

St Vincent Archabbey,  
300 Fraser Purchase Road,  
Latrobe, PA 15650.

09 / Feb / 2012

Mr. John Peck,  
District Attorney,  
Westmoreland County,  
2 N. Main Street,  
Suite 206,  
Greensburg, PA 15601.

**REF: Reporting a Potential Misdemeanour  
in Compliance with the State Law of the Commonwealth of Pennsylvania**

District Attorney Peck,

The undersigned writes to apprise you of a potential misdemeanour under Pennsylvania State Law, and by virtue of this letter of notification, wishes to ensure his personal compliance with provisions enacted under Pennsylvania Child Protective Services Law (Pa. C.S. ss 6301-6319, dated May 28, 2007) [hereinafter referred to as the statute] within the Commonwealth of Pennsylvania.

**The Pennsylvania State Law.**

§ 6311 of the statute defines: 'Persons required to report suspected child abuse'. Subsection (b) lists the: 'enumeration of persons required to report...under subsection (a)' of said statute, and mandates a member of the clergy to report suspected abuse. The undersigned was ordained a Roman Catholic Priest on the 14 of May 1983, and therefore satisfies the prescription: 'member of the clergy' as defined under said statute.

Furthermore, said statute prescribes at: § 6319. [the] 'Penalties for failure to report or to refer a person or official required by this chapter to report a case of suspected child abuse or to make a referral to the appropriate authorities who willfully fails to do so commits a misdemeanor of the third degree for the first violation and a misdemeanor of the second degree for a second or subsequent violation'.

The Pennsylvania Code at § 925 establishes the jurisdiction and penalties to be applied with respect to a misdemeanour of the third degree for the first violation of said misdemeanour: subsection (b ), (3) prescribes the following punitive sanction to be applied: 'Misdemeanour of the third degree, not less than \$500 no more than \$2,500 and may be sentenced to imprisonment up to 6 months'.

### **Specific Requirements of the State Law.**

The undersigned has established that under **Pennsylvania State Law** § 6311 subsection (b) that as an ordained member of the clergy; is duty-bound to report any issues pertaining to suspected child abuse or any matters that may place the welfare of children at risk and/or at harm. It is instructive to cite the following: section **§ 6313** verbatim for the purposes of reporting a potential misdemeanour in order to comply with the State Law of the Commonwealth of Pennsylvania.

§ 6313. Reporting procedure. (a) General rule.--Reports from persons required to report under section 6311 (relating to persons required to report suspected child abuse) shall be made immediately by telephone and in writing within 48 hours after the oral report.

### **Violation of Pennsylvania State Law.**

Therefore, the undersigned wishes to formally notify within the context of this letter, the District Attorney of the Commonwealth of Pennsylvania, Mr. John Peck of a violation of Pennsylvania Child Protective Services Law § 6313, so as to ensure the undersigned compliance with § 6311.

### **Supporting Evidence.**

By virtue of a Decree signed at the Vatican City State, by His Eminence, William Cardinal Levada, Prefect of the Congregation for the Doctrine of the Faith (CDF), and His Excellency, Luis F. Ladaria S.J. Secretary of the aforementioned Congregation, pertaining to **Prot. N. 341/2009** the undersigned learned § 6313 had been most egregiously violated without justification by the following parties between the 15-23 of July 2009:

1. Archabbot Douglas Nowicki, Archabbot of St Vincent Abbey and Chancellor of St Vincent College;
2. H. James Towey, Former President of St Vincent College;
3. Eddie Dejthai, former Chief Information Officer (CIO) at St Vincent College, and now CIO at Ave Maria University, Florida;
4. Mr. Jack Perry, Archabbot Nowicki's Delegate for Child Protection.

Within Pennsylvania State Police Report: **X43-33359**, the aforementioned parties are mentioned as being present when Cpl. John LaRoche and Trooper Glenn Bard were summoned to St Vincent College according to the police report: 'concerning a potential child pornography investigation'.

