

**INELIGIBLE VOLUNTEER RECORD SHEET
REGISTRATION SERVICE
BOY SCOUTS OF AMERICA**

DATE: April 3, 1990

FULL NAME Joseph Peter Repice, M.D. S.S. NO. _____
(No initials if you can possibly get full name)

ADDRESS _____

CITY Winona STATE Minnesota ZIP CODE 55987

DATE OF BIRTH 3/19/45 (This is important and should be exact)

APPROXIMATE AGE _____ (To be used ONLY when date of birth is not known)

RELIGION Catholic NATIONALITY (Citizen of) United States

OCCUPATION Physician - Pediatrician

EDUCATION College - Medical School

WEIGHT 160 HEIGHT 5'8" RACE white

COLOR OF HAIR black COLOR OF EYES dark

ANY DISTINGUISHING PHYSICAL CHARACTERISTICS none

HOBBIES OR SPECIAL INTERESTS Running Outdoors

MARRIED SINGLE NAME OF SPOUSE _____

CHILDREN _____
(Name, number, ages, if possible)

SCOUTING CONNECTIONS:

UNIT #	CITY	STATE	POSITION	DATE REGISTERED	DATE RESIGNED
S0011	Winona	MN	CR	2/1/83	received letter
# 003865					3/17/90
Chartered Organization <u>Cathedral of the Sacred Heart</u>					

SPECIAL RECOGNITION Scouter of the Year/District Award of Merit/ASM Jamboree

INCIDENT: TYPE 2 DATE OF INCIDENT Fall 1989 RESOLUTION 2
Type Resolution

- | | |
|--|--------------------------------|
| 1=Scout Related | 1. Internal (only Scouts Know) |
| 2=Non-scout related | 2. Criminal action |
| 3=homosexual (not specifically with youth) | 3. Court action |
| | 4. Probationary status |
| | 5. Reported to state agency |

Check off list of attached documentation

1. Description of incident **NOTED**
2. Victim(s) statement
3. media reports NOV 20 1990
4. Legal proceedings
5. Offender's statement **JOSEPH L. ANGLIM**
6. Official notification of termination
7. Found guilty/innocent by court

CONFIDENTIAL

APR 16 1990

Council GAMEHAVEN 288 Signed P. Karl [Signature] F. STARON
SCOUT EXECUTIVE

November 26, 1990

Mr. P. Karl Rowley
Scout Executive
Gamehaven Council, No. 299

PERSONAL AND CONFIDENTIAL

SUBJECT: JOSEPH PETER REPICE, M.D.

Dear Karl:

Thank you for the detailed information sent concerning the above Scouter. This case has been reviewed with our attorney and is now on our permanent Ineligible Volunteer File.

Sincerely,

Paul Ernst, Director
Registration and Statistical Service

eko

cc: North Central Region

READY TO FILE
NOV 26 1990
ERIN O'RILEY

CONF018910



Gamehaven Council No. 299
Boy Scouts of America
1124 - 11 1/2 Street S.E.
Rochester, Minnesota 55904-5097

Telephone (507) 288-8464

November 2, 1990

Paul Ernst, Director
Registration & Statistical Service
National Office
P.O. Box 152079
Irving TX 75015-2079

Dear Paul;

Regarding the Joseph Peter Repice, MD, the legal action has now been completed on the above individual. The outcome is found in the attached newspaper clipping. At this point we have had no request for membership, will keep you advised.

Sincerely,

P. Karl Rowley
Scout Executive

PKR/mml



A PARTICIPATING AGENCY IN COMMUNITY CHESTS AND UNITED FUNDS

CONF018911

Digest

Winona pediatrician acquitted

WINONA — Winona pediatrician Joseph Peter Repace has been acquitted of all sexual misconduct charges he faced.

The jury deliberated for 2½ hours before coming in with not guilty verdicts to four felony counts of fourth-degree sexual conduct and two lesser gross misdemeanor fifth-degree sexual conduct charges.

"The only thing I can say is the truth came out at last," said Repace, as he walked out of the courtroom with his arms draped over the shoulders of two of his three sons.

As District Judge Clement Snyder said "not guilty on all counts," Repace's head dropped down and he took deep breaths.

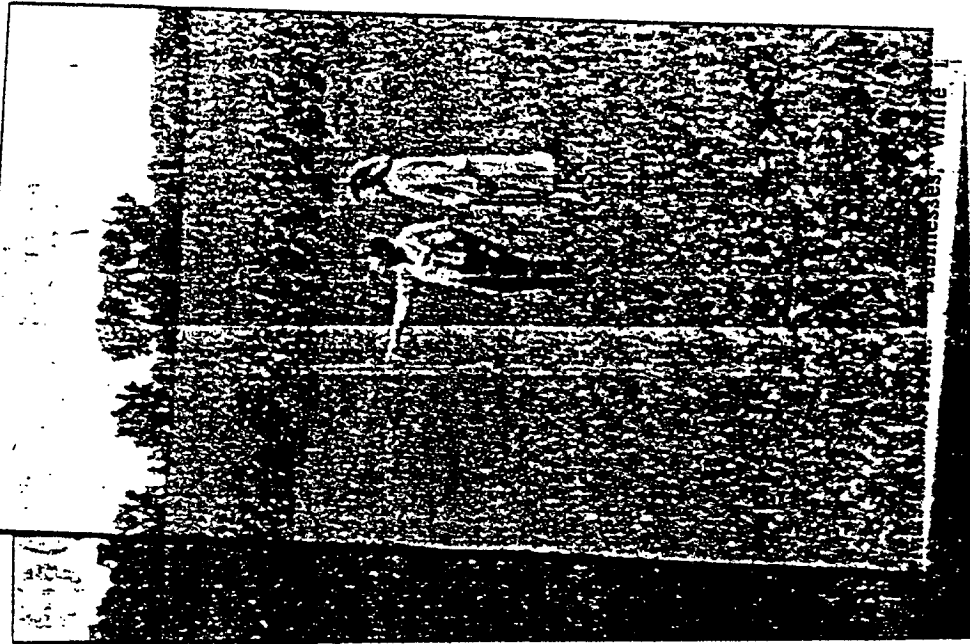
At the same time, some of the about 20 Repace supporters cheered and clapped their hands. Repace shook defense attorney Douglas Thomson's hand, then shared smiles and hugs with supporters.

Repace was charged March 9 for allegedly having sexual contact with a 17-year-old male patient between Sept. 29 and Oct. 13, and Oct. 15-31, 1989.

After charges were filed in March, Repace was suspended from the Winona Clinic and Community Memorial Hospital.

The man, now 18, was not in the courtroom Monday. Assistant Minnesota Attorney General William Klumpp called the man following the verdict.

The man's mother was in the courtroom throughout the day and tried to get to Repace following the verdict. She was not able to get by his family and supporters.





BOY SCOUTS OF AMERICA

National Office
1325 West Walnut Hill Lane
P.O. Box 152079, Irving, Texas 75015-2079
214-580-2000

October 26, 1990

Mr. P. Karl Rowley
Scout Executive
Gamehaven Council, No. 299

PERSONAL AND CONFIDENTIAL

SUBJECT: JOSEPH PETER REPICE, MD

Dear Karl:

We have not heard from you for several months, and wondered if the legal action had been completed on the above named individual.

We really need the outcome of the legal action in order to complete this file. Please help do this, so we can protect the youth members of America.

Sincerely,

Paul Ernst, Director
Registration and Statistical Service

bg

cc: North Central Region

CONF018913

October 26, 1990

OCT 26 1990
A. GRAVES

Mr. P. Karl Rowley
Scout Executive
Gamehaven Council, No. 299

PERSONAL AND CONFIDENTIAL

SUBJECT: JOSEPH PETER REPICE, MD

Dear Karl:

We have not heard from you for several months, and wondered if the legal action had been completed on the above named individual.

