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SWORN STATEMENT

OF

VINCENT KONZ

taken at

Cold Spring City Hall.

commencing at

11:05 a.m.

on

February 9, 1993.

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Examination of Witness:

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By Mr. Fleming. 4

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APPEARANCES

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MIKE FLEMING, from the law firm of Skrien and Magnus, 2600 Eagan Woods Drive, Suite 450, Eagan, Minnesota 55121, appeared.

* * *

WHEREUPON, the following proceedings were duly had, to-wit:

* * *

VINCENT KONZL

after having been first duly sworn, says as follows:

* * *

EXAMINATION

BY MR. FLEMING:

Q Could you state your name, please.

A Vincent Konz.

Q And your address?

A 322 11th Avenue South, Cold Spring.

Q Zip code?

A 56320.

Q If you don't mind, your date of birth?

A January 8 of '25.

Q Okay. Mr. Konz, my name is Michael Fleming. I work with the office of Skrien and Magnus in Eagan, Minnesota, and they represent the Order of Saint Benedict also known as St. John's Abbey in Collegeville, and they are a defendant in the lawsuit John KKK Doe versus Father Francis Hoefgen. Also, I should mention that the name of the John Doe plaintiff is

This case concerns allegations of sexual abuse that took place sometime in the early 1980s. Do you understand that?

A I understand that.

Q Earlier last week I called you and asked you if you would agree to make a voluntary sworn statement about

2

1 some of the facts that you know about this case, and I
2 understand that you agreed to offer that statement; is
3 that true?

4 A That's true.

5 Q Have you had your deposition or statement taken in a
6 format like this before?

7 A Not on this case, no.

8 Q I mean in any type of case.

9 A Oh, yes.

10 Q Then I'm sure I just have to review a couple of quick
11 things for you. And that is, I will ask you certain
12 questions, and I would ask you to make only statements
13 about what you know and not to speculate or guess about
14 things. And also, if you don't understand a question
15 that I ask, I would ask you to ask me to repeat it or
16 rephrase it for you in a way that you do understand the
17 question.

18 A Okay.

19 Q Any questions before we begin?

20 A No.

21 Q Let me briefly go over some of your career before we get
22 started with the other facts. Did you have a career as
23 a law enforcement officer?

24 A Yes, I did.

25 Q What did you do before you began that career in law

2

1 enforcement?

2 A Prior to that I was in the Navy. I spent a little over
3 three years in the Navy armed guard.

4 Q What did your duties in the armed guard consist of?

5 A The duties as an armed guard was mainly -- Back in those
6 days they had the liberty ships that were not government
7 ships, they were privately-owned ships that were hauling
8 troops and cargo and that sort of thing, but the
9 government at that time -- the Navy felt they needed
10 some protection, there was no armaments on them at all,
11 so they put a few guns on them, 20 millimeters and a few
12 things like that, and they put Navy personnel on these
13 ships to man these guns. And also when the ships were
14 in port, we were responsible for the cargo, we were
15 assigned our guard duties and that sort of thing to the
16 cargo that was on the ship.

17 Q What years were you in the Navy?

18 A I went in in February of 1943 and I got out April 1 of
19 '46.

20 Q Okay. What was your rank when you were discharged?

21 A I was third class gunner's mate when I was discharged.

22 Q Did you go directly into civilian law enforcement after
23 the Navy?

24 A I farmed a little bit with my father-in-law and then I
25 worked part time for the sheriff's department at Meeker

2
1 County. That was -- Well, mainly what I did, special
2 assignments and also policing dances and that sort of
3 thing. But I was interested in law enforcement and
4 there was an opportunity here in Cold Spring, so I moved
5 here I think in 1954..

6 Q 1954?

7 A Right.

8 Q Okay. Did you begin immediately as an officer in Cold
9 Spring in 1954?

10 A There wasn't room for a full-time officer at that time
11 either, it was part time.

12 Q Were you a sworn officer at that point?

13 A I was a sworn officer, right.

14 Q What would be your rank?

15 A Just a patrolman. That was the days before the Minimum
16 Standards Hiring Act so the governing entity could just
17 hang a badge on you and say you're a cop, but they
18 generally tried to pick somebody that had some experi-
19 ence. But there were a few required courses which we
20 had to take on our own, and gradually it worked into a
21 full-time job. I worked part time for the Granite
22 Company at that time and part time for the police
23 department.

