always on July 1st, and we go from there.**
 3 Q. You said you didn't have any training
 4 at Coca-Cola regarding the protection of young
 5 people. Had you had any training regarding the
 6 protection of young people before you took the
 7 position at the Diocese?
 8 **A. No.**
 9 Q. Who do you -- or, I'm sorry. Who did
 10 you respond to when you were at the Diocese, who
 11 was your supervisor?
 12 **A. Well, I had -- I had two, basically,**
 13 **in the seven plus years, and Monsignor Baumgartner**
 14 **is the one that hired me. I worked for him for**
 15 **four years, and then Monsignor Foltz started, I**
 16 **think it was July 1st of 2015, and he was the -- he**
 17 **was my supervisor after that.**
 18 Q. And is there anybody that you directly
 19 oversee or did oversee besides Renee Tate?
 20 **A. Yes.**
 21 Q. In the Safe Environment capacity?
 22 **A. Oh, no, it would be just Renee. Well,**
 23 **I had -- I had -- I had -- when you say oversee in**
 24 **a direct capacity, we have 66 parishes. Now,**
 25 **there's not 66 coordinators because we have**

1 **clusters that could be two parishes or three**
 2 **parishes. So I believe there's around 42 clusters,**
 3 **and so I -- I'm actually -- I do oversee those**
 4 **coordinators in those parishes, and I -- I would go**
 5 **out and visit them, once a year I would do an**
 6 **on-site visit at the parish, just to inspect the**
 7 **records and answer questions as to any training**
 8 **that needed to be done.**
 9 **It actually kind of started out really**
 10 **because I just wanted to meet the people I was**
 11 **working with and then it -- I saw their value in it**
 12 **be -- because of just going through the records.**
 13 **If they were missing something, we made sure they**
 14 **had a certificate or something and -- so there was**
 15 **just a lot of value in that.**
 16 Q. Who appoints the coordinators in the
 17 parishes?
 18 **A. It would be the pastors at the**
 19 **parishes.**
 20 Q. How often did you interact with Bishop
 21 Hoepfner in your role as a Safe Environment
 22 coordinator?
 23 **A. Well, I would -- I would not say a**
 24 **lot. Most of my probably communication with Bishop**
 25 **Hoepfner would be when I was brought in by the**

1 **vicar general for my position of human resources**
 2 **and Safe Environment.**
 3 Q. What do you mean -- what do you mean
 4 by that?
 5 **A. Well, when -- when an issue would**
 6 **arise, Monsignor Baumgartner would normally come**
 7 **down and tell me, well, this is what's going on,**
 8 **and I'd listen to him, and he'd say what do you**
 9 **think about it, and I'd say, well, I said, I think**
 10 **we need to do this and this, and he said, you know,**
 11 **I agree.**
 12 **I -- and I -- I will say up front,**
 13 **with Monsignor Baumgartner, I really -- I -- I kind**
 14 **of knew who he was, I really didn't know him before**
 15 **I started as far as, you know, close interaction,**
 16 **but I -- I knew he was one of the priests and --**
 17 **but in the four years that I worked with him, I**
 18 **guess I never ever questioned his integrity when we**
 19 **would get together to talk about things, whether it**
 20 **was an employee issue at a parish or some of the**
 21 **issues that are going on, you know, lawsuits or**
 22 **whatever is going on. I -- I never got the sense**
 23 **from him that he ever -- he ever wanted to not do**
 24 **the right thing. He always really -- we had such**
 25 **good conversations and -- and -- and we did some**

1 **things that weren't fun, but they had to be done,**
 2 **and I never felt like he -- he never argued with me**
 3 **about it, he just said I just need -- I need to**
 4 **know we're on the right track here.**
 5 **So I -- it was a very -- that working**
 6 **relationship was very, very good, and he -- and he**
 7 **did tell me when he hired me, you're going to see**
 8 **the very best and the very worst of the Catholic**
 9 **Church, and I kind of laughed, I thought, oh, okay,**
 10 **and -- and, of course, in doing any business,**
 11 **whether it's the church or otherwise, there's things**
 12 **that come up and they're not pleasant to deal with,**
 13 **but you have to do what you have to do and -- and**
 14 **we -- you know, we were involved in several things**
 15 **and -- and what I meant by the Bishop is normally**
 16 **when something would come his way he would talk**
 17 **with me and eventually we would go up to talk to**
 18 **Bishop Hoepfner about it and --**
 19 **So that really was my main interaction**
 20 **really with the Bishop, was I would normally go**
 21 **through either Monsignor Baumgartner or Foltz,**
 22 **and -- and if it was something we needed to talk**
 23 **with Bishop about, then I would go up. I just**
 24 **normally wouldn't just go up to go see the Bishop,**
 25 **so --**

Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 Q. Have you had different thoughts about
 2 the integrity of the current vicar general,
 3 Monsignor Foltz?
 4 A. Yes.
 5 Q. Describe that for me?
 6 A. Well, I -- you know, there again, when
 7 he -- when he started in -- in that July and stuff,
 8 we -- and we had our one -- he had a one-on-one
 9 with all the employees just to visit and get to
 10 know and stuff and -- and, you know, that was all
 11 fine, and he -- he -- he just -- I just had a
 12 different feel and -- and I think -- I think his
 13 management style is more that he doesn't -- he
 14 doesn't talk a lot about things that go on, like
 15 Monsignor Baumgartner would use me as a sounding
 16 board. Not that I was involved in every single
 17 issue or decision but more as a sounding board,
 18 where Monsignor Foltz doesn't do that. And I --
 19 you know, I guess along the way I've just noticed
 20 things, you know, just in my particular situation,
 21 when he told me, well, I got this approved by the
 22 finance council and so forth and so on, and then
 23 about a week later Bonnie Sullivan, the Bishop's
 24 secretary -- we were just in the mail room, and she
 25 had been gone on vacation and -- and I asked her

1 how it went and -- and she -- it was just
 2 chitchatting. Then I said, well, I've heard -- I
 3 suppose you've heard about my situation. She goes,
 4 well, no, what's that? And she said -- well, I
 5 said, I'm going to be either leaving June 30th or
 6 we got to figure something out because I was told,
 7 you know, that they were going to do the -- and she
 8 goes, what are you talking about? And I go, he
 9 said it was approved by the finance council. She
 10 goes, well, I take the minutes for the finance
 11 council meeting, and your never -- name never came
 12 up in that, and she goes, they haven't even
 13 approved the budget yet. And I said, oh, well,
 14 that's interesting and --
 15 So I really started to -- you know, I
 16 don't want to call the person a liar, but --
 17 because I don't -- I just know what I heard from
 18 her, that she was there. She goes, I take the
 19 minutes and there was no discussion about you. So
 20 I thought, well, that was -- you know, that was
 21 interesting and -- and just a couple other things
 22 sometimes that he's told me and I -- you know, when
 23 I look into it it's not exactly -- it's not really
 24 a lie, but it's not necessarily the whole truth.
 25 And when I was going to be -- going to be leaving,

1 we had decided on the three months thing, I -- he
 2 called me before a curia meeting one day and he
 3 said, you know, I got to talk to the staff about
 4 the changes. And I said, sure, I said, that's
 5 fine, and -- and he said, so I'm going to, you
 6 know, have to, you know, tell them that you're
 7 going to be retiring. And I said, wait a minute, I
 8 stopped him and I said, you're not telling anybody
 9 I'm retiring, okay, I'm not retiring, I said just
 10 tell them the truth, just tell them that you're
 11 eliminating my posi -- whatever it is. I said I
 12 hadn't really even been told, but I just says tell
 13 them I'm going to -- I'm not going to be here, but
 14 don't tell people I'm retiring, that's not the
 15 truth.
 16 So we did go to the meeting, and he
 17 just basically said -- at that meeting he said,
 18 well, Jim will be leaving the end of September and
 19 kind of just blew off to something else, which was
 20 fine, I didn't expect anybody to say anything in
 21 the meeting we were in, and four days later they
 22 had their Spring Clergy Days, and I got a call from
 23 one of the priests at the meeting, they go when did
 24 you decide to retire? I says I'm not retiring.
 25 Oh, well, Monsignor stood up in front of the whole

1 group and said you're retiring the end of
 2 September. And I went, well, that's interesting
 3 because I just told -- talked about four days that
 4 he couldn't use the word retiring because I'm not
 5 retiring, but he did it anyway.
 6 So I -- I don't know what his motives
 7 were for doing that or -- I don't know. I just --
 8 it's -- it wasn't -- like you said, it just was
 9 different, and I don't want to say anything bad
 10 about him that I don't know, but my experience with
 11 him was way different than the other one, so --
 12 Q. Have you ever questioned Monsignor
 13 Foltz's motives or integrity regarding
 14 implementation of the Safe Environment policy in
 15 the Diocese?
 16 A. Um, no, I -- I -- I -- I can't say
 17 that I have, other than -- I guess really just
 18 my -- my feel about the whole thing when -- when
 19 the Pat Sullivan thing came. Actually how that --
 20 how that came was Monsignor Baumgartner --
 21 apparently this -- what did you say Mick Fairbank,
 22 Mike Fairbanks, or whatever, he had contacted
 23 Monsignor Baumgartner, and he had just said -- you
 24 know, he said I've identified the name of this
 25 young -- this young per -- man that they --

Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 apparently something happened before my time, there
 2 was an allegation or something, and they -- they
 3 investigated and couldn't find -- couldn't identify
 4 the person.

5 Well, this Fairbanks called up
 6 Monsignor Baumgartner, and he called me at the
 7 chancery and said, I have some information that I
 8 have to give you, and he just said there should be
 9 a file because we worked on this before, and I
 10 said, okay, and so I -- you know, I went up to -- I
 11 asked to see Monsignor Foltz, and when he was free
 12 he said, yeah, come on up, and I said, well, I
 13 don't know the back story to this, but I said --
 14 told him what happened, Monsignor Baumgartner
 15 called and -- and he said, okay, we'll have to go
 16 talk to Bishop. And I said, well, I said, before
 17 we go talk to Bishop, I'd like to open up the Safe
 18 Environment Policy. And he said, well, we got to
 19 tell Bishop. And I said certainly you have to tell
 20 Bishop, but, I said, I have concerns about Bishop
 21 Hoepfner and the decisions that he makes, and I
 22 want to make sure that we're going to follow our
 23 policy. So he asked me why, and I explained it, I
 24 explained a few of my experiences, and I said --
 25 So I -- we opened up the policy. He

1 said absolutely. We opened up the policy, we sat
 2 at his desk, we went through step by step, and he
 3 said, well, do we have to report it to law
 4 enforcement? It's already been reported so many
 5 years ago. And I said, we are going to -- we do
 6 need to -- we're going to call law enforcement,
 7 tell them we've identified the name.

8 So we went ahead and did those. We
 9 did -- we just followed the policy. When we got up
 10 to the point where it says we have to -- if it's
 11 not the actual person making the allegation we have
 12 to have a written statement from the person for us
 13 to proceed with a church investigation, well, we
 14 didn't -- we didn't have that, but supposedly this
 15 Mr. Fairbanks did, and so we called him.

16 I was sitting in Monsignor Foltz's
 17 office, and we called Mike Fairbanks and got ahold
 18 of him. Monsignor Foltz asked him for it, and he
 19 said he wasn't going to give it to us, and he said,
 20 well, can you explain to him we can't -- you know,
 21 we can't go on with this church thing until we have
 22 something, this is what our policy states, this is
 23 what we need to do. Well, he said, well, I'm not
 24 going to give it to you. And he says, well, can I
 25 see it? And he said, well, I'll show it to you,

1 but you're not -- I'm not going to give it to you.
 2 And he said, well, when can we meet? And I don't
 3 remember, it was going to be in the next couple
 4 days, they were trying to find a time. And he
 5 said, well, I'm going to be coming and Jim Clauson,
 6 our Safe Environment coordinator, is be -- going to
 7 be coming, and Mike Fairbanks goes, no, he -- he's
 8 not coming, I'll talk to you and Father Jerry
 9 Rogers, and I -- he looks at me, and I said, well,
 10 that's -- does -- I don't need to be there if you
 11 guys are going to do what you need to do and --

12 So, anyway, they set up an appointment,
 13 and -- and the only thing I guess I was told after
 14 that was that when they met with him he -- he
 15 showed them a piece -- he showed them some -- some
 16 piece of paper that he had, but he wouldn't give
 17 them a copy of it. So he said, well, what should
 18 we do next? And we talked about it a little bit
 19 and decided to send him an actual formal letter
 20 from us stating that what we needed, and so we did.
 21 He -- he composed the letter, he showed it to me,
 22 and I said, yep, we're just basically telling him
 23 what we need to do. And he mailed the letter, and
 24 I don't know, it was probably a week or ten days
 25 later he just stopped at my office and he said,

1 well, he said, he sent his response back to Bishop,
 2 not to me, but he just said he wasn't going to give
 3 us the letter and that -- pretty much that was kind
 4 of the end of the conversation around that particular
 5 Sullivan thing. I really wasn't involved in much
 6 after that.

7 Q. Is the letter you're referring to that
 8 the Diocese sent, was that to Mr. Fairbanks or to
 9 the --

10 A. It was a --

11 Q. The victim?

12 A. It was a let -- it was -- it was the
 13 allegation from the kid, I believe, that he must
 14 have talked with Mr. Fairbanks. I -- like I said,
 15 I've never really seen the letter, so I don't know
 16 the contents of it, but what I understand is it was
 17 a statement by this kid that he signed, and that's
 18 what we needed in order to go further with our
 19 church side of the investigation, and he was -- he
 20 just wasn't going to give it to us, apparently,
 21 so --

22 MR. BRAUN: He, being Mickey? I'm
 23 sorry.

24 THE WITNESS: Yes.

25 MR. BRAUN: Thank you.

Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 BY MS. LINDSTROM:
 2 Q. But it's your understanding that
 3 Monsignor Foltz saw that statement?
 4 **A. That's what I understand. I think he**
 5 **showed him the letter when they met -- I think they**
 6 **met like in Bemidji, and it was Father Jerry Rogers**
 7 **and Monsignor Foltz and this Fairbanks, and he just**
 8 **said no, he wasn't going to give us -- give us a**
 9 **copy of the letter, so --**
 10 Q. And, then, the subsequent letter from
 11 the Diocese that you said that you reviewed, was
 12 that letter sent to the person --
 13 **A. Mike --**
 14 Q. -- making the accusation --
 15 **A. Mike Fairbanks.**
 16 Q. -- or Fairbanks? Okay.
 17 **A. Because he was in possession of the**
 18 **letter, and we just wanted -- we wanted to have**
 19 **something in writing to say I'm refusing to give**
 20 **you this letter, rather than him just saying I'm**
 21 **not going to give it to you.**
 22 **I didn't see the letter that came**
 23 **back, I was just told that he just, basically, told**
 24 **Bishop, no, he wasn't going to turn over the**
 25 **letter, so --**

1 **Beltrami County, and it seems to me there was -- I**
 2 **know for sure it was those two. There was, I know**
 3 **for sure, two phone calls. There could have been a**
 4 **third but -- and it was people that already had --**
 5 **I mean, had -- they had been reported to them before,**
 6 **they just could never identify the kid's name. So,**
 7 **basically, we were calling to say, you know, we've**
 8 **got information now identifying who this kid is,**
 9 **so --**
 10 Q. Do you know what, if anything,
 11 Beltrami County did in response to your phone call?
 12 **A. No.**
 13 Q. Did they reach back out to you or
 14 anyone in the Diocese that you know of?
 15 **A. Not to me.**
 16 Q. But you did provide them with the name
 17 of the victim at that time?
 18 THE COURT REPORTER: I'm sorry?
 19 THE WITNESS: Yes, yeah, I'm sorry,
 20 yes, we did.
 21 BY MS. LINDSTROM:
 22 Q. Jim, this is an e-mail -- showing you
 23 what's been marked as Exhibit 2, this is an e-mail
 24 that Father Baumgartner appears that he sent to you
 25 on January 27th, 2016, and this references the

1 Q. What is the date range of all this,
 2 that this is happening, Jim, that you first get the
 3 call from Baumgartner about the allegation?
 4 **A. Well, I don't -- without my notes, I**
 5 **don't have the specific date, but what I -- what I**
 6 **can go back to is if we know when Father Pat**
 7 **Sullivan was renewed from -- re -- removed from**
 8 **ministry, it would have been just a few days before**
 9 **that, because it -- that part happened pretty**
 10 **quickly when they -- they had to meet and then**
 11 **they -- then he was removed from ministry. So if**
 12 **we know that date, it was right in a few days**
 13 **before that.**
 14 Q. You indicated that you wanted to open
 15 up the Safe Environment Policy prior to talking to
 16 Bishop Hoepfner about the -- the allegation and
 17 that you were going to call law enforcement. Did
 18 you or Monsignor Foltz contact the civil
 19 authorities --
 20 **A. We did it --**
 21 Q. -- at that time?
 22 **A. -- when we were both in the room.**
 23 Q. Who did you call?
 24 **A. I believe it was the -- the Tribal**
 25 **Police Department, and I think it was the -- is it**

1 conversation that you guys had over the phone, you
 2 and Father Baumgartner, about Fairbanks, does that
 3 sound correct, that first line?
 4 **A. Talked to you last week regarding the**
 5 **conversation -- yes, that probably is right, yes.**
 6 Q. Do you think this e-mail refers to the
 7 conversation that you had had with Father
 8 Baumgartner about Fairbanks and the -- receiving
 9 the victim's name --
 10 **A. I believe --**
 11 Q. -- at that time?
 12 **A. -- it is, yeah. "He did share with me**
 13 **a copy of" the "letter he wrote to a [REDACTED]**
 14 **[REDACTED]**
 15 (Reporter's Note: The witness is
 16 talking softly, mumbling.)
 17 THE WITNESS: Mike believes the
 18 alleged abuse contributed to the man's -- and
 19 encouraged the [REDACTED] -- yeah, I -- I -- yes.
 20 BY MS. LINDSTROM:
 21 Q. Did you or the Diocese -- he
 22 references in the last paragraph a copy of a letter
 23 that Fairbanks wrote to a [REDACTED]. Did you
 24 or the Diocese get a copy of that letter or request
 25 a copy of that letter?

Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 **A. I don't remember seeing any letter of**
2 **that, no.**
3 Q. Does seeing this e-mail help you nail
4 down the dates of these conversations with -- with
5 Father Baumgartner?
6 **A. Well, if it says January 27th, it**
7 **would have been -- there again, if he says if it**
8 **was last week, then it would have certainly been in**
9 **the week before.**
10 Q. Do you remember, did you share this
11 people with Monsignor Foltz?
12 **A. Um, I -- I honestly don't remember.**
13 **He did share a copy -- a [REDACTED]. I may**
14 **have -- I -- I -- I don't recall if I did or not.**
15 **I'm sorry. Normally -- normally I would give him**
16 **something like this just because I know there's**
17 **going to be a file someplace that they're keeping.**
18 **So normally I would.**
19 Q. You said -- Were you involved in the
20 Father Sullivan matter after you had contacted law
21 enforcement and after Monsignor Foltz met with
22 Fairbanks, did you have any involvement in the
23 Sullivan matter after that?
24 **A. Um, the only -- the only thing I**
25 **remember shortly after they removed him from**

1 **ministry was -- well, my mother, she's 87 years**
2 **old, she goes to church every morning, and I'm the**
3 **kind of caregiver for her, but she -- she calls me**
4 **and she said, I don't want to bother you, she goes,**
5 **but, she said, I was in church this morning and**
6 **Bishop Hoepfner said mass, and she goes, he said**
7 **we're going to pray for the wrongly accused. And I**
8 **said, oh, he said -- I said what? And she goes,**
9 **yeah, he said we're going to be praying for the**
10 **wrongly accused today.**
11 **Well, I didn't -- I just said, oh,**
12 **well, I -- okay, Mom, thanks, you know, and she**
13 **didn't really ask me a whole lot about it. But I**
14 **went up to Monsignor Foltz's office, and I said --**
15 **I said, this is what I just heard. I says, we**
16 **cannot be running around the Diocese telling people**
17 **we're praying for the wrongly accused. I said our**
18 **first rule of Safe Environment is when somebody**
19 **tells you something you assume that it's the truth,**
20 **you don't tell -- tell them that they're lying.**
21 **And I said when you make a statement like we're**
22 **praying for the wrongly accused, you're openly**
23 **saying that Father Pat is innocent and this person**
24 **is lying, and I says, we -- I said I grew up with**
25 **Father Pat, knowing his family my whole life, I**

1 **don't want this to be true about Father Pat, but we**
2 **cannot just assume that -- you know, that this --**
3 **you can't run around saying that. And he said, oh,**
4 **okay, you know, and -- you know, I said, we -- you**
5 **know, this matter will get settled the way it needs**
6 **to be settled, but we can't run around calling this**
7 **person a liar. And it happened one other time, and**
8 **I went up and I said, you know what, I'm only**
9 **saying this one more time, you've got to quit**
10 **talking about this stuff like this, this is wrong,**
11 **and you've got to quit saying that he's wrongly**
12 **accused.**
13 Q. What's the other time you're referring
14 to?
15 **A. It was -- actually, it was at chancery**
16 **mass, to be honest with you, and -- and I -- I just**
17 **said, you know, we can't -- you can't be saying**
18 **this, and I said, you know what, if you're going to**
19 **talk about this situation, we're going to pray for**
20 **everybody involved till the truth comes out, we're**
21 **going to pray for everyone, we're not going to pray**
22 **for the wrongly accused. We can pray for the wrongly**
23 **accused and the victims, but we're going to pray**
24 **for everybody.**
25 Q. Do you know who the Bishop was

1 referring to at the chancery mass who had been
2 wrongly accused?
3 **A. Well, Father Pat Sullivan, because**
4 **they had just removed him from ministry. It**
5 **happened, like you said, over the -- I mean, this**
6 **was in a very short time frame from the time they**
7 **took him out till these couple incidents happened.**
8 Q. Did --
9 **A. So, then, apparently the next -- the**
10 **next time he said a mass or something that he just**
11 **said we'll -- you know, we're just going to pray**
12 **for everybody in the matter, or whatever. It --**
13 **the tone kind of changed, but --**
14 **I mean, I was just upset because I**
15 **work in Safe Environment and that's not something**
16 **that we do, and I understand supporting your**
17 **priests and I -- like you said, I -- I knew Father**
18 **Pat, we didn't go to the same high school, but I**
19 **knew him, we played hockey against each other, and**
20 **I thought -- you know, I've always thought him to**
21 **be a good guy and -- and, no, I don't want this to**
22 **be true of anybody, but the fact of the matter is**
23 **is that there's an allegation and we just have to**
24 **handle it like we handle any other one and not pick**
25 **sides, you know, so -- so, yeah, I was upset**

Jim Clauson - 10/9/2018
Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 **because I thought we need to know better than this,**
2 **so --**
3 Q. When you met with Father -- or
4 Monsignor Foltz and you called law enforcement and
5 you opened up the policy, you indicated that you're
6 going to go up and meet with Bishop Hoepfner. Did
7 you go meet with the Bishop?
8 **A. I -- I never did, no.**
9 Q. Did -- do you know if Monsignor Foltz
10 went up and met with him by himself then?
11 **A. Oh, I -- I would be pretty sure that**
12 **he was going to -- after we finished that day and**
13 **we were done, I'm sure either that day or the next**
14 **morning for sure if he was there that they met and**
15 **talked about it, yes.**
16 Q. Did you --
17 **A. Because he would have never pulled him**
18 **out of ministry. I mean, obviously, he'd have had**
19 **to go to Bishop and talk with him before they made**
20 **that choice, so --**
21 Q. Did you ever have any discussions with
22 Bishop Hoepfner about Father Pat Sullivan?
23 **A. Uh, no.**
24 Q. So the Bishop never consulted with you
25 regarding the Safe Environment Policy as it

Page 43

1 pertained to Father Pat Sullivan?
2 **A. No.**
3 Q. Do you know if he consulted with Renee
4 Tate?
5 MR. BRAUN: Objection, foundation.
6 You can answer if you know.
7 THE WITNESS: I -- I -- no. I -- I
8 don't know whether he did or didn't, but I don't
9 believe he would have gone to Renee for that
10 information.
11 BY MS. LINDSTROM:
12 Q. Did you find it unusual as the Safe
13 Environment coordinator that the Bishop never
14 contacted you about Father Pat Sullivan?
15 MR. BRAUN: Objection as to form. You
16 can answer.
17 THE WITNESS: Um, I guess, um -- well,
18 I don't know that it would -- he had talked --
19 when -- when Mon -- Monsignor Baumgartner was
20 there, I -- I may have been brought in through him
21 to some conversations, but with Monsignor Foltz
22 that was not normal, where he would take me in to
23 see the Bishop with him. So it's -- not that
24 there's anything wrong with that, it's just --
25 that's just the way it was, so --

Page 44

1 I -- I -- I do -- I do believe that
2 not just because it was me but because if it's a
3 Safe Environment issue I -- I would think you would
4 want your Safe Environment person to be there,
5 so -- but, there again, it's really just -- it's --
6 it's just a choice.
7 BY MS. LINDSTROM:
8 Q. Were you in -- To your knowledge, Jim,
9 did the Diocese initiate an investigation into the
10 Father Pat Sullivan matter, an internal
11 investigation, after they had received the -- after
12 our law firm sued the Diocese related to Father Pat
13 Sullivan?
14 **A. I don't know.**
15 Q. So you were not involved in any type
16 of investigation?
17 **A. Not internally, no. I -- and I -- I**
18 **think when you read our policy, it -- you know,**
19 **what it says is we have to have that piece of**
20 **paper. If the person isn't going to come forward**
21 **and make the allegation in person, they have to**
22 **sign something and give it to us in order for us to**
23 **do the church investigation; and, to my knowledge,**
24 **that's where it pretty much stalled out, because he**
25 **would never offer -- he would never give us the**

Page 45

1 **actual document. So following the policy, that's**
2 **where it stopped, until we had that document in our**
3 **hand.**
4 **Now, there again, I really wasn't**
5 **privy to anything that kind of went on after that.**
6 **So I don't know to this day if they ever got the**
7 **document or -- but --**
8 Q. Would a civil lawsuit indicating an
9 allegation of abuse not be enough for the Diocese
10 to begin an internal investigation?
11 **A. I -- I -- I'm not sure how to answer**
12 **that, to be honest with you. I -- I -- I don't**
13 **know the answer to that question.**
14 **I mean, our policy, the way I read it**
15 **I don't know -- I don't know that it says**
16 **specifically a civil lawsuit will trigger that.**
17 **So, you know, I -- I know what our policy is and**
18 **what we should be doing, but as far as how the**
19 **civil side works and how that's all going to go**
20 **together, I -- I don't -- never really been**
21 **involved in that, so --**
22 Q. And the policy references a
23 preliminary investigation. I just want to make
24 sure we're on the same page. Is that the same
25 thing as you would consider an internal

Page 46

Jim Clauson - 10/9/2018
Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 investigation?

2 **A. Yeah, and the preliminary, when --**

3 **when they made some changes to the policy -- and**

4 **really it was -- the changes, there was very few**

5 **wording changes, but when I read our Safe**

6 **Environment policy, all the stuff that you needed**

7 **to do was in there, but I just didn't think the**

8 **chronological order went together very well. It**

9 **was -- you know, you'd -- you'd have these steps**

10 **you'd need to do, but then you had to jump over to**

11 **another section, and it kind of told you, well, if**

12 **this happens, you do this. Well, to me, they were**

13 **all related, and I liked the A to Z, you know, I**

14 **start here and I'm going to end here.**

15 **So when we worked on it over that**

16 **year, really, it was realigning a lot of the things.**

17 **So when you had an allegation against a priest, it**

18 **went this way, if you had it against an employee,**

19 **it was going to be this is what we're going to do,**

20 **and it -- it really kind of fell more into an order**

21 **and, um.**

22 Q. And as you sit here today, is it safe

23 to say that you don't really know if the church

24 followed the Safe Environment Policy with regards

25 to Father Sullivan because you weren't involved

Page 47

1 after the initial complaint had come in?

2 **A. Well, I -- I know we followed it up to**

3 **the point where the letter needed -- we needed the**

4 **letter.**

5 Q. And, after that, you don't know

6 exactly what happened?

7 **A. No. The preliminary investigation**

8 **when -- when we were doing the policy, we had**

9 **conversation around that, and really the preliminary,**

10 **excuse me, investigation, what it's supposed to do**

11 **is it's supposed to be a quick look of the facts**

12 **and maybe a little bit of it, but it's supposed to**

13 **is there a semblance of truth or something that**

14 **could be true here, because you're -- if you're**

15 **dealing with a priest, you don't want to take three**

16 **weeks or four weeks to decide maybe we should pull**

17 **this person out of ministry.**

18 **So it's really supposed to be a look**

19 **at what you know, what can you find out in a short**

20 **period of time, and it doesn't have a day limit on**

21 **it, but -- so if we need to act, we need to do it**

22 **in a timely manner.**

23 Q. Who conducts the preliminary

24 investigations?

25 **A. It's -- in the policy, it -- I believe**

Page 48

1 **it will say it can be the vicar general, it can be**

2 **a person appointed by the bishop, it could be the**

3 **Safe Environment coordinator. So the bishop really**

4 **has, I -- I think, the oversight. He'll -- he can**

5 **initiate the investigation and then he can say I**

6 **want you and you to -- to do the work and then**

7 **we'll -- we'll talk about it, so --**

8 Q. Did you personally ever do any of the

9 investigations yourself?

10 **A. Uh-huh.**

11 Q. Is that a no?

12 **A. No.**

13 Q. And no independent person aside from

14 someone within the Diocese ever conducted the

15 investigations, to your knowledge, on Father Pat

16 Sullivan?

17 **A. On Father Pat? I -- I don't think so,**

18 **no. I --**

19 Q. What was your understanding of what

20 happened to Father Sullivan after he was removed

21 from ministry?

22 **A. What happened to him?**

23 Q. Was he placed on restrictions?

24 **A. Um, well, no. He couldn't do**

25 **anything -- any ministry, is what -- when you're**

Page 49

1 **removed, you're removed.**

2 Q. Do you know who was monitoring whether

3 or not Father Pat was involved in ministry when he

4 was removed?

5 **A. I do not.**

6 Q. Does the Diocese have a formal

7 monitoring program for priests who have been

8 accused of misconduct of children?

9 **A. I don't know the answer to that,**

10 **either.**

11 Q. Do you know if Father Pat, when he was

12 on -- when he was removed from ministry, were there

13 restrictions imposed regarding his ability to work

14 with kids?

15 **A. Well, there would be -- simply**

16 **because his Safe Environment certification would,**

17 **basically, be put on hold when you're -- when**

18 **there's an allegation. So I -- I mean, he -- I**

19 **guess he wouldn't be able to do any kind of**

20 **ministry.**

21 Q. Do you know if the review board in the

22 Diocese looked at the Father Pat Sullivan case

23 after he was removed from ministry?