We really need the outcome of the legal action in order to complete this file. Please help do this, so we can protect the youth members of America.

Sincerely,

Paul Ernst, Director
Registration and Statistical Service

bg

cc: North Central Region

CONF018914

April 20, 1990

READY FOR FILE

APR 20 1990

JULIE FIELDER

Mr. P. Karl Rowley
Scout Executive
Gamehaven Council, No. 299

PERSONAL AND CONFIDENTIAL

SUBJECT: JOSEPH PETER REPICE, M.D.

Dear Karl:

I appreciate the material you recently sent concerning the above named individual. This is most helpful to us as we set up a file which will lead to refusal of future registration.

We would like the outcome of the legal action, once it has been completed. Please keep us informed as this action takes place. We note that some sort of action was to start on April 4.

Thanks again for your help in completing this file.

Sincerely,

Paul Ernst, Director
Registration Service

jf

cc: North Central Region

CONF018915

Suspended doctor given conditional reinstatement

WINONA — Dr. Joseph Peter Repice said this morning he was "pleased" with his conditional reinstatement to the staff at Winona Clinic.

Repice, 45, faces four felony charges of fourth-degree sexual conduct in Winona District Court.

He was originally charged March 9 and will next appear in court April 4.

On March 9, the clinic board of directors decided to suspend Repice from his practice until the charges were resolved. That decision was reversed in a Wednesday night vote by the clinic shareholders.

Repice, who has not practiced since March 9, said he has agreed to return to work Monday under the conditions stipulated by shareholders: that he see only patients who request to see him; that he will not prescribe controlled substances; and that he be chaperoned during all patient contacts.

Asked if he wants to continue with his practice at Winona Clinic, Repice answered, "Absolutely."

Clinic Administrator Jerry Kneusel said the facility's 24 doctors — not all shareholders — met Wednesday night to discuss several options on Repice's association with the clinic. Repice attended the meeting.

In a vote, Kneusel said a majority endorsed the conditional reinstatement.

Repice is accused of having sexual contact with a 17-year-old male patient.

*Added to
TV file
Rebecca from
Aug 7 file
4-10-90*

Repice reinstated at Winona Clinic on conditional basis

By Mark Metzler
Winona Daily News

Winona pediatrician Dr. Joseph Peter Repice has been conditionally reinstated to the staff at the Winona Clinic effective Monday.

Repice, 45, of 108 E. Waibasha St., currently faces four felony charges of fourth-degree sexual conduct in Winona District Court.

He was originally charged March 9, and will next appear in court April 4.

On March 9, the clinic board of directors determined that it was in the best interest of Repice and his patients that he be suspended from his practice at the clinic until there was some resolution to the charges.

The Wednesday night vote by the clinic shareholders changes that position.

Clinic Administrator Jerry Knuesel endorsed the process in which the decision to reinstate Repice was determined.

The process resulted in a reasoned, logical decision based on the information we have available.

to us at this time," Knuesel said.

The clinic shareholders met for about 1 1/4 hours, voting to reinstate Repice on the conditions that he:

- ▶ see only those patients who request to see him;
- ▶ will not prescribe controlled substances,
- ▶ and will be chaperoned during all patient contacts.

Knuesel said the clinic regards the conditions as "quite restrictive."

The clinic's 24 doctors were at the Wednesday night meeting and discussed several options on how to handle Repice's association with the clinic.

He said not all the doctors are shareholders, but the majority of those who voted endorsed the conditional reinstatement. He wouldn't say how many people voted.

He said that Repice was at the meeting, but wouldn't say what Repice's input — if any — was in the discussion.

▶ Please see REPICE/4A

▶ Repice

From page 1A

Repice is accused of having sexual contact with a 17-year-old male patient.

Repice allegedly touched the boy inappropriately in a bedroom at the home of the boy's mother in October 1989, according to what the boy told Winona Police Investigator Phil Gaddis, as contained in the complaint against Repice.

Repice has removed himself from his duties at Community Memorial Hospital. CMIH Administrator Roger Metz said he hasn't talked with Repice about resuming his duties at the hospital.

"I have not heard anything from Dr. Repice," Metz said.

Phone calls to Dr. Repice's home were not answered.

Winona Daily News

Winona, Minnesota — Saturday, March 10, 1990

2 sections/35¢

Doctor faces sex charges

Repice suspended from practice at Winona Clinic

By Mark Metzler
Winona Daily News

A Winona pediatrician has been temporarily suspended from his practice at the Winona Clinic after being charged with having sexual contact with a 17-year-old male patient.

Dr. Joseph Peter Repice, 44, 108 E. Wabasha St., appeared before District Court Judge Dennis Challeen Friday on four felony charges of fourth-degree sexual conduct.

The clinic board of directors

"has determined that it is in the best interest of the physician's patients and himself that he be suspended from his clinic practice of medicine until some resolution of the charges occurs," according to a statement issued by clinic administrator Jerry Knuesel.

Repice allegedly touched the boy inappropriately in a bedroom at the home of the boy's mother in October 1989, according to what the boy told Winona Police Investigator Phil Gaddis, as contained in the complaint against Repice.

Neither Repice nor his attorney, Doug Thomson of St. Paul, would comment on the charges.

The boy, now 18, also told Gaddis that Repice would give him massages.

The complaint alleges inappropriate contact between the boy and Repice between Sept. 14 and Oct. 13, 1989.

Repice told Gaddis that his hand had accidentally brushed against the boy inappropriately, but he had no intention of touching the boy sexually.

Repice admitted to Gaddis that he had massaged the boy in order to calm the boy down after receiving shots, the complaint said.

Repice told the boy that the massages could be construed as sexual abuse and, if revealed, could ruin his career and family.

according to what Repice told Gaddis.

Repice started treating the boy after the boy was released from chemical dependency treatment for drug and alcohol abuse in late April 1989.

After returning from the treatment program, the boy started having severe headaches that Repice treated with injections of Demerol.

Demerol is a prescription narcotic similar to morphine.

The boy's mother expressed her concern to Repice about the use of Demerol in the treatment of her son, but Repice told her not to worry, the complaint said.

Gaddis' review of the information from emergency room records at Community Memorial Hospital indicates that the boy

was treated without parental permission. The boy received authorized treatment on Oct. 10, and twice on Oct. 22, the plaintiff said.

The boy told Gaddis he estimated that he received shots of Demerol from Repice in his bedroom between 10 and 15 times.

Repice told Gaddis that he received three shots of Demerol from the boy at the boy's home.

The boy told Gaddis that he would receive the shots in the minutes for the shot to take effect, the complaint says. The boy told Gaddis that the shot knocked him out for a period of time.

Repice also prescribed

▶ Please see DOCTOR/4A



Joseph Repice

▶ Doct

From page 1A

dan — another morphine-like narcotic — for the boy, according to the complaint.

On Dec. 11, the boy was treated in the CMI emergency room for an overdose of Elavil, an antidepressant. At that time, Repice asked another doctor to take over the boy's case because he was too "emotionally involved," the complaint said.

Repice has been associated with the Winona Clinic since 1977. He received his medical degree from Georgetown University School of Medicine in Washington, D.C., in 1971.

Immediately before coming to Winona, he served as clinical professor in pediatrics at the University of Kentucky. Before that he served as an instructor at George Washington University in Washington, D.C., and as staff pediatrician at the National Naval Medical Center in Bethesda, Md., from 1974 to 1976.