24 Q What year did you go to full-time police work?

25 A It was probably around 1960.

2 1 Q Okay. When you went to full-time patrolman, what would
3 2 be in general your duties?

3 A General patrol duties. A small town like this, when I
4 was on duty there was no one else on duty, so any
5 complaint we got, it was my baby, that was all there was
6 to it.

7 Q Okay. Did you receive any promotion, then, after you
8 were full-time patrol?

9 A Well, there actually was no room for promotion because
10 there were only two people at that time, the chief and
11 myself. And then in 1970 he had an opportunity to be
12 the chief of security over at St. John's, so he took
13 that job and there was an opening for chief. And I told
14 the council at that time that the town was getting too
15 big, I would accept it -- I was offered the job, I would
16 accept it under the condition they hire another full-
17 time man and two part-time guys, which they did, so they
18 gradually started to expand. They now have three full
19 time and three part time.

20 Q All right. Who was the previous chief to you?

21 A Pat Cheeley.

22 Q Pat Cheeley?

23 A Cheeley, yeah.

24 Q When you became full-time chief, what expansion of your
25 duties did that entail?

3
1 A Before that Pat Cheeley was also involved with the main-
2 tenance department, the water department and everything
3 else, and I told them that the town was getting too big.
4 When I moved here in '54 the population of the city was
5 I think 1,400, and when I took over as chief in 1970 it
6 had almost doubled to close to 2,500. The town was
7 getting too big. We had a lot of multiple housing --
8 trailer parks, apartments and things like that and there
9 was a lot of these people moving in that were -- they
10 were giving us a lot of problems at the start, domestic
11 problems and that, and the job was a little bit too
12 demanding to be out on the street with the maintenance
13 and all of that. I told them if I accepted the job it
14 would be strictly police, nothing but police, I don't
15 want nothing to do with the maintenance or the water
16 department.

17 Q Okay.

18 A And also I needed another full-time man.

19 Q Were you supervising all of the police officers
20 directly?

21 A Right.

22 Q Okay. And at that time how many would you have been
23 supervising?

24 A When I first started we had myself and another full-time
25 guy plus two part time, there was four. By the time I

3
1 retired it was up to six.

2 Q Can I assume that you were also doing your own patrol
3 work at the same time?

4 A I assumed my own shift, right. And at that time, when
5 we only had two, we divided it in 12-hour shifts. We
6 were responsible for 12 hours. We were on duty eight
7 hours and four hours call, each shift was.

8 Q Okay. In addition to your patrol work and supervising
9 the other officers in the department, would you say
10 there were other duties the chief had to perform?

11 A Well, that was about the time when we reached 2,500, we
12 had to do our own reporting.

13 Q What does that mean?

14 A Every complaint we receive has to go into what they call
15 the Criminal Justice Information System on the computer.

16 Q Is that a state system?

17 A That's a state system.

18 Q Okay.

19 A Right now I don't believe there's another state in the
20 union has a system like it. But what it amounts to,
21 every agency in the state that is cooperating must
22 supply all their information to the computer, but we
23 also have access to all the information that's on the
24 computer. It is a great organization if everybody --
25 The smaller towns, less than 2,500, they only had to

3
1 report their felonies and gross misdemeanors, but they
2 had to report them to the sheriff's office and the
3 sheriff's office would enter them into the computer.
4 But once you reach 2,500 you had to do your own
5 reporting, and so we went on the computer system about
6 that time.

7 Q So your job, along with everything else, would actually
8 be entering the reports on to the computer?

9 A Right.

10 Q Did you have charge of maintaining the records inside of
11 your own police department --

12 A Right.

13 Q -- after it was entered on to the computer?

14 A Right.

15 Q Okay. You said that you began full-time chief duty in
16 1970. What year did you stop being the chief of police?

17 A I turned 62 the end of the year in '87, so January 1 of
18 '88 was my first day of retirement, so . . .

19 Q Okay. So it's safe to assume, then, that you were full-
20 time chief in Cold Spring all during the period '70
21 through '88?