24 **A. Well, I'm -- I'm hesitating be -- I'm**

25 **trying to think back that far. Normally, in my**

Page 50

Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 position, the Safe Environment coordinator -- and
 2 our policy states the Safe Environment coordinator
 3 will participate in the board of review meetings.
 4 My participation always was I would just go there
 5 and I would sit and listen, and if a board member
 6 said, well, I'm unclear on this on the policy, can
 7 you just help us with something, I would just offer
 8 this is how you read the policy, if they were
 9 struggling with something.
 10 I wasn't a voting member. I really
 11 didn't talk at meetings. I just, basically, was
 12 there, and I answered questions if they had them
 13 for me.
 14 The reason I'm struggling with this is
 15 when the Father Pat thing came, somewhere along the
 16 line Monsignor Foltz called me up and said, well,
 17 you know, we're having a board of review meeting
 18 but you won't have to attend it. And I said, well,
 19 I'm supposed to attend it, I'm supposed to
 20 participate in the meetings per our policy. He
 21 said is that in the policy? And I said, yes, it
 22 is. So he said okay.
 23 So I went back to my office. The next
 24 morning he called me back up and he said, well, he
 25 said, I've talked to other vicar generals, and he

1 said, they don't have their Safe Environment
 2 coordinator in there, he says, in fact, I'm not
 3 even supposed to be in there because we're not
 4 supposed to influence the board in any way. And I
 5 said, well, again, my role wasn't to influence the
 6 board, my -- I was simply there to ask questions.
 7 And he said, well, participation can mean a lot of
 8 things, he said, participation can mean I'll call
 9 you up and say come in for five minutes and tell us
 10 how Safe Environment is going and then you're
 11 participating in the meeting. I said, well, I'll
 12 do what -- whatever. You know, I mean, I -- I just
 13 thought you don't want me in the meeting, just say
 14 I don't want you to be in the meeting and --
 15 So, from then on, I never went to the
 16 meetings. I was -- honestly, it -- it's -- it's
 17 his choice. I -- I -- I accept that. I don't
 18 get -- I don't get my feelings hurt really bad if
 19 somebody says you don't need to be here. I mean,
 20 it's not a pride thing with me. It's like if you
 21 don't need me there, that's fine, I have lots of
 22 other things I can do.
 23 So -- so I didn't attend the meetings,
 24 and why I kind of chuckled was my office sits
 25 across from the conference room, and there's

1 windows in my door and windows there. Monsignor
 2 Foltz was in on those meetings, and he was -- he
 3 was talking, which I'm sure he could have been
 4 answering questions or whatever, too. And I
 5 thought you just said you weren't supposed to be in
 6 there and I wasn't supposed to be in there, but,
 7 you know, I'm out here and you're in there.
 8 So, there again, I don't know what was
 9 going on in the meeting, and he probably had --
 10 certainly had a purpose for being there because
 11 there was important things going on, and I really
 12 believe somebody should be in there to answer
 13 questions or do whatever.
 14 So, like you said, I didn't get my
 15 feelings hurt, I just -- I thought it was kind of
 16 comical that --
 17 Q. Prior to this time, you'd attended the
 18 review board meetings?
 19 A. Always, yeah.
 20 Q. Correct?
 21 Did you see anyone else in the review
 22 board meetings aside from Monsignor Foltz that
 23 wasn't on the review board when they discussed
 24 Father Pat Sullivan?
 25 A. No. I -- I -- I guess I didn't take a

1 head count. I know normally I think Bonnie
 2 Sullivan keeps the minutes for it, the Bishop's
 3 secretary. I think it was usually just the board
 4 members and the vicar general. Monsignor
 5 Baumgartner would attend them when he was there,
 6 too. He -- so it would be the board -- seven board
 7 members, the vicar general, the Safe Environment
 8 coordinator, and Bonnie Sullivan would be the
 9 people that would be in the meetings, so --
 10 Q. Do you know what documents the review
 11 board had pertaining to Father Sullivan when they
 12 made their recommendations?
 13 A. No.
 14 Q. Do you know what recommendations the
 15 review board made regarding Father Sullivan's
 16 ministry?
 17 A. I -- I don't. I wasn't -- I wasn't at
 18 the meeting. I --
 19 Q. Do you -- The name of the accuser
 20 regarding Father Sullivan, represented by our
 21 office, do you know that person's name?
 22 A. It's It's been two years ago.
 23 Um, is it or I --
 24 Q. It's
 25 A. okay.

Jim Clauson - 10/9/2018
Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 Q.
2 **A. Okay, yeah. I knew it was I --**
3 **I just -- I don't remember the -- the first name.**
4 Q. Do you know, had any -- had you ever
5 heard of any other accusations aside from those
6 made by regarding Father Pat Sullivan?
7 **A. No.**
8 Q. You said you kind of knew Father
9 Sullivan growing up; is that right?
10 **A. Unh-uh.**
11 Q. Is that yes?
12 **A. Yes, it is. I'm sorry.**
13 Q. Did you have any concerns about him
14 and inappropriate behavior with children growing
15 up?
16 **A. No.**
17 Q. How about any boundary issues or
18 inappropriate boundaries with Father Pat Sullivan?
19 **A. No. Like I said, my experience really**
20 **with Father Pat is we were -- I think he's about a**
21 **year or so older than me. We both played hockey**
22 **and baseball. We were -- you know, we sometimes**
23 **were on the same legion team, but we went to**
24 **different high schools, so we would participate**
25 **against each other.**

Page 55

1 **Crookston is not a big town. When you**
2 **have athletes, we -- we all know each other, and**
3 **I -- I never really suspected anything about Father**
4 **Pat or most of the people that I probably played**
5 **with, but -- so.**
6 Q. Did you review Father Pat Sullivan's
7 personnel file?
8 **A. No. I -- I didn't really ask to see**
9 **it when I went up. Father Baumgartner indicated**
10 **that there would be something in his file, and I**
11 **mentioned that to Monsignor Foltz, and he had a**
12 **file in his hand but he didn't show it to me. He**
13 **just said, well, there's nothing else in his file,**
14 **and I -- like you said, I -- I have -- I have a**
15 **policy in Safe Environment that there's need to**
16 **know and want to know. If I need to know it, I**
17 **need to know it, and if it's just because I want to**
18 **know it, don't tell me, you know, that's --**
19 Q. So Baumgartner never told you what was
20 in Father Sullivan's file?
21 **A. No, just that they had -- an**
22 **allegation had come forward, and back at that time**
23 **they -- the FBI, I think this Fairbanks, I don't**
24 **know if he was active in the FBI, and Father**
25 **Baumgartner, they tried to identify this kid, and**

Page 56

1 **it was really a short synopsis, and they never**
2 **could really identify the name of the kid, so it**
3 **kind of stopped right there.**
4 Q. You indicated that -- I believe that
5 you have files in the Safe Environment office; is
6 that correct?
7 **A. For Safe Environment records, yes.**
8 Q. Do you keep -- or describe those files
9 to me?
10 **A. Well, it would be any -- when somebody**
11 **goes online and does a certification, it would be --**
12 **it's an on -- it's an electronic process. So we**
13 **have -- the e -- the e -- the first e-mail comes,**
14 **and it's -- it's got, you know, name and address,**
15 **that type of thing, and it's their test scores, it**
16 **shows how they scored on their tests and that they**
17 **passed, and, then, there's an encrypted version**
18 **that says view full info, and that's for when we --**
19 **we have to have a password to open that, and that's**
20 **where we can see the person's Social Security**
21 **number to do a background check and their**
22 **authorization, they're authorizing us to go ahead**
23 **and run the background check on these people, if**
24 **it's needed.**
25 **So we have -- we keep those**

Page 57

1 **electronically, and then when we finally -- the**
2 **background checks are kept electronically in the**
3 **person's file, and then when we get the certificate,**
4 **meaning they're good for one year, if they've been**
5 **Safe Environment certified in the Diocese of**
6 **Crookston, that would also be in the file and any**
7 **other supporting documents.**
8 **If they're an employee in a school,**
9 **we -- we require two extra things. One would be a**
10 **Minnesota BCA report, we run a Bureau of Criminal**
11 **Apprehension report as well, and then we -- we have**
12 **a form that we -- we ask their -- their current or**
13 **former employer where they're coming from, and it's**
14 **really a one question, was this person ever**
15 **involved in any -- any allegation of sexual abuse,**
16 **assault or anything while in your employ, and so**
17 **they were, they were not. It's a one -- they**
18 **either answer it yes or no, basically.**
19 **Most employers, surprisingly, answer**
20 **it. My -- when I started at Coca-Cola, they**
21 **wouldn't answer it, all they would give them is my**
22 **employment dates, and I thought, well, this is --**
23 **we're never going to get this answer. I'd say**
24 **99 percent of the employers answered, no, they were**
25 **not, you know, and -- and if somebody would answer,**

Page 58

Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 yes, they were, then, of course, we would call the
 2 employer and try to get more information and -- and
 3 that, but -- so those are the extra documents that
 4 we -- that we require for an employee that works in
 5 a parish that has a school.
 6 Q. Do you keep any files regarding
 7 clerics or personnel who an accusation has been
 8 made against them of misconduct with children?
 9 A. No, I don't keep any files like that.
 10 Q. If you have documents pertaining to a
 11 priest, say Father Sullivan, where -- what would
 12 you do with those documents then?
 13 MR. BRAUN: Objection, presents a
 14 hypothetical. You may answer.
 15 THE WITNESS: I -- I don't have any
 16 documents. The only -- the only things that I keep
 17 for myself, like a lot of people do, is when I have
 18 meetings or something, I'll keep notes of my
 19 meetings. If I'm -- if a priest were to call me
 20 and say, you know, I'm having trouble with so-and-so,
 21 I think we -- we might need to terminate this
 22 person and they're asking for a process, I may make
 23 a note saying got a call from Father So-and-So,
 24 we just discussed, you know, this possible person's
 25 employment and -- you know, I don't do that all the

1 would be more my notes to remember the process of
 2 what we did. It would have nothing personal to do
 3 with Father Pat Sullivan or any other priest, for
 4 that matter.
 5 Q. And you still have those notes?
 6 A. Uh-huh.
 7 Q. Correct? Is that a yes?
 8 A. It is a yes.
 9 Q. Sorry again, I don't mean to --
 10 A. No.
 11 Q. -- badger you.
 12 A. That's oh -- no, that's okay, keep
 13 badgering.
 14 Q. Did you have access to any of the
 15 personnel files in the Diocese for priests?
 16 A. Um, yes. When you say personnel
 17 files, I had access to all personnel files, because
 18 all of the new hire paperwork for all the parishes
 19 came through my office.
 20 Now, that -- things like what you're
 21 talking about, Father Pat's personal file, no, that
 22 would not be in there, but, you know, his insurance
 23 information and just different types of work that I
 24 would need his -- that information for, that's what
 25 would be in the personnel files that I have.

1 time, sometimes it's a really quick question, but
 2 there's -- so the files that I really have have
 3 nothing to do with any priest files at all, it's
 4 just my personal things that have happened, so --
 5 BY MS. LINDSTROM:
 6 Q. What have you done with your personal
 7 notes?
 8 A. Well, I -- I -- I have them, yeah.
 9 Q. Have you -- have you ever had -- Do
 10 you have those at home?
 11 A. I do.
 12 Q. Do you have any personal notes
 13 pertaining to clerics accused of misconduct with
 14 kids?
 15 A. Um, no. It would be -- I guess I -- I
 16 want you to clarify what -- what you're really
 17 asking me.
 18 Q. Like, for instance, on Father
 19 Sullivan, do you have personal notes regarding the
 20 information on Father Sullivan that you were -- to
 21 the extent you were involved in that accusation?
 22 A. My notes -- I don't have any personal
 23 stuff that -- my notes would say I went up and seen
 24 Monsignor Foltz on this day, this is what we did,
 25 this is -- you know, we called law enforcement. It

1 Q. Did you have access -- we've been told
 2 that there are files in a filing cabinet in the
 3 chancery, that they're locked, and those are
 4 personnel files. Did you have access to those
 5 files --
 6 A. No.
 7 Q. -- at all?
 8 A. No, I did not.
 9 Q. Do you know what files I'm referring
 10 to?
 11 A. Well, I know Bonnie Sullivan has a set
 12 of file cabinets up there. There are some personnel
 13 files in there and I believe -- the reason I know
 14 that is because -- I don't know how many, if it's
 15 priests files as well, but I know for any chancery
 16 employees I think Bonnie has a separate set of
 17 files for chancery employees upstairs, could be
 18 performance appraisals and those type of things.
 19 So I don't know to the extent what that is, but
 20 somewhere the vicar general has a -- I -- I know
 21 the day, you know, Father Foltz moved from one
 22 office to the other, but that day I came up he had
 23 Monsignor -- or not Monsignor, he had Father Pat's
 24 file in his hand, and it came from in -- in his
 25 office there. Now, there again, he's moved to a

Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 different office. If he's got them in that office,
 2 I don't know, but -- so -- but I don't have any
 3 access to those records at all.

4 Q. There was a court order in August of
 5 2015 from Judge Marvin up in -- I'm forgetting the
 6 name of the county of the court, in the Doe 19 case,
 7 and that required disclosure to Jeff Anderson &
 8 Associates of the files of priests who had been
 9 accused of abuse prior to 1985.

10 Did anyone contact you or search
 11 through your personal notes or files regarding any
 12 of the priests in order to respond to that court
 13 order?

14 A. No.

15 Q. We've also asked for disclosure of
 16 documents in this Doe 457 matter, the
 17 matter. Has anyone contacted you for your personal
 18 notes or records regarding Father Pat Sullivan or
 19 any other priest accused of abuse in the Diocese?

20 A. No.

21 Q. Did you keep any information or files
 22 on your personal computer at all?

23 A. Personal? Well, I kept -- kept them
 24 on a -- a ScanDisk, is where they are. So, yes, I
 25 have them on my computer, but I have the ScanDisk

Page 63

1 that they came off of. I'm 65 years old, I don't
 2 trust one place to put them, so I keep them in a
 3 couple places because I'm afraid I'm going to push
 4 a button and everything is going to disappear some
 5 day.

6 Q. And is that ScanDisk at your home?

7 A. Yeah.

8 Q. Jim, you indicated earlier that you
 9 had some concerns regarding how Bishop Hoepner
 10 made some decisions regarding the Safe Environment
 11 Policy. Can you describe that for me?

12 A. Well, I guess my first -- I guess I
 13 don't know if I'm allowed to use names or whatever.
 14 I mean, I --

15 Q. This is a -- under confidential
 16 deposition.

17 A. Okay.

18 Q. So you can use the names.

19 A. So Monsignor Baumgartner called me,
 20 and, there again, I don't have the exact date, but
 21 I only worked for him for four years, so somewhere
 22 between 2011 and 2015, I'm going to say in the
 23 first couple years that I was there he called me
 24 one day and he said Father Larry Delaney that was
 25 at Sacred Heart called him and he said he believes

Page 64

1 that the associate priest is -- is stealing, and I
 2 said, okay, and he said -- I said what are we
 3 talking about? And he said, well, it's getting
 4 close to Christmastime, and he said Father Larry
 5 has been there a long time, some people have asked
 6 him, did you get my Christmas card, and he says,
 7 no, I didn't get anything from you, and they said,
 8 well, I had dropped it off at the office, and so
 9 he -- he had Father Larry call me, and I just said,
 10 well, is there anything you can -- I said can you
 11 just hunt around in the garbage can, just do
 12 whatever, just see if you can -- well, he called
 13 back and he said, well, I did find some of my cards
 14 in a place that they shouldn't have been, and he
 15 said the only -- and the other problem that I'm
 16 concerned about -- whether it's the same thing or
 17 not -- is, he said, when they have mass, he said,
 18 the ladies go back to wash the vessels and they
 19 take their wedding rings off and then they leave
 20 them on the counter and then they put them back on
 21 when they're done, and a lady had forgot her
 22 wedding ring there and realized it later that day
 23 and came back and it was gone and came into the
 24 office because she thought, well, somebody turned
 25 it in, and it had not been turned in. And I said

Page 65

1 okay. And he goes but I don't know if that has
 2 anything to do -- I said, well, who said the mass
 3 that morning? And he said it was this particular
 4 priest. And I said okay.