Challeen released Repice without bail or bond requirements, with the conditions that Repice have no contact with the boy or the boy's family, have no contact with two witnesses in the case, have no contact with any patients under the age of 18 unless an adult is present, and that he not prescribe or administer narcotics to minors unless approved by another physician in the case.

Assistant Minnesota Attorney General William F. Klumpp Jr. is prosecuting the case.

An omnibus hearing has been scheduled for April 4, before District Judge Lawrence T. Collins.

If found guilty, Repice could receive a 10-year prison sentence and/or a fine of \$20,000 for each of the charges.

Repice was reprimanded by the Minnesota Board of Medical Examiners in 1986 because he inappropriately self-prescribed medicines between 1982 and 1985.

Repice withdraws from CMH staff ^{3/14/90}

By Mark Metzler
Winona Daily News

Dr. Joseph Peter Repice, the Winona pediatrician suspended from his practice at the Winona Clinic after being charged Friday with felony sexual conduct, has voluntarily removed himself from the staff at Community Memorial Hospital.

"Dr. Repice has removed himself from the medical staff at Community Memorial Hospital temporarily as of last Friday," said Roger Metz, administrator at CMH.

Metz wouldn't comment further on Repice's status at CMH.

Repice, 44, 108 E. Wabasha St., appeared before District Judge Dennis Challeen Friday on four counts of fourth-degree sexual conduct.

The complaint against Repice alleges that he had sexual contact with a 17-year-old male patient.

The complaint alleges inappropriate sexual contact between the boy and Repice between Sept. 14

and Oct. 13, 1989. Repice allegedly touched the boy inappropriately in the bedroom of the boy's mother's home in October, according to the complaint.

The boy, now 18, told Winona Police Investigator Phil Gaddis that Repice would give him massages, according to information in the complaint.

Repice started treating the boy after the boy was released from chemical dependency treatment for drug and alcohol abuse in late April 1989.

After the boy was released from the treatment program he started having severe headaches that Repice treated with injections of Demerol — a prescription narcotic similar to morphine.

The complaint alleges that Repice treated the boy four times without parental permission.

On Friday, the Winona Clinic board of directors decided to suspend Repice in the best interest of

► Please see REPICE/4A

► Repice/Removes self from CMH

From page 1A ^{3/14/90}

Repice and his patients until there is some resolution to the charges against Repice, according to a statement issued by clinic administrator Jerry Knuesel.

Repice is being represented by St. Paul attorney Doug Thomson. Assistant Minnesota Attorney General William F. Klumpp Jr., is prosecuting the case.

An omnibus hearing has been scheduled for April 4, before District Judge Lawrence T. Collins.

Repice is currently free without bail or bond provisions with

conditions that he have no contact with the boy or the boy's family, have no contact with two witnesses in the case, have no contact with any patients under the age of 18 unless an adult is present, and that he not prescribe or administer narcotics to minors unless approved by another physician in the case.

Repice has practiced medicine in Winona since 1977. He was reprimanded by the Minnesota Board of Medical Examiners in 1986 because he inappropriately self-prescribed medicines between 1982 and 1985.

Rochester
Post Bulletin
3/10/96
Saturday

Winona doctor charged in sex case

WINONA (AP) — A Winona physician has been temporarily suspended from the Winona Clinic after being charged with criminal sexual conduct involving a 17-year-old male patient.

Dr. Joseph Peter Reprice, 44, appeared in Winona County District Court before Judge Dennis Chalmers on a criminal complaint filed by the state attorney general's office.

Reprice was charged with four felony counts of fourth-degree criminal sexual conduct. Two counts cover offenses that allegedly occurred between Sept. 29 and Oct. 13 while the other two counts are for a single violation that allegedly occurred between Oct. 15 and Oct. 31.

All the offenses allegedly occurred at the boy's home in Winona, said Assistant Attorney General William Klumpp Jr.

The complaint against Reprice also states that he gave the youth morphine-like drugs for headaches, even after the boy had been treated for an overdose and had been told by a Mayo Clinic physician to avoid narcotics.

Reprice, a pediatrician, was charged after an investigation by the Winona Police Department that began Dec. 11.

The boy, now 18, told police investigator Phil Gaddis that Reprice would give him massages. Reprice told Gaddis that his hand had accidentally brushed against the boy inappropriately, but he had no in-

tention of touching the boy sexually.

Reprice told police he had massaged the boy in order to calm the boy down after giving him shots. The maximum penalty on each count is 10 years in prison and a fine of \$20,000.

Winona Clinic Administrator Jerome Knuesel said the clinic's board of directors decided to temporarily suspend Reprice until the charges are resolved. Reprice has been with the clinic since 1977.

Reprice was released without bond and was ordered to appear for an April 4 omnibus hearing.

Defense attorney Douglas Thomson of St. Paul said Reprice denies the charges.



Star Tribune
Saturday 2/10/90

Andrews is charged with the March / where they arrested Stevens. Two year.

Winona pediatrician faces four sex charges

By Bill McAuliffe
Southern Minnesota Correspondent

Winona, Minn.

A Winona pediatrician has been charged with four counts of criminal sexual conduct involving a 17-year-old boy who was a patient.

The complaint against Dr. Joseph Peter Repice, 44, alleges that he fondled the boy on a visit to the boy's home in October and that he told the boy that masturbation would help alleviate his severe headaches.

Specifically, Repice, who had been an assistant Boy Scout troop leader until

resigning last month, is charged with using his position of authority over the boy to have sexual contact with him, and falsely telling him that the sexual contact was for a medical purpose. The alleged victim is now 18.

The complaint against Repice also states that he gave the youth addictive morphine-like drugs for headaches, even after the boy had been treated for an overdose at the Mayo Clinic and had been told by a Mayo physician to avoid narcotics.

The boy's mother told investigators that her son took one of the drugs, Percodan, "like candy."

Special assistant Attorney General William Klumpp, who is prosecuting the case, said there was no physical evidence with which to charge Repice with drug violations.

Repice, who was the subject of disciplinary action for his own drug use in 1986 by the Minnesota Board of Medical Examiners, was suspended Friday from his practice by the Winona Clinic.

Repice made an initial appearance in Winona County District Court yesterday. He was released on the condition that he have no contact with the alleged victim.

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SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge)
2. Restricted Delivery (Extra charge)

3. Article Addressed to:
Dr. Joseph P. ...
[Redacted]
Winona, MN 55987

4. Article Number
P-579-368-159

- Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

X [Signature]

6. Signature - Agent

X [Signature]

7. Date of Delivery
3-17

8. Addressee's Address (ONLY if requested and fee paid)



GAMEHAVEN COUNCIL NO. 299

Boy Scouts of America
1124 S.E. 11¹/₂ Street
Rochester, Minnesota 55904-4097
Telephone (507) 288-8464

March 14, 1990

Dr. Joseph P. Repice

[REDACTED]
Winona MN 55987

Dear Joe;

After careful review, we have decided that your registration with the Boy Scouts of America should be denied. We are therefore compelled to request that you sever any relations that you may have with the Boy Scouts of America. A refund of your registration fee is enclosed.

You should understand that Boy Scouts of America membership registration is a privilege and is not automatically granted to everyone who applies. We reserve the right to refuse registration whenever there is a concern that an individual may not meet the high standards of membership which the Boy Scouts of America seeks to provide for American youth.

If you wish to have this decision reviewed by a Boy Scouts of America Regional Review Committee, please write to the Regional Director within 60 days of the date of this letter, explaining your version of the facts supporting your claim that your registration as a Boy Scout of America member should be reinstated. The procedures for a review of this decision are attached.