For the record, it should be noted that the professional services of Ballard Spahr LLP, were engaged, with their professional fees paid for by either St Vincent Archabbey/Seminary and/or St Vincent College. An extensive investigation of the computer identified in Pennsylvania State Police report **X43-33359** was conducted by said law firm, and it should be noted in Paragraph 1 of the Decree signed by His Eminence, Cardinal Levada, that said computer was 'directly monitored from **15-24 July 2009**'.

Thus, from the evidence submitted to the CDF by Archabbot Nowicki and his legal advisers Ballard Spahr LLP, which was reviewed and approved by the canonical delegate, the now Roman Catholic Bishop of Altoona - Johnstown: Mark L. Bartchak in a canonical/juridical penal process to the CDF; we have irrefutable evidence of a violation of § 6313, by the parties identified and recorded by Trooper Bard in Pennsylvania State Police Report **X43-33359** by virtue of a Decree signed by the Cardinal Prefect of the CDF, an American citizen.

Said statute requires the immediate reporting of any suspected child abuse to be made **IMMEDIATELY** by telephone, and to be followed up within a time period of forty-eight (48) hours in writing. From police report **X43-33359**, as recorded by Trooper Bard, it was on the **23 of July 2009**, that Pennsylvania State Police were **first** notified under the provisions of § 6313, an inexcusable delay of eight (8) days, utilising the dates recorded in the Decree issued by the CDF.

From the Pennsylvania State Police report: **X43-33359**, and with evidence contained therein upon the Decree issued by the CDF, it would appear that the identified parties identified and recorded within said police report: **X43-33359** have intentionally committed a misdemeanour of the third degree, as defined by statute § 6313 lawfully enacted by the Pennsylvania legislature.

### **Consequences of My Mandatory Reporting.**

The Pennsylvania Code at § 6311 subsection (d) provides for the possibility of civil redress, and should the undersigned suffer any further discrimination either in the civil forum and/or should any attempt be made to subject the undersigned to further disciplinary action under the following:

a) the Canons of the 1983 Code of Canon Law;

b) the Norms Promulgated by the United States Conference of Catholic Bishop on November 13, 2002, approved as particular (Canon) law the Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons, and as amended;

c) the provision of The Motu Proprio Sacramentorum Saanctitatis Tutela, and more particularly the Article 30 § 1 and §2 of the Norms on delicta graviora currently in force is the text approved by the Holy Father Benedict XVI on 21 May 2010.

by the following people or other juridical persons having the force of law under the provisions of both Civil and Canon Law:

- Archabbot Douglas Nowicki in his official or individual capacity as Archabbot (Ordinary in Canon Law) of St Vincent Archabbey, resident at 300 Fraser Purchase Road, Latrobe Pennsylvania, 15650-2690, and/or employees, agents and representatives of same;
- Archabbot Douglas Nowicki in his official or individual capacity as Chancellor of St Vincent College and Seminary; both institutions of higher learning in the Commonwealth of Pennsylvania, both located at 300 Fraser Purchase Road, Latrobe Pennsylvania, 15650-2690; and/or employees, agents and representatives of St Vincent College and Seminary;
- The Benedictine Society in Westmoreland County, a.k.a. The Benedictine Society or the Benedictine Society of Westmoreland County, a Pennsylvania not-for-profit corporation with its principal place of business at 300 Fraser Purchase Road, Latrobe Pennsylvania, 15650-2690, and/or employees, agents and representatives;
- Or any other ecclesiastical figure in good standing globally within the Roman Catholic Church.

The undersigned will seek redress via means of recourse, and the protection of the civil court under the provisions **§ 6311 subsection (d)**, with the proper location being: Westmoreland Court of Common Pleas, Westmoreland County Courthouse, 2 N. Main Street, Greensburg, PA 15601.

### **My Duty to Report under the St Vincent Archabbey Policy.**

St Vincent Archabbey is incorporated into Pennsylvania State Law as the Benedictine Society, and euphemistically is known across the state of Pennsylvania as St Vincent Archabbey and/or St Vincent College. As a constituent member of the American Cassinese Benedictine Congregation, it has put in place a policy for the protection of children and other vulnerable parties.

The latest edition of said policy was approved and promulgated for St Vincent Archabbey on 1 July 2011. On the St Vincent Archabbey website<sup>1</sup> the entire policy is available, at it bears the signature of Archabbot Douglas Nowicki and is entitled: "Policy: Creating a Safe Environment for the Protection of Children and Young People."