5 Well, so Monsignor Baumgartner and I
 6 talked and -- and they live in the rectory, and,
 7 you know, our policy -- I guess our personnel
 8 policy states that we can, you know, check people's
 9 computers or, you know, we've got access to go
 10 checking in my files or anybody else's and --

11 So I was not with him, but he went
 12 over to the rectory, and, low and behold, he found
 13 the lady's wedding ring hidden in the -- the guy --
 14 the priest's clock. It was in his little chime
 15 clock. And so he called me up, I was actually in
 16 Fargo, and he said, well, I just went, and he said,
 17 and I found the wedding ring. So he says now we
 18 got -- we got some proof, and he goes -- and there
 19 was some -- apparently some -- I believe some cards
 20 that were there, too, that -- where the money had
 21 been taken. So I said -- he said let's talk about
 22 it tomorrow. So we did and went up and -- and he
 23 must have had a conversation with Bishop at that
 24 time because I didn't, I -- I was not in the
 25 conversation with Bishop, but I'm sure Monsignor

Page 66

Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 probably did, and he just said, oh, this is going
2 to be bad. And I said, you know, Monsignor, I said
3 we need to do -- we're going to -- you're going to
4 let this priest go, you're going to turn it over to
5 law enforcement, that's what you said we're going
6 to do, which is what we need to do, we need to
7 report it. And he said, yes, we're going to do
8 that. And I said so -- and it was a priest that
9 actually came from a diocese in Montana that was on
10 loan to us, and I said -- he just said, aw, you
11 know, he -- I -- and I said we need to go over and
12 we'll -- let's go over to Sacred Heart, I says,
13 we've got a place we can have a meeting, let's get
14 the main staff in there and we're just going to
15 tell them, you know what, they're all talking about
16 it right now anyway, they know something is going
17 on in the parish, and I said we've just got to be
18 honest with them, you know, this is what it is and
19 we're going to -- you know, we'll just tell them
20 we're -- we're going to turn it over to law
21 enforcement, we're going to do what we need to do.
22 And he goes, okay, okay. Well, will you come with
23 me? And I said sure.
24 So we went over and we had a meeting
25 with the staff, and Monsignor did most of the

1 this priest's -- and we're loading and we're
2 hauling and we're making this -- filling up two
3 vehicles, and it's just taking forever, and it's
4 like I'm looking at my watch and it's a half an
5 hour, now it's an hour, it's an hour and fifteen
6 minutes, and all of a sudden Father David comes
7 back up and doesn't really say too much, he just
8 starts hauling boxes, and I thought, okay, we're
9 just going to get done.
10 So we take them over to the storage
11 unit. We get them off, and Father David, you know,
12 just tells Father Carlos, he said, you know, I wish
13 you well, and we just kind of said good-bye, and it
14 was about 3:30 in the afternoon, and he looks at me
15 and he goes I think we need to eat, and I said I
16 needed to eat two hours ago, we're going to eat.
17 So we -- we go to a place to eat, and
18 we sit down and he shakes his head, and I said what
19 is it, and he goes Bishop Hoepfner was going to let
20 him off. I said what do you mean, he's going to
21 let him off? He was going to just say no, we'll
22 just -- we're going to keep him, I've changed my
23 mind, we're just going to keep him, haul all the
24 stuff back in there. And Father David goes I told
25 him, Bishop, we cannot do this, he goes, he stole

1 talking. I talked a little bit about the background
2 check thing, that if we don't pursue this with law
3 enforcement this will never be on his background,
4 and then when I run a background check I -- I won't
5 be able to see that this person has a -- has had a
6 problem. So I said it really is important that we
7 do this. But when Monsignor Baumgartner was
8 talking to the -- to the staff, when he was telling
9 them what we were going to do, I physically watched
10 people go, thank you, thank you, like we're going
11 to do the right thing.
12 So we got all done, and we went over
13 to the priest and we told him we were going to help
14 him move -- move his stuff out, he needed to find a
15 place, and he got a -- a storage shed, and we said
16 we were going to be back the next day to help him
17 get moved out.
18 So we came -- we came back the next
19 day, we went over to help him move, and he was a
20 guy that liked books, I'll never forget it because
21 my back was killing me. We were -- he was upstairs
22 and we were loading these boxes and boxes of books,
23 and Monsignor Baumgartner says, oh, I saw Bishop's
24 car drive up, he said, I'll be back in a minute.
25 So he goes downstairs, and I'm hauling

1 from one of our priests, he stole a woman's wedding
2 ring. He was asked about it. Well, he's really
3 sorry. And Father David goes, yeah, he's sorry
4 because he got caught, he's not sorry. And they --
5 apparently they had quite a conversation. He said
6 he was not going to budge, we were going to leave
7 this priest in ministry.
8 And I said, well, obviously, we're
9 not. And he goes no, because I finally said we're
10 going to call his own bishop, in Montana, and we
11 are going to talk to him. And I said were you --
12 did you get ahold of him? And he said, yeah,
13 luckily we got ahold of him, and I -- we told him
14 the situation. And I said what did the Bishop say?
15 He says you prosecute him. He goes you -- no, you
16 don't put up with that, you prosecute him.
17 So that's -- he goes then Bishop
18 finally said, well, fine, and he got in his car and
19 he took off. So we finished our work, and I
20 said -- when we were talking about it I said -- he
21 says I don't know, he goes, I -- I -- I don't get
22 it. And I said, well, that -- that doesn't seem
23 like a very -- I mean, forgiveness is one thing,
24 but there always are consequences for it. I said
25 I'm -- you know, that's just life and -- and --

Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 He came down to me -- Baumgartner came
 2 down probably about three months later, and he said
 3 I just have to tell you, he said, I've been involved
 4 in stuff here before, and he goes I always get a
 5 bunch of phone calls, and he said I have never heard
 6 one thing about what happened in Sacred Heart. He
 7 goes that's -- I've never had that happen in my
 8 life, he goes nobody has complained, nobody has
 9 anything. And I said, well, Father, you were
 10 honest with him, you did what you had to do,
 11 everybody understands it, it was done right so
 12 you're not going to get a bunch of grief from
 13 people and --
 14 So that was kind of my first
 15 experience that maybe the choices weren't going to
 16 be very good, and the next one is -- is -- is bad.
 17 I -- I -- I just -- I really struggle with this one
 18 today because -- Monsignor Baumgartner came down
 19 one day, and he said I got a call from -- one of
 20 our deacons called and he has a -- has a couple
 21 that has some real concerns about Father
 22 and he said I told them that I wanted --
 23 we were going to do a conference call, we did it
 24 after hours. It was about -- started about -- I
 25 think it was about 5:30 that night, and these

1 people called, it was a couple, and it was somebody
 2 that Father had befriended, and they had really
 3 concerns about him because he was -- they didn't
 4 think he was healthy, to start with, and -- but
 5 emotionally he was, in their words, kind of -- I'll
 6 just say a wreck, I don't remember the exact
 7 terminology but -- and that he had started sharing
 8 with them he would -- you know, they befriended him
 9 as a couple, and he started sharing that he --
 10 MR. BRAUN: He, being I'm
 11 sorry.
 12 THE WITNESS: I'm sorry, -- Father
 13 had shared with them --
 14 MR. BRAUN: Thank you.
 15 THE WITNESS: -- that, you know, he
 16 had a -- a -- he liked young boys, and they were
 17 concerned because this particular young boy, Father
 18 had been involved with him, and when I
 19 say involved, I don't want to -- I'm not saying he
 20 did anything wrong to him, but he'd -- he'd -- he
 21 spent a lot of time with this boy from the time he
 22 was around 13 or 14 years old, and their concern
 23 was, is that the way he described how he liked
 24 young boys and this, it was like he really crossed
 25 some boundaries by telling -- it was like he was

1 testing them on this information to see what their
 2 reaction would be, and they just said this man
 3 really needs some help.
 4 So the conversation on the phone
 5 happened for -- it was over an hour that we were on
 6 the phone with these people, and I had started
 7 taking notes right away, and then I kind of quit
 8 after I was hearing the whole circumstances. I
 9 thought, oh, this is -- this is not going to be
 10 good and --
 11 So we got all done and we hung up, and
 12 Father Baumgartner looks at me and he goes, well,
 13 and I remember -- I do remember what I said to him,
 14 I said this is not going to end well for Father
 15 and he said so -- he just shook his
 16 head, he goes, no, this is not good, and then I
 17 looked at him and I -- I had -- he wasn't
 18 struggling with what to do. I think it was one of
 19 these you could just see this is going to be bad,
 20 and I said, you know, Father David, I said, some of
 21 this other stuff that's been going on is before our
 22 time, I said it happened years ago, there's --
 23 things happened, but I said this one is on us, this
 24 one we have right here in our hands, and it's on us
 25 to do something with this. And I said as hard as I

1 think this is going to be, and I think it is going
 2 to be a mess, I said I know that you know -- and he
 3 goes, no, I know what I need to do but he go -- and
 4 he just -- he was just going like, oh, boy, you
 5 know.
 6 So, anyway, we did a little more
 7 talking about it, and he wound up going to Bemidji,
 8 I believe, I think that was a Friday night, if I'm
 9 not mistaken, because this happened very quickly.
 10 I'm sure he -- he didn't tell me he went to Bishop,
 11 but I'm -- I'm su -- I'm a hundred percent positive
 12 he would have had to have gone to Bishop and say
 13 this is what's going on, I need to remove him. So
 14 he went to Bemidji, told him he was going to be
 15 removed from ministry that day and he was going to
 16 be on a plane to St. John's Vianney Center on
 17 Sunday, and they had already a plane -- apparently
 18 Father Baumgartner had a plane ticket for him.
 19 So, anyway, they wound up taking
 20 him -- I -- I didn't have any contact over that
 21 weekend. So Monday, when he came, he was just
 22 telling me this is what I did, and Father is
 23 already in -- I think it's Pennsylvania, is where
 24 St. John's is at and -- so he was going to go
 25 through, you know, an evaluation, and I -- at that

Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 time I did go up -- the people that were in Bishop
2 Hoepfner's office was Bishop Hoepfner, Monsignor
3 Baumgartner, myself, and Reathel Giannonatti. She
4 was -- Reathel is a -- is an attorney. She used to
5 work in the Tribunal, and she does DA work, and she
6 was the Safe Environment coordinator when I
7 started -- or the director of it. So he wanted --
8 they wanted a -- you know, there was four of us
9 there. So when they had the conference call with
10 St. John's Vianney Center, we were there and -- so
11 they pretty much -- there was a -- I guess they
12 call it like an entrance kind of exam and stuff,
13 and, basically, it pretty much came back that this
14 particular person was going to need some longer
15 term care. He had decided himself that he was
16 coming home that weekend to go back to work, and
17 Monsignor Baumgartner actually flew to Pennsylvania,
18 and what he told me is he said he met with Father
19 and he said you either stay here in treatment
20 or you're done. He said if you come home, you're
21 not going to be -- you're -- you're done and -- so
22 Father -- and apparently Father David said
23 Father already had a plane ticket to come home
24 that weekend. Well, then he canceled it finally
25 after Father David talked to him and -- and then he

Page 75

1 stayed.
2 So, you know, I -- I was -- I was fine
3 when it started. Bishop had us in there. At some
4 point the board of review was -- was informed. I
5 was at that board of review meeting, Monsignor
6 Baumgartner was there, and the board got the
7 information. I don't remember if they gave -- if
8 we had the actual written report yet, but they were
9 given the synopsis of what it was, and they -- they
10 went around the room and voiced their opinion, and
11 the chairman at that time was John Jeffries [sic],
12 I remember that, and one of his comments was, well,
13 we know that -- from previous experience that you
14 can't -- you can't fix this, so there's no way that
15 this priest can be back in ministry, and the
16 consensus of the people there was all the same as,
17 no, I don't think, you know, we can take a chance
18 with this priest and so -- I don't recall if they
19 actually like did a hand vote or anything, but it
20 basically was seven to nothing that this priest
21 should not be back in ministry.
22 So at some point in his -- when there
23 was a meeting with St. John's Vianney Center and
24 Father somewhere in the first month or so,
25 maybe a little later, in one of the meetings he

Page 76

1 told Bishop Hoepfner he was mad that we were in the
2 room and he was going to sue the Diocese because I
3 shouldn't have been in there, Reathel shouldn't
4 have been in there, and Bishop told him, he said,
5 I -- I -- these are Safe Environment people, the
6 vicar general is in there, I need these people in
7 here, and I think -- I'm pretty confident that he
8 actually had to send Father something to sign
9 that he was going to allow us to be in the room.
10 And after that, like you said, we --
11 we had a few little conferences with them, and I
12 even told Bishop Hoepfner during one of our meetings
13 there, I said, you know what's going to happen,
14 don't you? And he said what's that? And I said,
15 well, I said, Father is a pretty smart guy.
16 He's -- he's had some of these things going on for
17 a long time, and he's pretty -- pretty cool about
18 how he does what he does. He's always looking out
19 for himself. And I said I had a relative that went
20 in for some treatment, and happened to be my
21 sister, and she was the type that as soon as she
22 found out she couldn't leave until she got better,
23 she got better really fast. And I said my opinion
24 is is Father is a smart guy, he's going to
25 realize the only way out of here is to do whatever

Page 77

1 they tell him, and I don't believe that he's going
2 to change, and that was just my opinion at the
3 time.
4 So, anyway, the, of course, exit
5 report was a little bit better than the entrance
6 report where they said they -- he was like a high
7 90 percent to -- to do what he was already doing,
8 and he never admitted to an allegation of sexual
9 abuse. I don't know of one to this day that there
10 has ever been an allegation against this priest,
11 and I want to be really clear on that, I don't --
12 there's -- I don't know of any allegation against
13 this priest.
14 There was another couple at the time I
15 believe Monsignor Baumgartner got the letter was --
16 they were living in and they don't
17 live there anymore, but they had had a similar
18 incident with Father He was like a family
19 friend, and when they were living in this area
20 someplace, and they kind of knew that something was
21 off and he was sharing these things about he liked
22 young boys and that, you know -- you know,
23 sometimes he would get excited and he'd have to
24 leave the room if there was a bunch of young guys
25 around and just a lot of that type of behavior,

Page 78

Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 and -- he was over at their house one night and the
2 daughter came home with her boyfriend, and the
3 husband noticed right away Father was just over
4 on this guy like -- he just said he was just -- it
5 was -- it was odd behavior, it was not appropriate,
6 and he actually took him aside and he said leave
7 him alone, I know what you're doing. And Father
8 goes I'm just getting to know him, and I just,
9 you know, want to get to know him and be friendly.
10 And he said, no, he said, I know what you're doing,
11 leave this kid alone.
12 Well, apparently, it didn't stop. So
13 he finally told Father he said, you know what,
14 you're going to have to leave and -- so, anyway,
15 that was just another -- Monsignor Baumgartner, I
16 think, got that, he had a letter from these people.
17 So, anyway, I -- I told you that because a little
18 later on it elaborates on that a little bit.
19 So, anyway, Father goes through
20 this treatment, and we find out that he's, you
21 know, getting ready to be released and that they're
22 going to have -- what they're suggesting at
23 St. John's Vianney Center is that they have a care
24 team for his transition back. I mean, he was -- he
25 was overweight, his blood pressure was up, there

1 was -- there was physical things going on there,
2 too, and the care team was supposed to support him
3 and try to keep him on track and that type of stuff.
4 So when he was coming back, another
5 thing I thought was odd, and I alluded it to my
6 letter to Bishop at the end of this, was that
7 the -- the priest that was at Bemidji -- well,
8 Father David actually wound up going to Bemidji to
9 be the pastor, but one of the associate priests was
10 all set to pick him up when he flew back in, and
11 Father called him and said you aren't going to
12 need to pick me up, and it turns out that this
13 young boy, who is now not a young boy anymore, was
14 the one that he picked -- that picked him up at the
15 airport, the first young boy that he had this
16 relationship with.
17 BY MS. LINDSTROM:
18 Q. What was that boy's name?
19 A.
20 Q. And picked him --
21 A. Picked him --
22 Q. Picked him up?
23 A. -- up at the airport. I was told
24 that -- that he canceled the priest out and said
25 I've got a ride, and it was this that

1 picked him up.
2 So Father David always thought it was
3 odd because as he -- when he grew up,
4 he actually is a Father David told
5 me. And he was talking to this one time and
6 said, you know, don't you have concerns for Father
7 he's way overweight? Oh, no, there's nothing
8 wrong with Father He said he would just --
9 never wanted to engage in a conversation about
10 Father which Father David goes, I wasn't
11 asking him anything other than, you know, you're
12 his friend, he's overweight and -- and he said it
13 was just an odd reaction and --
14 So, anyway, Father comes back, and
15 I was asked, along with one other chancery employee,
16 if I would be on the care team, and so I did
17 talk -- I went up to see Bishop about it, and I
18 said, well, what -- he said, well, I need -- I need
19 some people on the care team from the chancery
20 staff, and I said, okay, and he said I need people
21 that are going to hold up the Diocese and hold up
22 Father And I said, well, Bishop, I don't have
23 any problem holding up the Diocese, I'm kind of
24 struggling with holding up Father And he
25 said, well, you'll just have to. I'd really like

1 you to be on the committee or on the group, but he
2 says that's your choice, he said, you -- you know,
3 you can decline if you want. And I -- I thought
4 about it, and I thought, no, I -- I think I need to
5 be there.
6 So when he came back, we had this care
7 team -- actually, when he came back, before the
8 first meeting, I was called up to -- they were
9 going to have a care team meeting up in Bishop
10 Hoepfner's office just to discuss what was going to
11 go on, and there was people from Bemidji, which is
12 where his home parish was, there was myself, and at
13 that time Bonnie Lee from the chancery was there,
14 Father David Super, who was -- he was the priest on
15 the review board, he was there, Father Vince Miller
16 from Crookston parish was there, there was a deacon
17 that was there from another -- actually, the deacon
18 that kind of brought this forward in the beginning
19 with the couple was there. I'd say all total there
20 was 13 people maybe in the room.
21 So, anyway, the meeting kind of
22 started out with Bishop just said, you know, I'm --
23 he said, well, I'm going to -- I'm planning on, you
24 know, this care team, I'm planning on putting
25 Father back into ministry. And I had -- Father

Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 David had come up before this started and he just
2 said I think he's going to put him back in
3 ministry. And I said, well, the review board said
4 like -- it was like seven to nothing, they didn't
5 want him back in ministry, they didn't think he
6 should be. But he goes, I've been getting a sense
7 of how Bishop has been talking that he's going to
8 do it anyway. And I said, well, okay, I'm on this
9 care team meeting, and he said okay. You know, we
10 didn't really talk too much about that because I
11 didn't know what it was going to entail.