Sincerely,

P. Karl Rowley
Scout Executive

PKR/mm1



CONF018924

The following information is provided should you desire a review by the North Central Region, Boy Scouts of America, of the decision to deny your registration.

1. Within 60 days, you must request in writing a review of this decision. Your request should be sent to the Regional Director, North Central Region, Boy Scouts of America. In your request you may include your version of what occurred in support of your claim that your registration should not have been denied.
2. Upon the receipt of your written request, a committee will be appointed to review the situation.
3. You may attend the review hearing, but it is not adversarial in nature and neither the committee nor you will be represented by legal counsel. If you wish, you may be accompanied by no more than two other individuals if their testimony might assist the committee in discovering the truth and arriving at a correct decision.
4. The committee will review the facts as presented, and may interview any persons whose testimony might assist them in arriving at a correct decision.
5. You will receive a letter setting forth the decision of the committee.
6. If you disagree with the decision of the committee, you may request a review of this decision by the National Council of the Boy Scouts of America.



SEPARATION NOTICE

BOY SCOUTS OF AMERICA

REGION NO. <i>NC</i>	COUNCIL NO. <i>299</i>	DISTRICT NO. <i>1</i>	TYPE OF UNIT <i>Troop</i>
			NATIONAL NO. <i>50011</i>

EXPIRATION DATE OF UNIT OR ROSTER *1/31/91*

DATE OF SEPARATION *4/4/90*

INSTRUCTIONS TO THE LOCAL COUNCIL

Separation notices should be sent to the national office during the charter year for the following reasons only:

1. When a boy or adult transfers from one unit to another within the council (pack to pack, pack to troop, troop to troop, troop to post, post to post).
2. When an adult changes position within a unit or council.
3. When a Boy Scout or Explorer reaches 18 years of age

and registers as an assistant Scoutmaster or an associate Advisor.

4. When a member dies (please include his last address).
When a boy or an adult pays a registration fee, he is entitled to membership until the expiration date indicated on his membership certificate.

Separation notices must **not** be sent to the national office at the time of reregistration or for unregistered units.

For a boy transferring to a new unit, submit an additional enrollment to add him to his new unit. This separation notice only separates him from his previous unit, it does not add him to his new unit.

BOYS' NAMES	Show last registration: C. Cub Scout, S. Boy Scout, E. Explorer	WHY DID THE BOY LEAVE THE UNIT? If he transferred or graduated, indicate type of new unit and number, city, and state. Give specific reason for separation.
1.		
2.		
3.		
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6.		
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8.		

For an adult transferring to a new position, submit an adult application to add him in his new position. This separation notice only separates him from his previous position, it does not add him to his new position.

3865

ADULTS' NAMES AND ADDRESSES	In what position was he registered?	Fee paid in this position?	Reason for separation.
<i>1. Dr. Joseph P. Repice [Redacted]</i>	<i>CR</i>	<i>yes</i>	<i>Confidential File (see Paul Ernst)</i>
<i>2. Winona MN 55787</i>			
<i>3. -----</i>			<i>APR 09 1990</i>
<i>4. -----</i>			

If more space is required, please use a second sheet and number both.

Approved _____ (Scout Executive)



GAMEHAVEN COUNCIL NO. 299

Boy Scouts of America
1124 S.E. 11 1/2 Street
Rochester, Minnesota 55904-4097
Telephone (507) 288-8464

March 15, 1990

Father Paul Nelson

[REDACTED]
Winona MN 55987

Dear Father Nelson;

My apologies for not being able to meet with you on Wednesday as we had hoped. My schedule will have me traveling until March 27th. Permit me to take this opportunity to share the Boy Scout of America directive when dealing with allegations of Child Abuse. "An allegation that appears to have substance necessitates the immediate removal of the alleged abuser from the program. This may only be temporary if the report is false, but the risk of continuing to permit the alleged abuser to participate in the program is too great to take."

When concerns arise, it is my duty to implement this standard. Discussing specifics of any alleged child abuse situation can not be permitted. However; a visit to review the Boy Scouts of America Child Protection Program is within the guidelines. I will call to reschedule our meeting when I return to Rochester.

Sincerely,

P. Karl Rowley
P. Karl Rowley
Scout Executive

PKR/uml



CONF018927

CCT	SECTION/Subdivision	U.O.C.	GOC	CTY. AT FILE NO.	CONTROLLING AGENCY	CONTROL NO.
I	Minn. Stat. § 609.345, subd.1(e)	L7156	N	35.9X84.0285	MN062015A	89013002
II	Minn. Stat. § 609.345, subd.1(k)	L7156	N			
III	Minn. Stat. § 609.345, subd.1(e)	L7156	N	COURT CASE NO.	DATE FILED	
IV	Minn. Stat. § 609.345, subd.1(k)	L7156		K 3-90-318	3-9-90	

✓if more than 6 counts (see attached)

State of Minnesota

VS.

PLAINTIFF,

Complaint

SUMMONS
 WARRANT
 ORDER OF DETENTION

FELONY
 GROSS MISDEMEANOR

NAME: first, middle, last
 JOSEPH PETER REPICE a/k/a Dr. JOE
 [REDACTED]
 Winona, MN 55987

Date of Birth: 03/19/45
 SJIS COMPLAINT NUMBER: 85-31-8-000002

DEFENDANT.

COMPLAINT

The Complainant, being duly sworn, makes complaint to the above-named Court and states that there is probable cause to believe that the Defendant committed the following offense(s). The complainant states that the following facts establish PROBABLE CAUSE:

Your Complainant is Investigator Phillip Gaddis of the Winona Police Department. Your complainant's department has investigated a complaint of criminal sexual conduct filed against DR. JOSEPH PETER REPICE, a/k/a DR. JOE, who is a Winona pediatrician. The information contained in this affidavit was obtained by interviews conducted by your affiant, the review of reports prepared by other law enforcement officers, and the review of medical records.

[REDACTED] met with officers from the Winona Police Department for the first time concerning this matter on December 11, 1989. She is the mother of [REDACTED] d.o.b. [REDACTED], a [REDACTED] year old boy. She reported that [REDACTED] was released from chemical dependency treatment for drug and alcohol abuse in late March or early April, 1989. After returning to her home, [REDACTED] had complained about headaches and had gone to the Winona Community Hospital emergency room on many occasions. DR. REPICE initially treated [REDACTED] complaints by giving him injections of Demerol.

According to the 1990 Physicians Desk Reference, Demerol is a narcotic analgesic with multiple actions qualitatively similar to those of morphine. The PDR indicates that the principal actions of therapeutic value are analgesia and station. A warning in the PDR indicates that Demerol can produce drug dependence of the morphine type. When [REDACTED] expressed her reservations to DR. REPICE about the use of Demerol, he told her it would not hurt [REDACTED].

[REDACTED] indicated that her son and DR. REPICE had a relationship which seemed strange to her. She said that her son would call REPICE at the doctor's home when he had a headache and that the doctor would come to her apartment carrying a small brown bag. The doctor would then go into [REDACTED] room and give him a shot. The doctor would remain in the room for several hours with the

FILED

Mar 9, 1990
 DISTRICT COURT
 WINONA, MN 55987

CCT

SECTION/Subdivisor

U.O.C. GOC

PAGE 2 of 17

SJIS COMPLAINT NUMBER(S):

85-31-8-000002

door locked according to [REDACTED]. She indicated that she had also taken her son to the hospital in the past where he was seen by DR. REPICE. At the hospital DR. REPICE told [REDACTED] to go home because he would bring her son home later.

[REDACTED] also reported that her son had gone to the hospital several times alone and had received treatment from DR. REPICE without her permission or signature. [REDACTED] did not believe that was correct because her son was only [REDACTED] years old. Your complainant has reviewed hospital records which indicated that DR. REPICE did treat [REDACTED] without parental permission.