In the Introduction at 1.01, we read: 'This Policy is also adopted to affirm the obligation of all Members of Saint Vincent Archabbey to assist in identifying suspected child abuse and to establish procedures for reporting such improper behavior in compliance with the Pennsylvania Child Protective Services Law (Pa. C.S. ss 6301, dated May 28, 2007)'.

Under Section 1.06: Roles and Responsibilities, in subsection C., defines the responsibilities of Members of St Vincent Archabbey, on Page 8 : 'Members of the St Vincent Archabbey community, in their varying roles as clergy, teachers, social service workers, school administrators, healthcare professionals, chaplains, parish and social administrators, youth ministers, and in any assignment which involves contact with children in the course of their work or professional practice are defined as mandated reporters of child abuse or student abuse. As such, community members are required to follow the establish reporting procedures in compliance with the Pennsylvania Child Protection Service Law'.

Contained within paragraph: 1.07, subsection 4: Civil Authorities – the St Vincent Archabbey policy records: 'All allegations/reports of sexual misconduct or abuse committed by a Member shall be reported in a timely manner to the civil authorities in the jurisdiction in which the alleged incident occurred. St Vincent Archabbey will comply with the reporting requirements of Pennsylvania Law (Title 23, Pa. C.S. ss 6301, Child Protective Services Law) and recognizes the right of an individual to report to civil authorities any allegation/report of sexual misconduct unlawful according to State and Federal law.

### **My Duty to Report under the Dallas Charter.**

The Dallas Charter developed and promulgated by the United States Conference of Catholic Bishops, in response to the crisis and scandal of clerical sexual misconduct during the year of 2002. Said Charter holds the approval or *recognitio* of the Holy See. Article 4 of said charter states the following: 'Dioceses/eparchies are to comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and cooperate in their investigation in accord with the law of the jurisdiction in question'.

In the Note 1 of Norms, we read: 'these Norms constitute particular law for the dioceses, eparchies, clerical religious institutes, and societies of apostolic life of the United States with respect to all priests and deacons in the ecclesiastical ministry of the Church in the United States. When a major superior of a clerical religious institute or society of apostolic life

---

<sup>1</sup> [http://www.saintvincentarchabbey.org/files/child\\_protection.pdf](http://www.saintvincentarchabbey.org/files/child_protection.pdf)

applies and interprets them for the internal life and governance of the institute or society, he has the obligation to do so according to the universal law of the Church and the proper law of the institute or society'.

Archabbot Douglas Nowicki, Archabbot of St Vincent Archabbey in Latrobe meets the definition as being a major superior within the context of said norms. Within section 1.01 of the St Vincent Archabbey Policy, we read the following: 'this Policy is intended to complement and comply with the "Charter for the Protection of Children and Young People" as adopted by the Ad Hoc Committee on Sexual Abuse of the United States Conference of Catholic Bishops at its June 2002 General Meeting and the subsequent revisions approved during the General Meetings of the USCCB, June 16-18, 2005 and June 15-17, 2011'.

Therefore, I am bound under the provisions of the Dallas Charter to report this matter.

On February 6, 2012, at a talk given at the Pontifical Gregorian University in Rome at a symposium on clerical sexual misconduct, His Eminence, William Cardinal Levada, Prefect of the Congregation for the Doctrine of the Faith in his address to the gathering made the following remarks:

'Certainly no less important than any of the other elements, the cooperation of the Church with civil authorities in these cases recognizes the fundamental truth that the sexual abuse of minors is not only a crime in canon law, but is also a crime that violates criminal laws in most civil jurisdictions. Since civil laws vary from nation to nation, and the interaction between Church officials and civil authorities may be different from one nation to another, the manner in which this cooperation takes place will necessarily differ in various countries as well. The principle, however, must remain the same. The Church has an obligation to cooperate with the requirements of civil law regarding the reporting of such crimes to the appropriate authorities'.

I wish to assure this office of my full and complete cooperation with any investigation that may be initiated as a result of my mandatory reporting.

Respectfully submitted,

---

Fr. Mark Gruber O.S.B.