12 So the day I'm going up to the care
13 team meeting in Bishop's office, I come walking out
14 of my office and here comes Father David
15 Baumgartner walking by and he's going -- heading to
16 the garage to go where the car is at. And I said
17 where are you going? We've got the meeting
18 upstairs. He goes, I was told I don't need to be
19 at this meeting. And I said you're the vicar
20 general, what do you mean you don't need to be at
21 this meeting? Bishop told me I'm not to be at the
22 meeting. I said okay. So he left.

23 I went up to the meeting and -- and it
24 was -- actually just the way it worked out I was
25 actually sitting in a chair next to Bishop Hoepfner

1 was really caught in a bad place because I was on
2 this team that listened to confidential information
3 from the care team -- or from the -- St. John's,
4 and now I'm in this group of people that half of
5 them don't even know what I know. So I'm trying to
6 be really, really careful about what I can say and
7 can't say. So I -- honestly, I really felt I was
8 in a -- a bad spot. I just -- that's why I shutter
9 to think about it because it was not a fun thing to
10 do and -- so I said, well, I'm just going to tell
11 you that's not the truth and you know it. And he
12 just kind of let it go and --

13 So there was some conversation around
14 the care team and -- and that type of stuff, and
15 Bishop was taking a few -- he was taking some
16 notes, sitting next to me, in his book, and there
17 was a few questions going around, and then finally
18 Bishop Hoepfner goes, so we're going to -- we're
19 going to put him back in -- in -- in the parish in
20 Bemidji this weekend. And I looked at Bishop and I
21 said, you're going to do what? He said, yeah,
22 we're going to -- we're going to put him back in
23 the parish this weekend. And I said, well, I don't
24 think you should do that. And he said, well, why?
25 And I said, well, what are you -- what are you

1 in his chair, and he's got his sofas and stuff, so
2 people were all around. It was a big circle and --
3 and he just said, you know, I'm planning on putting
4 Father back into ministry, and this is
5 the care team, and we are going to, you know, look
6 out for Father And I'm just -- I'm just
7 thinking, oh, this is a bad idea, this is just a
8 bad idea and -- so he said, well, I want Father
9 you know, just to -- just to tell you a little
10 bit about what's going on.

11 Well, he starts talking about this
12 couple in and this other thing here,
13 and he tells the people that the people in
14 no, he said, there was nothing wrong there.
15 He said they had a -- they had a new baby and they
16 just didn't have time for our relationship, and
17 then he talked about this thing and --
18 and I was like, this is a lie, this is not why
19 these relationships ended.

20 So I -- I stopped him. I said, Father
21 that's a lie and you know it. Well, I don't
22 think it's a lie, he says. Well, I said, you know
23 that's not the truth about those relationships.
24 Oh, I -- I think it's the truth. I said, well --
25 and I want to just pause here a second because I

1 going to say to the people in Bemidji? And he
2 says, well, I'm just going to tell them it had
3 nothing to do with sexual abuse of a minor. And
4 I -- before I could say anything, Father Vincent
5 Miller almost jumped out of his chair and said
6 you're going to say what? And I said you cannot
7 say that. You might as well tell them it is about
8 sexual abuse of a minor if you're going to stand up
9 and say that. I said you can't say that. And he's
10 like, oh, oh, oh. And then Father Vincent goes, I
11 hope we're not making a press release here while
12 we're sitting here. And I said, Bishop, you cannot
13 say something like that.

14 So they're coming up with these ideas,
15 well, we'll do this and we'll do that and we'll do
16 this and we'll do that, and I'm like -- I just
17 said, you know what, stop. I said if you're going
18 to say anything to people, you need to tell them
19 the truth. And he goes, well, what do you mean?
20 And I said, well, you tell them some people came
21 forward, had concerns about Father health, he
22 went to St. John's Vi -- Vianney Center, he's back,
23 you tell them the facts, those are truthful facts.
24 There's a heck of a lot more we should be saying
25 but we're -- but at least tell the truth, just say

1 this is what it is. Oh, I like that, he goes. Can
 2 you write that down or can you type up something
 3 like that? And I said, well, it's pretty simple, I
 4 mean, I can do that, but it's just state the facts
 5 of what happened and --
 6 So then he goes, okay, okay. And I
 7 said so now I -- I want to ask you something. I
 8 said so say -- say this Sunday you go to Bemidji
 9 and you -- you make this announcement, you -- you
 10 tell them what I just said and you -- you tell them
 11 the story and -- and you go out in the gathering
 12 space after church and a parishioner walks up to
 13 you and says, well, I know that's not the truth,
 14 how are you going to answer that person? He just
 15 thinks a bit and he goes, well. I says, if you
 16 can't answer that question, you'd better not do
 17 what you're thinking of doing. So he goes, well, I
 18 guess maybe we're not going to do it this weekend
 19 then. And I said, well, I'm just telling you. I
 20 says, how many people do you think actually know
 21 what's going on with Father The
 22 Deacon pipes up and he goes, well, I know from
 23 where I'm at, he goes, these people that called
 24 you, their -- their mother knows, this person
 25 knows, I can think of eight -- seven or eight

1 that and --
 2 So, anyway, Father Vince Miller
 3 finally turns to he was sitting
 4 right next to him, and he says, so, I just
 5 want to be really, really clear on this, he said,
 6 you have had no con -- no contact with any adult in
 7 the last 20 years other than you visited some
 8 bookstores? And he goes nope. And I was like, oh,
 9 my god. And Father Super is sitting on this side
 10 of me, and he turns to me and he looks at me and he
 11 goes what? And I go -- I didn't say anything
 12 because I thought we're getting into this area
 13 where I know something and other people don't, I'd
 14 better just not say nothing about this one. So he
 15 says okay and --
 16 So, anyway, they kind of wrapped up
 17 the meeting, and they were going to maybe do it the
 18 next weekend and -- so I -- we get done. I go down
 19 the stairs to my office, and Father Super is right
 20 on my tail, and he comes, sits down in the chair
 21 and he's just like, huh, he looks at me, and I go
 22 that was a boldface lie. He goes, huh, yes, yes,
 23 it was, it was a lie, it was a lie. And I go, yes,
 24 it was, it was a boldfaced lie, right in front of
 25 all these people. I says we know from St. John's

1 people up there that know what's going on.
 2 Somebody else chimes in, oh, well, if this person
 3 knows, I know this person. Well, within like a
 4 minute we knew of about 30 some people that
 5 probably know the truth about what's going on or at
 6 least part of the truth.
 7 So he's looking around, and I just
 8 said, well, I said this is a bad idea. I've
 9 encouraged you not to put this guy back in
 10 ministry, so has Monsignor David. And I said, you
 11 still think you want to do it? And I said -- so it
 12 kind of got quiet, and, there again, I'm thinking
 13 of these people that really don't know everything,
 14 they probably think I'm a raving lunatic. And I
 15 said to him, I said, so what do we got, 35,000
 16 Catholics in the Diocese of Crookston? I says I
 17 would challenge you to pick any two of them, I
 18 can -- any two of them of your picking, and you
 19 tell them this story and you tell me what they're
 20 going to say to you. They're going to say are you
 21 out of your mind? And the Deacon goes, yeah, I
 22 don't think you could sell this to anybody. And I
 23 said but do you still want to do this? And he
 24 goes, well, I'm -- I'm going to put him in ministry
 25 and -- you know, and I think, you know, this and

1 Vianney Center he admitted to it up to this last
 2 July, and he just told this priest he didn't -- it
 3 was no for 20 years.
 4 Q. Admitted to what?
 5 A. That he'd had contact with other --
 6 you know, his thing was -- I mean, it -- as much as
 7 he had problems with young boys, I think he acted
 8 out with adults. I -- I -- like I said, I don't
 9 have any proof of that, but he adamantly -- even at
 10 St. John's never admitted that he had any problems
 11 with -- that he'd never abused a child or anything
 12 like that, and I don't have any information that he
 13 did. I don't think -- I don't know that anybody
 14 does.
 15 So, anyway, I actually did talk to
 16 Father Vince Miller because I said, you know,
 17 Father, I said, the answer to your question should
 18 have been yes, and I said he told you no, and I
 19 said it was as recent as this last July, and I
 20 said -- I just -- he said, well, I know you're
 21 really struggling with this, Jim. And I said, yes,
 22 I am because, I said, this is wrong in a lot of
 23 ways. I said I just -- I don't see how we can do
 24 this and -- but I said I do recognize -- and I
 25 always do, I recognize authority, the decision-maker

Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 has to make the choice, and whether it's the vicar
 2 general or the bishop or me as the Safe Environment
 3 coordinator, I can get advice but some -- I have --
 4 I have to be the one to decide and that's -- I --
 5 and I respect that, it is his choice and -- so,
 6 anyway, they decided to put him back in ministry, I
 7 think it was the following Sunday.
 8 So I -- I wrote Bishop Hoepfner --
 9 well, actually, the next day I went up to Bishop --
 10 I asked if I could see him, and he said, yeah, come
 11 on up. So he -- we sat there, and I said, you
 12 know, Bishop, I says Father -- Father Vince
 13 asked him this question, and I says he lied right
 14 to Father Vincent's face and to right -- our faces.
 15 He goes, oh, I don't think I heard that. I said I
 16 don't know how -- there was no noise going on, we
 17 were all looking at him when he asked the question,
 18 I don't know how you can't know that, he answered
 19 no and it was -- it's yes. We all know that. Oh,
 20 well, I -- he's coming in today. I'll probably
 21 have to ask him about that. I says probably? I
 22 said, yes, you're going to have to ask him about
 23 it, that's a lie. How can we have a care team --
 24 how can we help somebody when they're going to lie
 25 to you continually? I mean, I don't even see how

Page 91

1 said, yeah, this is awful and -- and it was just
 2 how he knew somebody 20 years ago when he had AIDS
 3 and blah-blah-blah. So he went and watched and he
 4 didn't do this and that, and, I mean, it was like
 5 an admission that went into a whole bunch of detail
 6 nobody really needed to know, which was another
 7 reason I said this person has a problem because,
 8 number one, you wouldn't write a letter like this
 9 if you didn't and --
 10 So, anyway, they installed him back in
 11 ministry, and I -- I sent -- before they did, I
 12 sent Bishop a -- I think it was a two- or three-page
 13 letter, and I highlighted all the things that had
 14 started since this happened, what I call the red
 15 flags of this particular individual, and I -- at
 16 the end I -- I encouraged him to absolutely rethink
 17 what you're going to do, do not put this priest
 18 back in ministry, and I said I -- and I -- again, I
 19 reiterated that I understand you are the
 20 decision-maker and you -- it's your choice, but,
 21 you know, as your HR Safe Environment person, I am
 22 recommending that you do not put this priest in
 23 ministry.
 24 He sent me a -- he sent me an e-mail
 25 back that I printed out that said, Jim, thanks for

Page 93

1 this is even going to work. How can we put up with
 2 this guy that lies? Well, I'll talk -- I'll talk
 3 to him today, so --
 4 Now, Bishop never did get back to me,
 5 but I know he talked to him because later that day
 6 I got an e-mail from Father and it just
 7 basically said don't be my judge. And I said,
 8 well, I'm not your judge, but you answered the
 9 question wrong. It was a very simple yes or no
 10 answer question, I said, you answered no and the
 11 ques -- and the answer should have been yes, and he
 12 tried some snarky e-mail about, well, I just don't --
 13 you know, this and that, and I just -- I didn't
 14 respond to it.
 15 So I'm -- I think it was about three
 16 days later I get a -- I get a letter from Father
 17 that he sent to the whole care team, which to
 18 this day baffles my mind why he would do this, and
 19 it basically tried to explain away his -- his no
 20 answer, and, I mean, I kept a copy, and I actually
 21 gave a copy to Monsignor Foltz in the last couple
 22 years because we were talking about some -- with
 23 that situation, and he said, well, do you have this
 24 letter? And I says, yeah, and I showed it to him,
 25 and he looked and he goes this is awful. And I

Page 92

1 your letter and, you know, thanks for the -- the
 2 work that you do, and it was just something very
 3 short that he acknowledged receiving the letter.
 4 They installed him back in ministry, and what they
 5 did do, though, is he was going to go back in as
 6 the pastor, and that was one thing that I argued, I
 7 said, you know, if part of his problem he claims is
 8 difficulty because he's got so many responsibilities,
 9 I said if you're going to put him back in as the
 10 pastor, how is that going to help him with his
 11 recovery? I don't understand that. I mean, you're
 12 going -- you're going to take and put him right
 13 back in the same place he was, and he -- so what
 14 they'd actually changed in that is they put him as
 15 the associate pastor. So he was not the actual guy
 16 in charge. So they made one change in that next
 17 week and --
 18 So, anyway, I -- I don't know the time
 19 frame of this, Monsignor Baumgartner would have it,
 20 but it was somewhere in the next couple of months,
 21 probably, Monsignor Baumgartner came down and he
 22 looked at me and he goes, well, you're never going
 23 to guess. And I said what do you mean? And he
 24 goes, well, Bishop went and seen his buddy Bishop
 25 Kagan out in Bismarck, and apparently he told him