Records obtained by your complainant from the Winona Community Hospital indicate that Dr. DeNardis saw [REDACTED] on July 6, 1989, for right shoulder pain. A notation in the records indicated, "No pain killer. Was an abuser." The hospital records reveal that DR. REPICE prescribed Demerol to [REDACTED] on September 30, October 1, October 2, October 4, October 9, and October 10, 1989. Records obtained from the Winona Clinic indicate that DR. REPICE administered Demerol to [REDACTED] on October 10, October 11, and October 12, 1989.

When your affiant reviewed hospital emergency room records, it did not appear that there was any authorization for the treatment of [REDACTED] on October 9, October 10, and October 22 (two visits). The form dated October 22 notes [REDACTED] "states to me that he's emancipated." However, on December 11, 1989, [REDACTED] was contacted by DR. REPICE who told her that her son was in the emergency room because of an overdose and that he needed her permission to treat him. She also stated that DR. REPICE told her that her son had overdosed by taking 15 Elavil tablets.

[REDACTED] stated REPICE had picked her son up at his home and taken him for long drives. Her son would not return home until late in the night or early in the morning. [REDACTED] also indicated that DR. REPICE had asked her son to go out of town with him and would inform her son when the doctor would be out of town.

[REDACTED] took her son to Rochester to be checked because of the complaints of headaches. Her son was admitted to a hospital in Rochester on October 13 and was discharged on October 15, 1989.

REPICE brought her son home from the hospital. [REDACTED] indicated that after bringing her son home from Rochester DR. REPICE gave him another shot of Demerol. [REDACTED] turned over to the Winona Police Department an October 24, 1989 letter from Dr. William E. Karnes of the Mayo Clinic to DR. JOSEPH REPICE. The letter indicated that the Mayo Clinic had "strongly urged him [REDACTED] to avoid narcotics in managing his headaches" and suggested other medications to use. Dr. Karnes also noted that he "shared your [DR. REPICE's] liking for" [REDACTED]

[REDACTED] also indicated that DR. REPICE gave her son a prescription for Percodan, which her son took like candy. When she mentioned this to DR. REPICE, the doctor told her not to worry. The 1990 Physicians Desk Reference indicates that Percodan contains a principal ingredient of oxycodone which is a semisynthetic narcotic analgesic with multiple actions qualitatively similar to those of morphine. The warning in the PDR indicates that Percodan can produce drug dependency of the morphine type and, therefore, has the potential for being abused.

[REDACTED] indicated that there was one weekend in October when DR. REPICE said he'd put in a lot of hours at the hospital and clinic causing him to become very tired. He said he would not be able to come out if [REDACTED] needed him and requested that [REDACTED] stay at his house for the weekend. DR. REPICE also told her that his wife was out of town for the weekend. However, [REDACTED] did not spend the weekend with REPICE.

On October 17, 1989, [REDACTED] called his mother and asked her to go to a local pharmacy to pick up a prescription for his headache. She told her son it would take her a while to get there but that she would pick up the prescription. While she was at the pharmacy picking up the prescription for Percodan, DR. REPICE came in and seemed surprised to see her. He told her that he had come over to pick up her son's prescription and take it to him. [REDACTED] told the doctor that was why she was there. REPICE left.

On October 19, 1989, DR. REPICE's day off, he came over and wanted [REDACTED] to go with him to the YMCA. [REDACTED] told DR. REPICE that [REDACTED] had taken up to ten of the Percodan tablets and that she was concerned about him. DR. REPICE told her not to worry.

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██████████ was fine, and that she had no reason to be concerned. She indicated that her son seemed to be under the influence of the medication but that he left with DR. REPICE. He was gone for two to three hours.

When ██████████ went to the hospital on December 11, 1989, DR. REPICE told her that he had removed himself from her son's case. The doctor indicated that he needed to catheterize her son but that he couldn't stand to do it because it was so painful. Consequently, he turned the case over to another doctor. ██████████ was released from the hospital on December 12, 1989. ██████████ indicated that ██████████'s girlfriend, ██████████ had told her that ██████████ had met with DR. REPICE down by the levy on the evening of December 12 after he had gotten out of the hospital.

Your complainant interviewed ██████████'s father on December 28, 1989. He told your affiant that DR. REPICE called him after ██████████ had gotten out of chemical dependency treatment. DR. REPICE told him that he wanted to counsel ██████████

On December 29, 1989, ██████████ called your complainant and stated that she had just talked with ██████████'s girlfriend, ██████████. ██████████ stated that ██████████ told her that she had told ██████████ that ██████████ didn't talk to her and tell her the truth about what was going on with DR. REPICE (whom ██████████ referred to as DR. JOE), that she was not going to see him anymore. ██████████ told ██████████ that ██████████ started crying and didn't say anything for about ten minutes. He then told ██████████ that DR. JOE had "beat him off" but made ██████████ promise not to tell anyone. ██████████ asked ██████████ why he continued to see DR. REPICE. ██████████ told ██████████ that DR. JOE had helped him more than anyone else. ██████████ indicated that one night in October while ██████████ was still having severe headaches he had come to her and told her that DR. REPICE had told him that he should try "beating off" to relieve his headaches. When ██████████ asked her son why a doctor would talk to a young man like that, ██████████ said that DR. JOE was just putting it in kid's terms.

On December 29 your complainant met with ██████████ asked ██████████ to tell me about the events leading up to the incident where ██████████ overdosed. ██████████ stated that on December 10 she was talking with ██████████ on the telephone when he told her he had to

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get off the phone because DR. REPICE had just gotten there and wanted to talk with him. [REDACTED] said she called back later in the afternoon and asked what DR. REPICE had wanted. [REDACTED] told her that DR. JOE wanted to know if he was taking his Elavil. [REDACTED] told [REDACTED] that he told DR. REPICE he hadn't taken any Elavil in a couple of days. [REDACTED] related that [REDACTED] said DR. REPICE told him he needed to take fifteen of the Elavil tablets in order to get his level back up. [REDACTED] then asked [REDACTED] what kind of doctor would tell him to take that many pills. [REDACTED] said that he was just kidding but that he did have to get his level back up. [REDACTED] said [REDACTED] did seem to be in a good mood when she talked with him on both occasions that Sunday.

[REDACTED] had seen [REDACTED] on the morning of December 11 at school and could tell immediately that something was wrong because of his appearance. [REDACTED] related that she visited [REDACTED] in the hospital on December 12 along with [REDACTED]. While [REDACTED] was in [REDACTED] room, DR. REPICE came in and told her that he needed to talk to [REDACTED] and asked her to leave the room. After DR. REPICE left, she went back into the room, and could see that [REDACTED] was crying even though he turned away from her. [REDACTED] asked [REDACTED] three times what was wrong before he finally turned to her, telling her that DR. REPICE wasn't going to be on his case any more. [REDACTED] told her that when they put the bag in for his kidneys DR. REPICE was too close to him and he couldn't do it.

[REDACTED] said that a few days after [REDACTED] got out of the hospital she called him about 10 p.m. in the evening. [REDACTED] told her he couldn't talk because DR. JOE was picking him up. The next day she asked [REDACTED] where he and DR. REPICE had gone. [REDACTED] told her that they had gone down to the levy, smoked some cigarettes, and talked about everything that was going on. [REDACTED] said she was over at [REDACTED] house on December 19 and went into his bedroom. She could tell immediately that he was on something. She asked [REDACTED] what he was taking. He told her it was an antibiotic. She asked how many he had taken and he told her one. [REDACTED] asked where [REDACTED] had gotten them. He told her that DR. REPICE had given them to him the night before.