Page 94

Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

<p>1 the story about and Bishop Kagan 2 told him what the heck is wrong with you, you can't 3 put that guy in ministry, you got to take him out. 4 So he told Monsignor Baumgartner, he 5 said, you guys were steering me right and I should 6 have taken him out of ministry. Well, now he's in 7 ministry. 8 So I know Mon -- I wasn't very much 9 involved in this, but I know Monsignor Baumgartner, 10 they went to look in -- in his previous history 11 that he had gone away once about 20 years before 12 that to -- I think it was at St. Louis, and they 13 were trying to get some -- I don't understand the 14 whole dynamics of the priest thing, but it's like a 15 one strike something and, then, a second strike 16 is -- you know, like if this is your second trip, 17 you know, then you can take them out or whatever. 18 There is some canonical thing to that. And he just 19 said, well, he just said, you guys were telling me 20 right and I should have taken him out. 21 So Monsignor tried to get some 22 information, but there was -- they weren't sure if 23 he went in voluntarily 20 years ago. So that 24 doesn't count as a strike because if he asked for 25 help, that's different than if you -- you tell him</p> <p style="text-align: right;">Page 95</p>	<p>1 they don't see any value in people knowing that 2 information, and I'm thinking don't see any value 3 in it and -- so he never would give it up. And 4 somewhere around the fourth or fifth meeting he 5 would come in and he'd say, oh, yeah, you know, 6 I've gained back 20 pounds but this and that, and, 7 you know, he had excuses for everything that was 8 going on, and I finally just -- I was very 9 frustrated. So I went up -- I told Bishop, I said 10 I'm going to -- I actually told Baumgartner, I said 11 I'm getting off the care team because, I said, I -- 12 I -- he's controlling the whole meeting, we're not 13 helping this guy one bit, he's not facing up to 14 what he needs to face up to, and we have no power 15 to do anything. We can try to keep him 16 accountable, he just does what he wants, he tells 17 us what he wants to do and -- so I said I'm going 18 to step down from the care team meeting because it 19 just isn't doing any good. 20 And so I -- I asked the care team at 21 the next meeting, I said could we meet an hour 22 ahead of time before our meeting with Father 23 and they all agreed, sure, they were -- so the 24 people were there, and I just told them, you know, 25 I said, you know, I've been conflicted with this, I</p> <p style="text-align: right;">Page 97</p>
<p>1 to go, I guess. 2 So I just -- you know, I just -- I 3 went to this care team, and it was totally controlled 4 by Father and I -- I went to probably 5 four, five meetings, and we were told in the 6 initial meeting that these people had access to the 7 entrance exam and the exit exam. And we asked 8 specifically, Bishop, are we going to have access 9 to these? Absolutely. Father was sitting 10 right there. But after we got out of that meeting, 11 he refused to turn over the information to the care 12 team. So the people that -- 13 MR. BRAUN: Sorry. He -- he being 14 who? 15 THE WITNESS: I'm sorry. Father 16 said I'm not turning this over. 17 MR. BRAUN: Thank you. 18 THE WITNESS: And so we went to the 19 care team meetings, and I said these people are 20 supposed to have this information. Well, no, he 21 said, I -- I don't need to give them the information. 22 So I formally asked him in an e-mail, I said I'm 23 formally asking you to give Bonnie Sullivan the 24 right to give me a copy of your thing, and he just 25 said, no, I talked to my people at St. John's and</p> <p style="text-align: right;">Page 96</p>	<p>1 said, I don't really think we're helping Father 2 he's controlling the meetings. All of the 3 triggers that were there before are still there, 4 and he tells them -- sells them to us like it's 5 still an okay thing. It's not okay that he's 6 gaining his weight, he -- I mean, he's gaining his 7 weight, he's still having -- changed his spiritual 8 director, he's doing this, he's not doing what I 9 think he should be doing according to what they 10 told him to do, and I said I just don't think we're 11 helping him by just coming to these meetings and 12 sitting here, and I said I have other information 13 that I struggle with that I can't tell people 14 because it's confidential, and I'm not going to 15 tell you, but I said it's information that you 16 should be trying to find out and you need to find 17 out by getting these reports that we were promised, 18 and I told them I was going to, you know, step down. 19 But before that meeting, when he found 20 out we were meeting before, he sends us an agenda 21 for my meeting, and I sent him back an e-mail and I 22 says thanks, Father but I don't need your 23 agenda, I says, this meeting is not your care team 24 meeting, this is our care team meeting. Well, I'm 25 just, you know, trying -- I says, no thank you</p> <p style="text-align: right;">Page 98</p>

Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 and --
 2 So, anyway, I just told them I
 3 wouldn't be, you know, a part of it anymore, and I
 4 stepped down off the meeting and he's been -- but I
 5 just -- I just really struggle because I felt that
 6 was -- he had a lot of people, I think, encouraging
 7 him not to.
 8 I was actually asked in an audit
 9 whether there was -- that -- that there was
 10 influence on the board of review to put -- to pass
 11 to put him back in, and I -- I answered
 12 the question in two ways because I -- I said yes
 13 and no, and I said I believe that there could have
 14 been because of the circumstances I witnessed, but
 15 I don't know that for a fact, and I said that's why
 16 I can't say for sure, but I -- I said when they had
 17 their board of review meeting, the last one when
 18 they were going to put him back in, this John
 19 Jeffries, who was adamant in the beginning he
 20 couldn't go, kind of changed his tune, well, you
 21 know, this can probably work, and he was talking
 22 way different, and I was like, you know, you were
 23 like absolutely no. Father Super, who is on the
 24 board, never shows up for the meeting, doesn't call
 25 and say why he's not there, he knew it was coming.

Page 99

1 So there was six people there, Bonnie Sullivan and
 2 myself and -- and --
 3 So, anyway, he -- the people started
 4 saying, well, you know, geez, I haven't seen
 5 anything here, I -- you know, basically, they went
 6 around the room saying, no, I don't think this is a
 7 good idea, I don't think this is a good idea. And
 8 John -- they never really took a vote, and John
 9 Jeffries kind of gave it up a little bit after he
 10 was trying -- trying to get people to say, well,
 11 maybe this will be okay, you know, Bishop wants to
 12 do this and -- and --
 13 So, anyway, they -- there never really
 14 was a vote and -- but I found out later -- and,
 15 there again, this is where my -- kicks in, is that
 16 that Sunday before this meeting Bishop Hoepfner had
 17 said mass in Mahnomen, which was Father Dave
 18 Super's parish, and then Father Super never shows
 19 up for the meeting and -- and there was always a
 20 suspicion that maybe -- Monsignor Baumgartner
 21 certainly felt that there was, that he might have
 22 told Father Super I want to put him in, see what
 23 you can do with the board, maybe. I can't prove
 24 that, but it was just a suspicion that we had. So
 25 I said could it have happened? Sure, it could have

Page 100

1 happened.
 2 MR. BRAUN: I'm going to object to
 3 foundation with respect to this testimony.
 4 THE WITNESS: Okay.
 5 MR. BRAUN: You can continue.
 6 THE WITNESS: So, there again, I -- I
 7 can't say that it happened, but it -- it could have
 8 happened.
 9 BY MS. LINDSTROM:
 10 Q. What time period or year was this
 11 happening where Father was sent to St. John
 12 Vianney?
 13 A. I'd have to -- I'd have to look it up.
 14 There again, it was in the four-year period,
 15 because Monsignor Baumgartner was still in charge
 16 at that time. There's just a lot of stuff that's
 17 gone on in the last seven years, so --
 18 Q. To your knowledge, is Father still
 19 in ministry in the Diocese?
 20 A. Well, he's not, actually, right now
 21 because -- it's very sad for him, but his health --
 22 I believe he has Lou Gehrig's disease, and I
 23 believe he was done in ministry -- June 30th they
 24 took him out of ministry, because I think it's a
 25 fairly quick progressing type of thing, is what I

Page 101

1 understand. So he -- I -- I think he's just living
 2 in an apartment right now. I -- I -- but that's
 3 why he was -- he was taken out, because of his Lou
 4 Gehrig's that came up, so --
 5 Q. June 30th of this year?
 6 A. Yeah. That's when he was done doing
 7 ministry, I believe, in Bemidji, was June 30th.
 8 Q. And prior to that he had been in a
 9 parish?
 10 A. He was still in Bemidji as the
 11 associate pastor.
 12 The only other thing I would say that
 13 gave me concern about Bishop was Reathel
 14 Giannonatti that I talked to, she was doing some
 15 work for the DAA, she contacted a lady in one of
 16 the parishes that was the -- she was Safe
 17 Environment coordinator but also like the parish
 18 secretary, and just in talking to her, they were
 19 just visiting, and she goes, oh, she goes, you know
 20 what, she goes, my grandson has made the most
 21 wonderful relationship with Father
 22 He was like 14 years old. So Reathel just says I
 23 just listened to her, didn't really offer anything,
 24 and she said -- you know.
 25 So she call -- calls me up, she goes

Page 102

Jim Clauson - 10/9/2018
Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 what do we do about this, she goes, you know, I
2 think he's at it again. And I said, well, I said
3 you have -- you need to go up and talk to Bishop.
4 I said we just got to give Bishop the information,
5 I mean, he needs to know. And she said, yeah, I
6 know. And I said that's -- that's all you got to
7 do, Reathel, just go up and document it and take it
8 up to Bishop and just tell him what's going on.
9 And so, I don't know, a few days later
10 I -- I ran into her in the hall, and she came in
11 and I said did you talk to Bishop? And I said --
12 she goes, yeah. And I says what did he? He says
13 don't worry about it. I said that's all he said?
14 He goes, yeah, just don't worry about it. And she
15 said I said okay. And I says, well, you reported
16 it to him, so -- you know, and I don't know that --
17 there again, I don't know that anything happened or
18 anything like that, but it just wasn't -- so I
19 just -- you know, I -- I -- I -- I think with
20 Bishop my experience really is I -- I just don't
21 think he makes good choices. That's what I said, I
22 just don't think he makes good choices.
23 Q. The treatment center -- or, I'm sorry.
24 When Father went to St. Louis, was
25 it your understanding that he went to some kind of

Page 103

1 treatment facility or center?
2 **A. Yeah, it -- that's what I was told, it**
3 **was -- it was similar to St. John's. Back in the**
4 **day, there was one in St. Louis, some type of**
5 **facility like that. I don't know the particulars**
6 **on it.**
7 Q. Do you know if the name was Servants
8 of the Paraclete, does that sound familiar?
9 **A. I -- I --**
10 MR. BRAUN: Objection, foundation.
11 THE WITNESS: I -- yeah, I don't know.
12 BY MS. LINDSTROM:
13 Q. Do you have a copy of the letter that
14 you gave to Bishop Hoepfner regarding Father
15
16 **A. Yep.**
17 Q. Do you have a copy of the e-mail --
18 **A. Yes.**
19 Q. -- that he sent back to you?
20 **A. Uh-huh.**
21 Q. Are those in -- at your home?
22 **A. Yes.**
23 Q. Did the care team provide any
24 supervision for Father when he was
25 put back in ministry?

Page 104

1 **A. No, it wasn't really a supervisory, it**
2 **was more of a support system.**
3 Q. Do you know if anybody was supervising
4 Father at the parish after he had been placed
5 back into ministry?
6 **A. No.**
7 MR. BRAUN: Objection, foundation.
8 You can answer if you know.
9 THE WITNESS: I don't know.
10 BY MS. LINDSTROM:
11 Q. Were the parishioners eventually
12 informed about the reason Father was sent to
13 St. John Vianney --
14 MR. BRAUN: Objection.
15 BY MS. LINDSTROM:
16 Q. -- to your knowledge?
17 MR. BRAUN: You can answer if you
18 know.
19 THE WITNESS: I don't know.
20 BY MS. LINDSTROM:
21 Q. What was the name of the couple who
22 initially had the concerns about Father and his
23 attraction with minors?
24 **A. Oh, man.**
25 MR. BRAUN: Objection, misstates the

Page 105

1 testimony. You can answer if you know.
2 THE WITNESS: Um, Deacon Jim Lukenbill
3 is from the [REDACTED] area, and he is the one that
4 was there with the couple, and I don't recall --
5 I -- I just -- I don't recall their names.
6 BY MS. LINDSTROM:
7 Q. Do you remember the names of the
8 couple that moved to ?
9 **A. I don't. I mean, I -- like I said,**
10 **I -- it's --**
11 Q. Did you ever see the documents from
12 St. John Vianney with the, I guess, summary of
13 their recommendations?
14 **A. Yep -- yes. Sorry.**
15 Q. Do you remember if that -- those
16 documents indicated anything about limiting Father
17 interactions with minors?
18 **A. I don't believe it did. Actually, it**
19 **was a very, very good report about, you know, how**
20 **he lost his weight and, you know, most of these**
21 **areas were quite a bit better, which, there again,**
22 **I -- yeah, that's what it said. I mean, I -- I**
23 **kind of suspected because I knew just enough about**
24 **Father to know that he knew what he needed to**
25 **do, and he did lose the weight, and his spiritual**

Page 106

Jim Clauson - 10/9/2018
Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 **director, I mean, he -- he had some things in place**
2 **for himself, but I -- I -- I just don't really have**
3 **any other knowledge about what's been going on.**
4 Q. And you didn't see any subsequent
5 documents from St. John Vianney regarding Father
6 is that correct?
7 **A. Since then, no, unh-uh.**
8 Q. And you saw the entrance or the
9 initial interview document?
10 **A. Initial interview document, yes, we**
11 **were -- I saw a copy of that. I don't have a copy**
12 **of it because it's -- we -- we -- I mean, we were**
13 **allowed to look at it, but it's -- Bonnie Sullivan**
14 **would have that at the chancery.**
15 Q. And did that document indicate
16 anything about Father indication that he had
17 an attraction to minors?
18 **A. Yes.**
19 Q. You indicated that Bishop Hoepfner had
20 a conversation with Bishop Kagan, who -- who
21 indicated that Bishop Hoepfner should take Father
22 out of ministry. Did Bishop Hoepfner even --
23 in response to that concern, did Bishop Hoepfner
24 remove Father from ministry?
25 **A. No, he didn't, but I think -- what I**

Page 107

1 **understand from Monsignor Baumgartner -- I wasn't**
2 **really involved in that investigation part, but**
3 **he -- Father David tried to find the dynamics**
4 **behind why he went away the first time. There**
5 **was -- it was something with can -- canonical law,**
6 **and I don't -- I don't know that, how they were**
7 **going to go about it.**
8 **So I do believe that he probably had a**
9 **conversation with Father Baumgartner about, you**
10 **know, checking this all out, and it -- it probably**
11 **was in response maybe to what Bishop Kagan had told**
12 **him, but it never really materialized into -- to**
13 **anything. And, again, Monsignor Baumgartner could**
14 **speak -- speak a lot closer to that because he was**
15 **the one who actually did it, and, you know, he --**
16 **he told me that they just -- you know, they --**
17 **they -- St. Louis, it was so long ago and the**
18 **person who was the vicar general, I believe, at the**
19 **time could not remember if he went in voluntarily**
20 **or if it was something they -- I mean, there was**
21 **just a lot of ifs about it. So it was very hard to**
22 **really track down information, it seemed like.**
23 Q. Was it the vicar general at the time
24 in this Diocese that -- that someone had talked to
25 about whether he went in voluntarily to treatment,

Page 108

1 he being Father
2 **A. Yeah, there -- the -- I believe --**
3 **boy, I hate to say because I'm not a hundred**
4 **percent sure, but I thought it was Monsignor**
5 **Patnode that Monsignor Baumgartner contacted, and**
6 **he was -- just could not recall what the**
7 **circumstances were behind it. There again, Baum --**
8 **Baumgartner would give you the -- the most accurate**
9 **information, so --**
10 MR. BRAUN: Counsel, can we take a
11 five-minute break?
12 MS. LINDSTROM: Yeah.
13 THE VIDEOGRAPHER: Okay. We are going
14 off the record at 10:46 a.m.
15 (Break from 10:46 to 10:54.)
16 THE VIDEOGRAPHER: We are back on the
17 record at 10:54 a.m.
18 BY MS. LINDSTROM:
19 Q. Jim, were there other priests that you
20 know of that were sent to St. John Vianney besides
21 Father
22 MR. BRAUN: Objection, foundation.
23 BY MS. LINDSTROM:
24 Q. If you know?
25 **A. Um, I was told of one.**

Page 109

1 Q. Who is that?
2 **A. Father Pat Sullivan. That was before**
3 **my time starting here.**
4 Q. Do you know of any priests sent to any
5 other treatment facility similar to St. John
6 Vianney?
7 **A. No, I don't believe so. I think those**
8 **are the only two I know about.**
9 Q. Did -- I'm sorry, I don't remember if
10 I asked you, did you ever see the evaluation or
11 St. John Vianney documents on Father Pat Sullivan?
12 **A. Yes, I did.**
13 Q. Did -- After having received those
14 documents and seeing the documents on Father
15 did it impact their Safe Environment
16 certification that they would receive?
17 **A. No.**
18 Q. Did they receive any particular
19 training in response to the fact that they'd been
20 sent away to St. John Vianney?
21 **A. No, not -- not from the Safe**
22 **Environment perspective of it. I don't know if**
23 **there's something else they do.**
24 Q. Are you familiar with the allegations
25 involving Father Roger Grundhaus?

Page 110

Jim Clauson - 10/9/2018
Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 **A. Yes.**
2 Q. When did you first learn that Father
3 Roger Grundhaus had been accused of abusing Ron
4 Vasek?
5 MR. BRAUN: I'm going to interpose an
6 objection before you answer that question that it's
7 not reasonably calculated to lead to admissible
8 evidence in the 457 case. But because we're here
9 and Mr. Clauson is being deposed, I'll, you know,
10 instruct you to answer that question, but I just
11 want to note my objection, it's a continuing
12 objection with respect to this line of questioning.
13 THE WITNESS: Okay.
14 MR. BRAUN: Thank you.
15 THE WITNESS: I -- I guess -- I had
16 been gone for about three days on vacation. I came
17 back, I had a certified letter sitting on my desk.
18 When I opened my mail, it was a letter from -- I
19 was copied, I guess, I got a copy of a letter from
20 Mr. Vasek to -- I think it went to Bishop and
21 to Apostolic Nuncio. I think there was four -- at
22 least four people that were getting a copy of this
23 letter that basically talked about some -- this
24 letter about -- that Ron Vasek signed that he was
25 asking for it back.

Page 111

1 BY MS. LINDSTROM:
2 Q. Had you heard anything prior to that
3 about Monsignor Grundhaus being accused of
4 inappropriate behavior with minors?
5 **A. No.**
6 Q. Nothing about Ron Vasek prior to
7 receiving that letter?
8 **A. No.**
9 Q. Did you receive that letter sometime
10 in the spring of 2017?
11 **A. Well, it's whenever I -- again, I -- I**
12 **don't know the exact date, but it was when everybody**
13 **else got them. I think I got mine a little later**
14 **because I think it had been -- somebody said I had**
15 **it for a day or two before I got back, so somewhere**
16 **in that time frame.**
17 Q. When did you go on vacation?
18 **A. I don't know. I'm sorry.**
19 Q. That's okay.
20 Did you know what letter Ron Vasek was
21 referring to in his letter that you were copied on?
22 **A. No.**
23 MR. BRAUN: Objection as to
24 foundation.
25 BY MS. LINDSTROM:

Page 112

1 Q. At any point have you seen a letter
2 that Ron Vasek signed retracting his accusations
3 against Monsignor Grundhaus?
4 **A. Retracting? Um, well --**
5 MR. BRAUN: Objection as to the
6 characterization of that correspondence.
7 THE WITNESS: I -- is -- I think the
8 letter you're asking me about is the one I got in
9 the certified letter, it's where he was claiming
10 that it was not true and he wanted it back. I
11 mean, that's -- I think that's what you're asking
12 me.
13 BY MS. LINDSTROM:
14 Q. The letter that he wanted back is an
15 October 2015 letter that he signed about the
16 allegations involving Grundhaus. Did you ever see
17 a copy of that letter?
18 **A. Yes, on the Internet.**
19 Q. You'd never seen that letter prior to
20 seeing it on the Internet?
21 **A. No, I have not.**
22 Q. Had you ever heard about that letter
23 prior to receiving Ron Vasek's letter to you?
24 **A. No.**
25 Q. Was a preliminary investigation

Page 113

1 started or initiated by the Diocese after Ron Vasek
2 sued the Diocese in the spring of 2017, to your
3 knowledge?
4 **A. Um, you know, I don't know. I -- I --**
5 **there again, when that started, it was Monsignor**
6 **Foltz, and I -- stuff like that, just when I'm**
7 **thinking about it, Baumgartner would have**
8 **probably -- we would have talked about it. I don't**
9 **recall really being talked to about a preliminary**
10 **investigation.**
11 Q. Did you do anything in compliance with
12 the Safe Environment Policy regarding Ron Vasek's
13 allegations against Monsignor Grundhaus?
14 **A. Um, no. I -- I assume they followed**
15 **the policy and did what they -- again, I really**
16 **wasn't -- yeah, I wasn't brought into that in any**
17 **way that I know of. I only -- I mean, the only**
18 **thing I did with the letter, because I didn't**
19 **understand it, was -- I -- I was working on**
20 **something else. We were doing some insurance stuff,**
21 **and Bishop had asked me to type up a letter for our**
22 **insurance or -- I'm sorry, our insurance agent had**
23 **typed up a letter, I reviewed it, and Bishop said**
24 **I -- I gave him a copy and he told me I got a**
25 **couple edits I want to make, so I'm going to have**

Page 114

Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 to talk to you when you get back.
2 So when I had this letter, I opened it
3 up and I didn't really know -- I just read it and I
4 thought, well, I don't know what this is about. So
5 I had the -- that envelope, and then Bishop called
6 me and said do you want to -- can you come up? And
7 I said yes. And I thought, well, he wants to talk
8 to me about this letter. I never even remembered
9 that I was going to talk to him about this
10 BlueCross letter.
11 So when we got up there, he came
12 around and he sat in his chair and I was sitting
13 in -- on the edge of the sofa and -- and he started
14 talking about this -- editing this letter, and I
15 said, oh, okay, and I said just a minute, and I had
16 a piece of paper and stuff and I -- he said, well,
17 I want to just change it. It was a little minor
18 wording changes in this BlueCross letter, and he
19 goes -- we went through that for a few minutes and
20 I said, yeah, I think I got it, and I said do you
21 want to review it one more time when I -- I'll get
22 it -- this changed. Well, if you got it, he goes,
23 I think it will be okay. I said okay.
24 So he -- he goes okay and he stands
25 up, and I reach down and I grab the certified

1 about did you tell the vicar general, he -- that's
2 when he said, I mean, I can't -- I'm not saying no
3 more, I can't talk about this, and I'm like, okay,
4 whatever and I thought -- I went downstairs and --
5 and I had my copy, and I think actually I turned
6 the copy of the letter over to Bonnie Sullivan.
7 That's -- usually when they have a file, that's
8 what she'll ask, that they keep them. So I believe
9 that's where my copy of the letter went to, was
10 just there, so --
11 That was the whole conversation really
12 about Father Grundhaus's thing. I mean, it -- I
13 never really got an explanation on the letter, and,
14 of course, then you -- now, like you said, you hear
15 all the different things that everybody is saying,
16 and that's kind of how I found out about it, just
17 by hearsay more than anything.
18 Q. Did Monsignor Foltz ever talk to you
19 about Ron Vasek's letter or the allegations against
20 Grun -- Grundhaus?
21 A. Um, yeah, he did. Um, initially he -- I
22 he called me up there. He didn't really talk
23 necessarily about the letter so much, he just
24 talked about -- a little bit about something, you
25 know, that happened, whether it was 2010 or '11, I

1 letter and I just -- I held it up, and I didn't get
2 a chance to say anything and he looks at me and he
3 goes, oh, that, and he sits down in his chair, and
4 I -- I didn't get a chance to say anything. He
5 looks at me and he goes I didn't have to tell you
6 anything. And I said -- I looked at him and he
7 goes I didn't have to tell you anything. And I
8 said, okay. But did you tell the vicar general?
9 And he goes I can't say any more about this, I --
10 I -- I can't talk about this, I can't -- and his
11 hands are going, and I -- I never said a word, I
12 just sat there, and he goes, well, you'll have to
13 find out more later, and then he looks at me and
14 he's getting all red-faced and he goes -- he looks
15 at me and he goes I -- I -- I just can't talk about
16 this, I can't talk about this anymore, and he goes
17 you'll just have to find out, and he said that
18 three or four times. And I got up and I said are
19 we done here? And he goes, yeah, we're -- yeah,
20 we're done, and I got up and walked out of his
21 office, and I thought, boy, that was a really odd
22 conversation for -- I -- I never did get an
23 explanation on the letter, he just -- that's what
24 he said, I can't talk to you about it, I can't talk
25 to you about it. But when I asked him the question

1 don't remember the exact conversation, but I -- I
2 remember looking at him, and I said, well -- he was
3 talking about that he had this conversation with
4 Mr. Vasek and --
5 MR. BRAUN: Sorry. He being who?
6 THE WITNESS: Bishop, he was -- Bishop
7 had a conversation with Ron Vasek, and Monsignor
8 Foltz, we -- we were talking, but I said when
9 Bishop had this conversation with Mr. Vasek, I said
10 why would he do that alone, and Monsignor Foltz
11 goes, yeah, I know, why would you do that alone,
12 and I said it -- you know, because I'm -- I'm one
13 that when I help people in HR there's always three
14 people, and I'm kind of big into signing off on
15 what you say you said and that kind of stuff, and
16 he just said, yeah, I know, he goes, yeah, I know,
17 and there wasn't really a whole lot of conversation
18 about it other than that and -- after that, I guess
19 I don't -- I'm trying to think if he said anything
20 more.
21 I think the only other time he came in
22 we had a -- we had a meeting in -- of the chancery
23 staff, and it was at the time when Bishop Hoepfner
24 issued a statement, I think it was when the -- when
25 they settled the couple allegations or lawsuits,

Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 and he was -- you know, he brought the staff up
 2 there and they were -- he was going to explain, you
 3 know, that -- he said I just only did this because
 4 we got to move on and I didn't really want to
 5 settle, and there was a few questions from people
 6 and stuff, and then in the conversation when
 7 people -- there was -- there was short questions
 8 and short answers, it wasn't this long meeting, and
 9 then he made a comment, he goes, well, besides, he
 10 said, Father Roger has already apologized to Ron
 11 for what he did, and I thought --
 12 BY MS. LINDSTROM:
 13 Q. Father Rogers or Father Grundhaus?
 14 **A. Father Roger Grundhaus.**
 15 Q. Oh, sorry.
 16 **A. Apologized to Ron Vasek for what he**
 17 **had done, and that's -- Bishop said this in the**
 18 **meeting.**
 19 **So the meeting kind of gets over. I --**
 20 **I ask the question, just something about, you know,**
 21 **when you -- he was talking about confidentiality --**
 22 **ality to us and -- and I -- I -- I just questioned**
 23 **him, I said, you know, I -- I understand**
 24 **confidentiality completely, but I said, you know,**
 25 **when something like this happens, you -- what about**

Page 119

1 **concern for other victims and stuff like that? And**
 2 **he goes, well, of course I -- you know, I -- I have**
 3 **concern but, you know, confidentiality. And I**
 4 **said, well, you know, I -- and I finally thought,**
 5 **you know what, I -- this is going nowhere, I'm just**
 6 **going to shut up, and I just quit asking because I**
 7 **didn't -- I mean, I -- I didn't think I -- it was**
 8 **really going to go anywhere.**
 9 **So, anyway, we -- everybody goes**
 10 **back -- we go back to our offices and, I don't**
 11 **know, maybe a half hour later Monsignor Foltz comes**
 12 **in and he said I'm just kind of checking here, but**
 13 **how did you think the meeting went? And I kind of**
 14 **just looked at him, and I said, well. And he goes**
 15 **what? And I said, well, I said, the only thing I'm**
 16 **happy about is that we actually had a meeting, but**
 17 **I said as far as the meeting, I'm not impressed.**
 18 **And he said, well -- I don't know, he said**
 19 **something else, I don't remember, and I said,**
 20 **well -- so, I said, so Father Roger actually**
 21 **apologized to Ron Vasek for what he did to him, and**
 22 **he goes, aaah, yeah. Well, he goes, I believe**
 23 **something happened, but, you know, and he just --**
 24 **he kind of did that, and I said, well, yeah,**
 25 **it's -- I guess if you apologize for something**

Page 120

1 **it's -- something must have happened and -- and**
 2 **that was kind of the end, and I just -- and he just**
 3 **said, okay, you know, I'm just checking with some**
 4 **people and then -- and most -- I think most people**
 5 **he did go around and just say what did you think,**
 6 **you know, what are your feelings and -- which was**
 7 **fine, there was nothing wrong with doing that**
 8 **but --**
 9 **So that was a conversation, too, that,**
 10 **you know, I thought was a little -- little**
 11 **different and -- but I really wasn't really privy**
 12 **to anything else that he really kind of went on.**
 13 Q. Do you know the specifics of what
 14 Father Grundhaus had apologized to Ron for?
 15 **A. No.**
 16 Q. Knowing what you know about the report
 17 based on your work in the Diocese and what you've
 18 read in the news, do you think that Ron Vasek's
 19 report to the Diocese about Monsignor Grundhaus was
 20 handled in compliance with the Safe Environment
 21 Policy?
 22 MR. BRAUN: Objection, foundation.
 23 You can answer.
 24 THE WITNESS: Um, I -- I -- I'm going
 25 to say no just for one -- to one part of it. I

Page 121

1 understand, you know, reporting requirements after
 2 so long, that's all different, but I believe it's
 3 7.4.3 of our Safe Environment Policy specifically
 4 actually talks to this particular incidence, and
 5 when I read that one, I see exactly, in my opinion,
 6 what should have been done when that -- in that
 7 initial meeting, and -- and it wasn't.
 8 I -- I've -- you know, I wanted to ask
 9 him about that, but I've never really had a chance
 10 to, because I said really 7.4.3 basically says that
 11 if a person that was abused as a child comes
 12 forward as an adult that it should go to the -- the
 13 person who receives it, in this case it would be
 14 the Bishop, he's supposed to, you know, take the
 15 report and he's supposed to encourage the person to
 16 come forward, and I'm not saying Bishop didn't
 17 because I -- I wasn't privy to any of that, but it
 18 also says that you inform the vicar general, who
 19 then comes in and tries to answer any questions
 20 about why this person does not want to come forward.
 21 At the end of all that and the reason
 22 it's written that way is that you have another
 23 third party that does this, and when I kind of
 24 brought this up one time they said, well, it's
 25 confidentiality, you can't do that. And I said but

Page 122

Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 bishops and vicar generals have confidential talks
2 all the time. I -- I -- I don't understand that
3 thinking, because I said this -- if he would have
4 brought Monsignor Baumgartner in, Monsignor
5 Baumgartner would have talked to Mr. Vasek and
6 said -- you know, and maybe he would have told him
7 the same thing, you know, they're friends of our
8 family and all this and I don't want to do it
9 and -- but at the end of the day there would have
10 been something signed saying we encouraged him, he
11 chose not to do this, and I think -- you know, my
12 opinion was that had we just followed that
13 particular number in the policy it might neder --
14 never have come forward, but we would have done
15 what we needed to do rather than to handle it in
16 the way that it was.
17 So my opinion really, the 7.4.3 really
18 was something that reads right to this particular
19 situation, but --
20 BY MS. LINDSTROM:
21 Q. To your knowledge, has the Diocese
22 done any kind of investigation into the allegations
23 on Monsignor Grundhaus?
24 MR. BRAUN: Objection, foundation.
25 You can answer if you know.

1 THE WITNESS: Um, I asked in the
2 beginning -- because I knew the policy said there's
3 going to be an investigation, and I asked Monsignor
4 Foltz, I said, well, who is going to conduct this
5 investigation because it certainly can't be anybody
6 here? And he said, well, we're going to -- he --
7 and he didn't -- at the time he just says I don't
8 know. And I says, well, it can't be -- I mean, we
9 look at our policy, it can't be you and it can't be
10 Bishop and it can't -- I mean, it can't be these
11 people. And he told me later they were -- they
12 were going to hire outside -- I don't know if it
13 was from another Diocese or somebody, they were
14 going to hire somebody outside to come in and do
15 the investigation. I -- I was just told that, I
16 didn't -- haven't been privy to any of the findings
17 or anything, but that it was going to be outside
18 people that were going to come in.
19 BY MS. LINDSTROM:
20 Q. Do you know if the investigation into
21 Monsignor Grundhaus or the allegations imposed
22 against him have been sent to the CBF or the Holy
23 See?
24 MR. BRAUN: Objection, foundation.
25 You can answer if you know.