On December 28 at about 11 a.m. [REDACTED] was on the telephone talking to [REDACTED]. When the subject of DR. REPICE came up, [REDACTED] said she told [REDACTED] she had a feeling he wasn't telling her the

whole truth. [REDACTED] wanted to know what she meant; [REDACTED] told him that he just wasn't telling her everything. She then asked him if there wasn't more. This caused him to be quiet for a while and say, "Yes, there is more." [REDACTED] asked [REDACTED] if she came over if he would tell her. [REDACTED] said he would.

[REDACTED] said that she then went over to [REDACTED]'s house, arriving about 1 p.m. She said that [REDACTED] was in bed asleep but that she woke him up and asked him to tell her the rest of it. [REDACTED] said that [REDACTED] was very hesitant and began defending DR. REPICE. [REDACTED] told her that it could wreck DR. JOE's career if he told. He said he couldn't do that. [REDACTED] related that she told [REDACTED] that if he wasn't going to tell her, she was going to leave. [REDACTED] asked her not to leave and to come back in, which she did.

[REDACTED] said [REDACTED] told her that no one else could know. He said he hadn't told anyone else. [REDACTED] said [REDACTED] made her swear that she wouldn't tell anyone. She said [REDACTED] was crying and said, "When I was getting those shots of Demerol, you know how I was supposed to masterbate? Well, one of those times, DR. JOE did it for me." [REDACTED] said that as [REDACTED] was [REDACTED] "Well, DR. JOE did it for me." he was moving his hand up and down above his groin. [REDACTED] said she asked [REDACTED] if he thought DR. JOE did it to help him or if he thought he was being sexually abused. [REDACTED] told her, "Right now I don't know if he was helping or sexually abusing me." [REDACTED] then told her, "I would rather die than let this out and wreck the man's career." [REDACTED] said she asked [REDACTED] if there were any threats or if DR. JOE had told him not to tell anyone. [REDACTED] told her that DR. JOE told him never to tell anyone. [REDACTED] said [REDACTED] was still crying and was afraid she would think he was "a faggot." [REDACTED] assured him that that was not the case but that he still continued to be very embarrassed. [REDACTED] knew that [REDACTED] was scheduled to see a counselor in LaCrosse and made him promise to talk to the counselor about DR. REPICE.

[REDACTED] informed your complainant that on January 2, 1990, she was informed in the presence of her son and [REDACTED] that there had been "sexual abuse" between her son and DR. REPICE. [REDACTED] told your complainant that she had told her son that he had to

[REDACTED]

call to the doctor. [REDACTED] said that DR. REPICE would give him a shot in his hip and that it would take effect in about 15 minutes. He said he would be totally knocked out after that period of time.

Your complainant then asked [REDACTED] if DR. REPICE had given him some other instructions on relieving his headaches. [REDACTED] said that after DR. REPICE stopped giving him the Demerol on the recommendation of the Mayo Clinic, he was on Elavil but still having headaches. He said that one night DR. REPICE was over talking with him about the headaches. [REDACTED] said that DR. REPICE told him, "Try to beat off. It will relieve the pressure." [REDACTED] said he had not followed the doctor's instructions because it was his experience that when he became sexually excited by being around his girlfriend, his headaches would increase.

[REDACTED] indicated that there were two occasions shortly before he was in the hospital in Rochester when DR. REPICE touched his penis. He said that he received back rubs preceding these incidents. [REDACTED] said that DR. REPICE would have him undress and then give him a back rub, butt rub, chest rub, and stomach rub. He said that on several occasions during the stomach rubs DR. REPICE touched his penis. [REDACTED] said that he thought at the time the touches were accidental but that now he is not so sure. [REDACTED] said that the back rubs all occurred prior to a time when DR. REPICE masterbated him.

[REDACTED] related that one evening after he had gotten out of the hospital in Rochester in the latter part of October he had experienced a severe headache and that his little sister had called DR. REPICE for him. [REDACTED] said that he was still taking Elavil and that he was lying on his stomach on the living room floor when DR. REPICE arrived. After DR. REPICE came in they went up to a bedroom where [REDACTED] laid on the bed. [REDACTED] said that DR. REPICE sat down on the bed next to him and they talked for a while. [REDACTED] said that he was wearing cutoff jogging pants, like sweat pants, and that he couldn't remember if he was wearing a football jersey or any kind of a shirt.

[REDACTED] said that he was lying on top of the bed covers talking to DR. REPICE when DR. REPICE reached over and reached inside of his pants from the top and started to rub [REDACTED]'s penis with his

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hand.. [REDACTED] said that he was being masterbated by DR. REPICE. [REDACTED] said that it didn't seem right but at the time he trusted DR. REPICE because he was the one trying to help him. [REDACTED] said that it did not help the headache and in fact made it worse; consequently, [REDACTED] pretended to fall asleep. [REDACTED] said DR. REPICE stopped masterbating him before he climaxed and left. [REDACTED] said he was talking to DR. REPICE a few days later when DR. REPICE said he felt badly about what had happened. DR. REPICE said he was just trying to help [REDACTED] told DR. REPICE to forget about it. REPICE said he couldn't just forget about it because he could be put in jail for it. DR. REPICE then asked [REDACTED] to keep it just between them, promising never to do it again or bring it up again.

When detailing the masterbation incident, [REDACTED] described DR. REPICE's hand as moving in an up and down motion. In response to a question from your complainant [REDACTED] said it was hard to say how many times REPICE'S hand went up and down but he estimated around twenty. [REDACTED] said that he did not get a back rub from DR. REPICE on the occasion when he was masterbated.

[REDACTED] indicated that one time before he went into the hospital in Rochester he was at his old girl friend's, [REDACTED] when he got a bad headache. [REDACTED] said he called DR. REPICE who told him that his wife was in Boston but that his kids were home. DR. REPICE offered to let him spend the night at his house but [REDACTED] declined.

[REDACTED] also indicated that there were times when DR. REPICE would pick him up at home and take him to the emergency room where he received shots of Demerol. [REDACTED] said it was DR. REPICE who offered to pick him up at the hospital in Rochester when he was discharged. [REDACTED] said that on the way home he got a headache and that DR. REPICE did give him a shot of Demerol so that he could go to sleep.

[REDACTED] also related an incident when he went over to the YMCA with DR. REPICE. He said that they went to the health club portion of the YMCA where they took a sauna and a whirlpool. [REDACTED] said that neither he nor the doctor wore swim suits while they were in the sauna or the whirlpool. [REDACTED] said that it was

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a men's only area and there were other men present, none of whom was wearing a swim suit. [REDACTED] said REPICE did not register him as a guest.

[REDACTED] also related another incident where DR. REPICE called him on a Thursday after he had gotten out of the hospital in Rochester. This was DR. REPICE's day off. DR. REPICE asked [REDACTED] if he wanted to go for a ride to Rochester to pick up some Boy Scout badges. [REDACTED] agreed and was picked up by DR. REPICE between 11 a.m. and noon. [REDACTED] said there were no medications given during that trip.

[REDACTED] also related that DR. REPICE had asked him about his sex life even during the time when he was still having stomach problems. DR. REPICE would ask [REDACTED] about his girlfriend, and if he went all the way with his girlfriend. DR. REPICE told him to use condoms if he did. [REDACTED] also said DR. REPICE asked him about his sexuality. [REDACTED] said that DR. REPICE would ask him if he was a "guy kind of guy or a girl kind of guy." [REDACTED] said he asked DR. REPICE if he (DR. REPICE) was crazy. [REDACTED] said DR. REPICE got quiet then. [REDACTED] then told him that he was definitely a "girl kind of guy" and had never questioned that fact. DR. REPICE said that he was just wondering because it wasn't unusual for a kid [REDACTED]s age to question that.