1 THE WITNESS: I -- I was -- I don't
2 know if they are or not.
3 BY MS. LINDSTROM:
4 Q. Were you present for any review board
5 meetings where the -- where Ron Vasek's allegations
6 against Monsignor Grundhaus were discussed?
7 A. No.
8 Q. Do you know if those allegations have
9 gone to the review board?
10 A. Let's see.
11 MR. BRAUN: Objection, foundation.
12 THE WITNESS: I --
13 MR. BRAUN: Answer if you know.
14 THE WITNESS: I'm just trying to
15 recall because -- well, if Ron Vasek's thing was
16 before -- boy, I'm going to have to think about
17 what I just answered you because it was during the
18 Sullivan thing that Monsignor Foltz asked me not to
19 be at the meeting. So I'm just -- I honestly don't
20 remember if I was -- if there was a meeting before
21 I was asked not to be there. I'd have to really --
22 that one I'd almost have to check with Bonnie and
23 the minutes if I was present at a meeting where it
24 was discussed because I -- it certainly isn't
25 coming to my memory that I was, but there would be

1 a record of me being -- sitting in a meeting and --
2 if I was.
3 BY MS. LINDSTROM:
4 Q. Is it your understanding that
5 Monsignor Grundhaus's ministry has been restricted?
6 A. Yes.
7 Q. And have you had any involvement in
8 monitoring those restrictions?
9 A. No.
10 Q. Do you know who has?
11 A. I don't know who has.
12 MR. BRAUN: Objection, foundation.
13 You can answer if you know.
14 BY MS. LINDSTROM:
15 Q. Has Monsignor Grundhaus's training
16 implemented by the Safe Environment office been
17 changed in any way or modified due to the
18 allegations?
19 A. No. I mean, there again, he just
20 completes the same process the rest of them do.
21 Q. Did he --
22 A. And --
23 Q. Did he receive a certification this
24 year that he completed the training?
25 A. Um, he completed the training, yes, he

1 **did.**
2 Q. Is there any indication on his
3 certification that he's been accused of sexually
4 abusing a minor?
5 **A. No.**
6 Q. Do you know anything about when the
7 restrictions on Father Grundhaus's ministry are set
8 to end, if at all?
9 **A. Well, through the Safe Environment**
10 **audit that we just went through, one of the -- some**
11 **of the documents that we had to provide to the**
12 **auditor was review board minutes that they asked**
13 **for, and one of the documents that Monsignor Foltz**
14 **gave to me was a document that included a meeting**
15 **where Father Pat Sullivan and Father Grundhaus were**
16 **discussed with the board and he -- before he handed**
17 **it to me he said I just want you to know there's**
18 **information on this document that is not out to the**
19 **public yet, and I said that's fine with me, I'm --**
20 **it's only going to be going to the auditor and --**
21 **and I see on there Monsignor Grundhaus apparently**
22 **has been cleared to go back to ministry, I believe,**
23 **but --**
24 Q. What else did the document say?
25 **A. Oh, man, I don't -- I don't recall.**

Page 127

1 Q. Do you --
2 **A. I mean, it's -- it's in -- it's in the**
3 **Safe Environment audit information, there's a**
4 **section in there for board of review, and the --**
5 **and the documents that we turned over to the**
6 **auditor are still in there. Renee Tate would have**
7 **those now.**
8 Q. Do you remember the date of the
9 minutes?
10 **A. No, I don't.**
11 Q. Do you remember what it said
12 pertaining to Father Sullivan?
13 **A. Um, boy, I -- I -- without looking at**
14 **it, I -- I mean, I read it, but I don't know the**
15 **specific -- what was on there.**
16 **I -- I don't know the -- if this**
17 **matters, either, but when Father Sullivan was going**
18 **back into ministry it was on a -- well, it was a**
19 **Friday, it was a Friday just about lunchtime, and**
20 **Monsignor Foltz called and said do you have a**
21 **minute to come up? And I said sure.**
22 **So I went up, and it was myself and**
23 **Janelle Gergen, the communications person, and**
24 **Monsignor Foltz, and -- and he said, well, he said,**
25 **I just wanted you -- I figured I'd better tell you,**

Page 128

1 **he goes, that we're putting Father Pat back into**
2 **ministry this weekend. And I said really? And**
3 **he -- and he goes, well, we -- you know, we did the**
4 **study and we don't think it's credible and he just**
5 **kind of hit a few highlights, it wasn't any**
6 **official document that he showed me. And I said,**
7 **oh, okay. And -- and he goes, well, this is the**
8 **letter, and he goes what's going to happen is this**
9 **letter -- you know, we have to -- we have -- we**
10 **want the staff to know, but we're not going to tell**
11 **them before we -- we tell the priests. I mean,**
12 **they had an order how they wanted to tell people,**
13 **which was fine and -- so he said this is the letter**
14 **that's going to go out.**
15 **So I read the letter and -- and he**
16 **said, so what do you think? And I said, well, it's**
17 **your letter, I don't -- I don't have an opinion in**
18 **your letter, you're putting him back in ministry,**
19 **that's what it states here, I don't really have an**
20 **opinion of that and -- and -- well, what do you**
21 **think about -- what do you think? And I said,**
22 **well, if you're asking me what I think, I said, I**
23 **don't think it's a good idea. I'm just saying the**
24 **law -- what I understand, the lawsuit isn't even**
25 **over with, why would we put a priest back in**

Page 129

1 **ministry? And he says, well, it just -- we don't**
2 **think it's credible, we don't think it's credible.**
3 **And I said, well, I -- I understand that, Father, I**
4 **said, you asked me, I'm telling you. I said it**
5 **doesn't look right to put a priest in ministry when**
6 **this is not settled. And I said -- and I think my**
7 **exact words is Jeff Anderson is going to have a**
8 **field day with this one because this is something**
9 **that I just -- it doesn't add up to me that we're**
10 **doing -- why we're -- why are we in such a rush?**
11 **Well, we don't think it's credible. I says, okay.**
12 **I -- you just asked me, I told you.**
13 **So that was my comment, I said I don't**
14 **think this is a good idea, and I said I think**
15 **you're going to take some heat for it, so -- and he**
16 **said, okay, thanks, and I went out of the room and**
17 **that was the end of it, so --**
18 Q. Have the matters concerning Ron Vasek
19 and Monsignor Grundhaus and Father Pat Sullivan
20 created some dissidence in the Diocese between the
21 clerics and the Bishop?
22 **MR. BRAUN: Objection, vague,**
23 **relevance. That information is not reasonably**
24 **calculated to lead to any discoverable facts in**
25 **this case. It's also vague.**

Page 130

Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 THE WITNESS: I -- I would say sure,
 2 it has. I -- it's -- it's even chancery staff
 3 people have their own opinions. I mean -- I
 4 would -- I would -- I would say, yes, there's going
 5 to be some divisions in that area, there has to be.
 6 BY MS. LINDSTROM:
 7 Q. The audits that you've talked about,
 8 those are annual audits?
 9 A. Well, we have an annual audit, but
 10 every -- they have what they call a -- I'll call it
 11 a paper audit where you just submit your information
 12 to them.
 13 Q. Who is "them"?
 14 A. The USCCB auditors. It's Stone Bridge
 15 Group is who actually does the audit for the USCCB,
 16 and then there's -- so the way it's set up is all --
 17 every Diocese is visited every three years, so a
 18 third of them each year for three years. So on the
 19 off years you send the information to them, they
 20 do -- they do a data submit -- data audit,
 21 basically, is they look at your data, they look at
 22 your previous on-site audits. If they have
 23 questions, they call. If some of the numbers don't
 24 match or they think there's an oddity, they'll call
 25 and you'll have a back-and-forth exchange, and then

1 you receive -- I'm going to call it a compliance
 2 letter, but it's different than an on-site audit
 3 because they say -- we -- the compliance letter you
 4 get for a data collection simply says we've reviewed
 5 your documentation and we don't see anything that
 6 is of concern, you've -- you've met the charter.
 7 But the actual on-site audit is every three years,
 8 and that they physically look at all your records,
 9 they look at the sheets that come from the parishes
 10 where you collect your -- your training numbers,
 11 they look at visiting priests, we have their
 12 letters of suitability. I mean, they go through
 13 all of our documentation, they -- they interview
 14 people, they interview, you know, the vicar
 15 general, they interview the bishop, they interview
 16 people off of the review board, the victims
 17 assistance coordinator, a Catholic -- a church
 18 priest and a principal. I mean, there's -- there's
 19 a lot of people.
 20 My experience with it is they always
 21 want to know about the communication between all of
 22 these people in the Diocese, does everybody know
 23 what they need to do, are they -- do they have
 24 access to questions really easily and all kinds of
 25 things. So they're interviewing people to see if

1 they all know what the Safe Environment Policy is,
 2 you know how to certify people, you know what to
 3 do. They're just verifying that what I'm telling
 4 them we're doing we're actually out there doing.
 5 So then you do get an actual compliance letter
 6 where they have been on-site and they have reviewed
 7 all the documentation and talked to the people.
 8 So this -- this last one here was my
 9 third on-site audit. I had one in 2011, two
 10 thousand -- and we went to -- we actually went four
 11 years the second time, and it was simply I was
 12 asked if we could put it off for one year because
 13 of budget reasons at the Diocese, and I called
 14 Stone Bridge, I spoke with them, they said that was
 15 not a problem to -- we just did another data
 16 collection audit rather than the on-site. So they
 17 came in 2015 and then now again in 2018, so --
 18 Q. Who compiled the documents for the
 19 paper audit that are provided?
 20 A. Renee and I do, yeah.
 21 Q. And are you given full access to all
 22 the personnel files in order to compile that
 23 paperwork?
 24 A. Personnel files?
 25 Q. So each priest, I understand, has a

1 file in the Diocese. Are you given access to each
 2 priest's file?
 3 A. No. Safe Environment has -- has its
 4 own set of files. So, for a priest, in their Safe
 5 Environment file they'll -- their file will simply
 6 have that they did their certification.
 7 Q. So, in the audits, they're not
 8 reviewing the priest's file that's kept by the
 9 Diocese aside from the Safe Environment?
 10 A. No, no. This is simply around Safe
 11 Environment, and it -- the thing that they're very
 12 specific about is when they come they are only
 13 looking at a period from July 1st to June 30th. If
 14 something happened in May the year before, even if
 15 they'd like to -- they don't talk about -- they --
 16 they really are very specific to the year we're in.
 17 Q. Is the audit the same -- or the
 18 information they look at, is that the same for when
 19 they come for the on-site audit?
 20 A. There's -- there are -- it's -- it's
 21 mostly the same. There is one extra, they call it
 22 an audit instrument and that -- there's a few more
 23 questions on that that -- it actually allows them
 24 to prepare better to actually come to your Diocese.
 25 So the first two documents, yes, are

Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 always the same. The third document is for their
 2 preparation. They will ask you sometimes to send
 3 you a little other information, whatever it may be,
 4 earlier, and then when they come -- you know, like
 5 we'll have children's training numbers, and on the
 6 one document it says we train 5,382 kids. Well,
 7 what they want to see is they want to see the --
 8 the compliance sheet from the parish that have the
 9 list of the kids' names, their grades and were they
 10 Safe Environment trained or not, and we actually
 11 audit that, we go through and count everything and
 12 make sure it matches what they tell us they have,
 13 and then they do the same thing, they look at the
 14 sheets that came in, they compare them to the
 15 numbers we're submitting, and that's the
 16 documentation they go to see if the numbers they're
 17 getting are actually the -- the truth, where is it
 18 coming from.

19 So it's -- it's just really like any
 20 other audit, it's -- I mean, you -- you show them
 21 where I got this number from, and they review all
 22 the documentation to make sure what we're telling
 23 them is what we're doing, so --

24 Q. When you first started in your
 25 position, were you given access to priests' files

Page 135

1 such that you could make a determination about
 2 whether they could actually sign the certifications
 3 for Safe Environment or were qualified to be in
 4 ministry?

5 A. I've never had access to priests'
 6 files, ever.

7 Q. Were you involved in any review board
 8 meetings about any other priests accused of child
 9 sex abuse or inappropriate behavior or boundaries
 10 with children?

11 A. No.

12 Q. Jim, I just want to go through a list
 13 quickly of priests whose files have been produced
 14 by the Diocese of Crookston in litigation, and
 15 these priests have been accused at some point of
 16 inappropriate behavior with children, and I want to
 17 read this list to you and then know if you know of
 18 any other priests in your experience in working in
 19 the Diocese that -- whose files should have been
 20 produced to our office in response.

21 A. Okay.

22 Q. It's Father James Bernauer, Father
 23 Robert Bester, Father Stanley Bourassa, Father Rick
 24 Boyd, Monsignor Victor Cardin, Father Henry Carriere,
 25 Father Lawrence Davis, Father Donald Dummer, Father

Page 136

1 Gerald Foley, Monsignor Roger Grundhaus, Father
 2 Louis Heitzer, Father Othmar Hohmann, Father James
 3 Lee, Father Stephen Murawski, Father Michael
 4 O'Reilly, Father James Porter, Father Francis Reid,
 5 Father James Rellihan, Father Joseph Richards,
 6 Father Aloysius Simon, Father Patrick Sullivan, and
 7 Father [REDACTED]. I believe we also got the
 8 files of Father Jos -- Father Jeyapaul, Father
 9 Fitzgerald, and Father Gormly.

10 Are there any other names on here that
 11 you think their file should have been produced to
 12 our office?

13 A. No. I mean, I -- there's a lot of
 14 them on there I have no idea who we're talking
 15 about. So I -- I don't know of any other names,
 16 no.

17 Q. Other than Father [REDACTED], is
 18 there anybody else you know in the Diocese
 19 currently in ministry or who has been removed at
 20 any point that you're aware had inappropriate
 21 boundary issues with children or expressed an
 22 inability to control themselves or an attraction to
 23 children?

24 MR. BRAUN: Objection as to
 25 foundation, compound question. You may answer.

Page 137

1 THE WITNESS: Um, you know, and, there
 2 again, I'm going to reiterate, there's no allegation
 3 against Father [REDACTED]. There's people that
 4 came forward, you know, and these people that even
 5 came forward were more concerned about him, I mean,
 6 that he had issues. I mean, that was very clear to
 7 us, that these people weren't people that were
 8 trying to hurt him, they were literally trying to
 9 get him some help. And so there never has been an
 10 allegation and -- but, no, I don't know of any
 11 other names or anything, no.

12 MS. LINDSTROM: All right. Thank you,
 13 Jim. I don't have any other questions today.

14 THE WITNESS: Okay.

15 MR. BRAUN: You have an option to
 16 either read and sign, which means our office will
 17 send you the deposition, you can read it, correct
 18 errors that may be present in the deposition or you
 19 can waive that reading and signing and stand on
 20 your deposition testimony here today. What would
 21 you like to do, sir?

22 THE WITNESS: Well, I answered as
 23 honestly as I could, so I -- if it's recorded the
 24 way I said it, I guess I would stand by what I
 25 said, yes.

Page 138

Jim Clauson - 10/9/2018
Doe 457 vs. Diocese of Crookston and St. Mary's Mission Church

1 MR. BRAUN: Okay. He'll waive the
2 read and sign, then.
3 THE WITNESS: Yeah. I -- yeah.
4 MR. BRAUN: Thank you.
5 THE VIDEOGRAPHER: Okay. We are going
6 off the record at 11:25 a.m.
7 (Whereupon, the video deposition of JIM
8 CLAUSON was concluded at 11:25 a.m.)
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Jim Clauson

From: David Baumgartner [REDACTED]
Sent: Wednesday, January 27, 2016 3:20 PM
To: Jim Clauson
Subject: additional information

Good afternoon:

I talked to you last week regarding a conversation I had with Mr. Michael Fairbanks. Mike lives at [REDACTED]. His phone number is [REDACTED].

As I mentioned to you already, Mike has received a complaint of sexual abuse against one of our priests. The alleged victim is from [REDACTED]. Mike informed me that he reported the allegation to two offices of the FBI, which he believes has jurisdiction in this matter. Mike showed me the letter he wrote to the FBI containing the allegation but did not offer me a copy.

He did share with me a copy of a letter he wrote to a [REDACTED] in [REDACTED], who is [REDACTED] the alleged victim in a [REDACTED] him. Mike believes that the alleged abuse contributed to the man's dispositions and encouraged the [REDACTED] to consider this during his [REDACTED]. I can share this letter with you if you request it.

Thank you,

Fr. David Baumgartner

Sent from Windows Mail