On January 8, 1990, your complainant met with DR. REPICE. I told him that he did not have to talk with me if he did not want to and that he could refuse to answer any questions he was uncomfortable answering. Your complainant also informed the doctor that the door was unlocked and that he was free to leave at any time. Your complainant produced a written waiver of the doctor patient privilege signed by [REDACTED] and his mother. It was addressed to DR. REPICE and indicated:

I [REDACTED] hereby give you permission to disregard any doctor patient confidentiality regarding my case. Furthermore, I request that you cooperate and answer questions that may be asked of you by police officers of the Winona Police Department.

DR. REPICE appeared to read the permission slip and then handed it back to your complainant.

DR. REPICE said he began seeing [REDACTED], approximately ten years ago but more intensely since September or October, 1989 when [REDACTED] began coming in with headaches that continued to get worse. DR. REPICE said because of the headaches he hospitalized [REDACTED] for a severe case of sinusitis. Hospital records indicate that that occurred on October 2, 1989. Because [REDACTED] did not improve he was eventually sent to Rochester. DR. REPICE said that the only way to treat the headaches up to that point was with Demerol. DR. REPICE said that he recorded those shots on either hospital or clinic records. DR. REPICE said he knew [REDACTED] had a history of chemical dependency and had received treatment for it in LaCrosse.

DR. REPICE said he believed that [REDACTED] stress and pain were legitimate and that [REDACTED] did not want the Demerol just for the effect. DR. REPICE reviewed emergency room medical records and mentioned that on September 30, 1989, when [REDACTED] came into the emergency room, DR. REPICE was working there and noted that [REDACTED] was "writhing in pain." DR. REPICE said that [REDACTED] was living in different places at the time and that [REDACTED] considered himself an emancipated minor. He also discussed with your complainant other occasions when Demerol or other medications were administered, apparently without parental consent.

DR. REPICE indicated that on October 5 when [REDACTED] was discharged from the hospital he drove him home. He said he prescribed sleeping pills and told [REDACTED] to take one pill each night for three days. Following that DR. REPICE saw an improvement in [REDACTED]'s condition and headaches. DR. REPICE said he did not know if that was because of the medication or because they had had a lot of time to talk. DR. REPICE said he had given at least two shots of Demerol to [REDACTED] at his home but no more than three.

DR. REPICE said that on October 15 [REDACTED] called him at home from the hospital in Rochester and indicated that he did not have anyone to pick him up. DR. REPICE agreed to go to Rochester and pick him up. While at the hospital the nurses on duty gave DR. REPICE the instructions on treatment recommended by the Mayo Clinic doctors. DR. REPICE said that those instructions included avoiding narcotics. DR. REPICE denied giving [REDACTED] a shot of

Demerol on the 15th but said that [REDACTED] did develop a headache on the way home. DR. REPICE said that October 16 was the last time he'd given Demerol to [REDACTED].

DR. REPICE said he saw [REDACTED] at the clinic on October 23 and made a referral. He said the next time he saw [REDACTED] was on December 11 when he was admitted to the hospital. Your complainant asked DR. REPICE what he and [REDACTED] talked about when they were together. DR. REPICE said that sometimes they would just walk around the lake and talk about what was happening with [REDACTED]'s relationships at home. DR. REPICE said frequently [REDACTED] would give him a call during the day and just want to talk. DR. REPICE said it was very difficult to avoid a call like that.

DR. REPICE confirmed that he was unable to catheterize [REDACTED] when he was admitted to the hospital on December 11 and that he had asked another doctor to take over the case. DR. REPICE said that [REDACTED] called him that night and told him that he did not overdose on purpose but that he had missed three nights of medication; consequently, in order to get his level back up he had taken 15 tablets at once. DR. REPICE said that on the afternoon before the overdose [REDACTED] had telephoned him and that he went over to talk with [REDACTED]. He said that [REDACTED] was unusually happy because he wasn't letting anything bother him.

Your complainant asked if REPICE ever recalled talking with [REDACTED]'s father about counseling [REDACTED]. DR. REPICE said that when [REDACTED] had been discharged from chemical dependency treatment the doctor asked him to follow up with [REDACTED]. DR. REPICE said that on December 30, 1988, he had a 45 minute discussion with [REDACTED] at the clinic where they discussed topics such as [REDACTED] home life, school, friends, drugs, and sexuality. DR. REPICE said these were the basic types of questions asked when there is a suspected psychogenic or psychological cause for distress. DR. REPICE said he came to believe that there was an alcohol problem even though [REDACTED] would not admit to it. DR. REPICE said an appointment was made for a three week follow up but that [REDACTED] did not appear. DR. REPICE said that he then called [REDACTED]'s father to find out if [REDACTED] was all right. It was at that time that DR. REPICE learned from [REDACTED] father that [REDACTED] was in treatment.

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Your complainant asked DR. REPICE if he usually made house calls for patients. DR. REPICE replied, "Occasionally." When your complainant asked for the names of other patients he made house calls for, DR. REPICE couldn't think of any. DR. REPICE said it was not unusual for him to give patients a ride home. DR. REPICE indicated that he did not keep records of his house calls. DR. REPICE said that was especially true with [REDACTED] because there were so many calls and because of the ongoing care.

DR. REPICE confirmed that he had removed himself from [REDACTED] case in December, 1989, because he was too emotionally involved. DR. REPICE said that he got physically sick to his stomach when he saw the lab people drawing blood. When he tried to put the catheter in [REDACTED], REPICE said it was like watching it happen to his own child. At that time he knew it was time to turn the case over to another doctor.

Your complainant then asked DR. REPICE if he had given any other suggestions to [REDACTED] as ways to relieve tension. DR. REPICE said that he had told [REDACTED] to talk to his father, his mother and sister to resolve conflicts with them. He also recommended psychiatric care. Your complainant asked DR. REPICE if he had told [REDACTED] to try masterbating. DR. REPICE replied, "Oh, god, no." DR. REPICE indicated that [REDACTED] had told him that he had masterbated. When your complainant asked when that occurred, DR. REPICE said that it was during one of the sessions in his office when they discussed sexuality. DR. REPICE said that he had asked [REDACTED] if he had masterbated and that he replied affirmatively. DR. REPICE said that he also asked [REDACTED] if he had any problems with his sexuality and that [REDACTED] had responded negatively. DR. REPICE knew [REDACTED] had a girlfriend.

DR. REPICE also indicated that one Thursday he had gone to the Boy Scout office in Rochester to pick up some equipment and that he had taken [REDACTED] with him. He also confirmed that he did invite [REDACTED] to spend the night at his house on one occasion.

In regard to going to the YMCA DR. REPICE did confirm he had taken [REDACTED] to the YMCA because he thought that a sauna or whirlpool might help [REDACTED] headaches. DR. REPICE indicated other people were present and that he had not registered [REDACTED]

as a guest. DR. REPICE confirmed that it was customary not to wear swim suits in the sauna or whirlpool.

Your complainant asked DR. REPICE if he could ever recall giving [REDACTED] a back rub. DR. REPICE said there were two occasions when he gave [REDACTED] back rubs. Your complainant then asked DR. REPICE if he had ever rubbed [REDACTED] buttocks. DR. REPICE said that [REDACTED] asked him to rub his buttocks because they had hurt when he had gotten the shots. DR. REPICE said, "Foolishly, I did it in order to calm [REDACTED] down." DR. REPICE said that [REDACTED]'s pants were down when he rubbed his buttocks. DR. REPICE said that when [REDACTED] turned over, he had rubbed [REDACTED] stomach and chest. Your complainant asked DR. REPICE if his hand had touched [REDACTED] penis. DR. REPICE said that as he was rubbing [REDACTED] stomach, his (REPICE'S) hand did "accidentally" brush up against [REDACTED] penis. DR. REPICE said that frightened him and that he then pulled [REDACTED] pants up. When your complainant asked DR. REPICE what happened after he pulled [REDACTED]'s pants up, DR. REPICE said he waited until [REDACTED] went to sleep and then left. DR. REPICE said he had no intention of touching [REDACTED] sexually and that he had given [REDACTED] the back rubs just to try to relax him so that he could get to sleep.

Your complainant then asked if he discussed the incident with [REDACTED]. Dr. REPICE said that a couple of days later he and [REDACTED] discussed the incident due to the guilt REPICE was feeling over giving him the back rubs, since that was not normal treatment for a physician. Again DR. REPICE wanted to emphasize that the back rubs were to relax [REDACTED]. Your complainant asked DR. REPICE if he apologized for touching [REDACTED] penis. DR. REPICE said he did even though he didn't feel he had to, since it was an accident. Your complainant then asked if they discussed what this might do to the doctor's career. DR. REPICE said he told [REDACTED] that giving him back rubs could be construed as sex abuse and could ruin his career and his family. DR. REPICE said [REDACTED] responded by brushing it off and told him not to think about it. DR. REPICE said that [REDACTED] always said that he knew that DR. REPICE was trying to help him. DR. REPICE said in response to a question that he could not determine when the incident took place by examining any records. However, DR. REPICE said he

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thought it was before [REDACTED] went to St. Mary's and possibly after he was in the hospital in Winona for sinusitis. DR. REPICE's date of birth is March 19, 1945.

The above facts constitute your complainant's belief that the defendant committed the following described offenses:

The above-named defendant at Winona in Winona County did unlawfully, wrongfully,

COUNT I

OFFENSE: CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE
IN VIOLATION OF: Minn. Stat. § 609.345, subd. 1(e)
MAXIMUM PENALTY: Ten years and/or a fine of \$20,000

Between September 29 and October 13, 1989, engage in sexual contact with a person at least 16 years of age but less than 18 years of age, to wit: [REDACTED] d.o.b. [REDACTED], said defendant being more than 48 months older than [REDACTED] and in a position of authority over [REDACTED] and using this authority to cause [REDACTED] to submit.

COUNT II

OFFENSE: CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE
IN VIOLATION OF: Minn. Stat. § 609.345, subd. 1(k)
MAXIMUM PENALTY: Ten years and/or a fine of \$20,000

Between September 29 and October 13, 1989, engage in sexual contact with [REDACTED], d.o.b. [REDACTED], said defendant accomplishing the sexual contact by means of a false representation that the contact was for bona fide medical purpose by a health care professional.

COUNT III

OFFENSE: CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE

IN VIOLATION OF: Minn. Stat. § 609.345, subd. 1(e)

MAXIMUM PENALTY: Ten years and/or a fine of \$20,000

Between September 14 and October 13, 1989, engage in sexual contact with a person at least 16 years of age but less than 18 years of age, to wit: [REDACTED], d.o.b. [REDACTED], said defendant being more than 48 months older than [REDACTED] and in a position of authority over [REDACTED] and using this authority to cause [REDACTED] to submit.

COUNT IV

OFFENSE: CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE

IN VIOLATION OF: Minn. Stat. § 609.345, subd. 1(k)

MAXIMUM PENALTY: Ten years and/or a fine of \$20,000

Between September 14 and October 13, 1989, engage in sexual contact with [REDACTED] d.o.b. [REDACTED], said defendant accomplishing the sexual contact by means of a false representation that the contact was for a bona fide medical purpose by a health care professional.

TIHEREFORE, Complainant requests that said Defendant, subject to bail or conditions of release be:
 (1) arrested or that other lawful steps be taken to obtain defendant's appearance in court; or
 (2) detained, if already in custody, pending further proceedings;
 and that said Defendant otherwise be dealt with according to law.

COMPLAINANT'S NAME:

COMPLAINANT'S SIGNATURE

[REDACTED]

being duly authorized to prosecute the offenses charged. I hereby approve this Complaint.

DATE: March 2, 1990

PROSECUTING ATTORNEY'S SIGNATURE

Wm. F. Klumpp, Jr.

PROSECUTING ATTORNEY:
 W. F. KLUMPP, JR.
 Assistant Attorney General

ADDRESS/TELEPHONE

[REDACTED]
 St. Paul, MN 55155
 [REDACTED]

FINDING OF PROBABLE CAUSE

85-31-8-000002

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant(s) arrest or other lawful steps be taken to obtain Defendant(s) appearance in Court, or his detention, if already in custody, pending further proceedings. The Defendant(s) is/are thereof charged with the above-stated offense.

SUMMONS

THEREFORE You, THE ABOVE-NAMED DEFENDANT(S), ARE HEREBY SUMMONED to appear on the day of _____, 19 ____ at _____ AM/PM before the above-named court at _____ to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

X

WARRANT

EXECUTE IN MINNESOTA ONLY

To the sheriff of the above-named county; or other person authorized to execute this WARRANT; I hereby order, in the name of the State of Minnesota, that the above-named Defendant(s) be apprehended and arrested without delay and brought promptly before the above-named Court (if in session, and if not, before a Judge or Judicial Officer of such Court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon thereafter as such Judge or Judicial Officer is available) to be dealt with according to law.

ORDER OF DETENTION

Since the above-named Defendant(s) is/are already in custody;

I hereby order; subject to bail or conditions of release, that the above-named Defendant(s) continue to be detained pending further proceedings.

l:

Conditions of Release:


This COMPLAINT - SUMMONS, WARRANT, ORDER OF DETENTION was sworn to subscribed before, and issued by the undersigned authorized Issuing Judicial Officer this 9 day of MARCH, 1990

JUDICIAL OFFICER:

Name:

Signature:

Title:



Sworn testimony has been given before the Judicial Officer by the following witnesses:

STATE OF MINNESOTA COUNTY of

WINONA

State of Minnesota

Plaintiff,

vs.

JOSEPH PETER REPICE a/k/a DR. JOE,

Defendant (s)

Clerk's Signature or File Stamp:

RETURN OF SERVICE

I hereby Certify and Return that I have served a copy of this COMPLAINT - SUMMONS, WARRANT, ORDER OF DETENTION upon the Defendant(s) herein-named.

Signature of Authorized Service Agent

MS08

MEMBERSHIP SUPPORT SYSTEM

04/10/90
08:03:45

MEMBER DELETE

CNCL 299 PRG/UNIT S0011 SEQ. 003865

FIRST: JOSEPH P LAST: REPICE

ADDR1: ██████████ ADDR2: MINDONA HN ZIP: 55987

ADDR3: ADDR4: AGENCY: M ADULT/YOUTH: A

REG STATUS: D ENROLL: 0285 BIRTH: 0345 SEX: M BULK: MAG-STATUS:

POSITION: CR FINDERCODE: 01 PHONE: ██████████

REN DAT: 0191

TRANSFER FROM = CNCL: PGM/UNIT: SEQ: TRANSFER DATE:

MAGAZINES

TYPE	CNCL	P/UNT	CODE	TRM	DATE	FIRST	LAST	ORIG	TOTAL	COUNT	PRINTED	EXP
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PF2)DELETE PF12)MENU CLR)END
MEMBER DELETED FROM DATABASE SUCCESSFULLY