22 A Right.

23 Q Can you give me the names of the other officers that
24 worked under you in 1984 as best you can recall.

25 A Joe Dvorak was my sergeant and --

- 4
- 1 Q Do you know where he is now?
- 2 A He's out of police work. He's working for a trucking
- 3 firm, I can't even think of the name right now.
- 4 Q In town?
- 5 A No, in St. Cloud, out of St. Cloud.
- 6 Q Okay. D-V-O-R-A-K?
- 7 A D-V-O-R-A-K, yeah. Mike Theis was working for us.
- 8 Q How do you spell his last name?
- 9 A T-H-E-I-S. I think he's now the chief investigator over
- 10 in Sherburne County.
- 11 Q What was his rank at that time?
- 12 A He was patrolman.
- 13 Q Okay. And now he's chief investigator in which county
- 14 did you say?
- 15 A Sherburne County.
- 16 Q And the other officer?
- 17 A Well, the others were part time. These were the two
- 18 full time besides myself.
- 19 Q Before 1984 did you know Father Francis Hoefgen?
- 20 A Yes, I did.
- 21 Q How did you come to know him?
- 22 A Well, he was associate pastor here at Cold Spring at St.
- 23 Boniface and I'm a Catholic so I go to church regular,
- 24 and I met him on several occasions, got to know him
- 25 personally.

- 4 1 Q So it was on a personal basis along with --
- 2 A Right.
- 3 Q -- part of your business?
- 4 A Right.
- 5 Q Do you know about what year you first met him?
- 6 A Oh, I have trouble remembering anything anymore.
- 7 Q If you can approximate.
- 8 A Yeah. It probably must have been in the early '80s when
- 9 he came here. I couldn't say, offhand.
- 10 Q Okay.
- 11 A I knew him right away.
- 12 Q Before 1984 did you know
- 13 A I probably didn't know him personally. There were so
- 14 many kids up there at the school, I recognized faces and
- 15 things like that, but I don't think I knew him
- 16 personally.
- 17 Q Did you know his family?
- 18 A , I knew his dad, yeah.
- 19 Q is the father?
- 20 A Yeah.
- 21 Q Did you know the mother?
- 22 A No.
- 23 Q How did you come to know
- 24 A He worked over here at the granite plant and I saw him
- 25 occasionally.

- 4
- 1 Q How long have you known him?
- 2 A Well, I didn't know him well, but I knew who he was when
- 3 I saw him. Probably eight, ten years.
- 4 Q Before 1984?
- 5 A Right.
- 6 Q Okay. Did you know any other members of immediate
- 7 family?
- 8 A No, I didn't.
- 9 Q Do they have an extended family in town that you're
- 10 aware of?
- 11 A Not that I'm aware of, no.
- 12 Q In 1984 did you receive a report of an incident
- 13 concerning and Father Hoefgen?
- 14 A Yes, I did.
- 15 Q How did you get that report?
- 16 A It happened on a Monday morning, and I happened to have
- 17 off on Monday morning because I had worked the weekend;
- 18 and the sergeant, Joe Dvorak, was on duty at the time,
- 19 he received a call from Michael Chatt.
- 20 Q Do you know how Mr. Chatt's name is spelled?
- 21 A C-H-A-T-T.
- 22 Q Okay. Who is he?
- 23 A He was Stearns County's social service worker. And he
- 24 reported to Joe that one of the people he had been
- 25 working with had been abused by Father Fran. That was

Doe 27 099

- 4 1 pretty much the way it was.
- 2 Q Do you know what date Mr. Dvorak got that call?
- 3 A Can I check?
- 4 Q You're welcome to.
- 5 A It was the 3rd of March in '84.
- 6 Q Okay. Let the record reflect that the witness did
- 7 refresh his recollection by viewing one of his records.
- 8 Now, you said that initially this report came to your
- 9 sergeant. How did you learn of the report?
- 10 A My sergeant informed me of the incident and --
- 11 Q When did he inform you?
- 12 A That same day right shortly after he received the call.
- 13 Q Okay.
- 14 A It was about 10:00 in the morning, and since the
- 15 incident had occurred about nine or ten months before
- 16 that, there was no immediate necessity to get on it, so
- 17 I told him to stay off of it, I would be back on duty
- 18 Wednesday morning and I would investigate the matter
- 19 then.
- 20 Q Okay. Did you talk to Mr. Chatt yourself?
- 21 A Yes, I did.
- 22 Q When did you do that?
- 23 A I did that on Wednesday morning. I met with him up at
- 24 Rocori High School.
- 25 Q Was anybody else present at that meeting?

- 4 1 A Just Michael and I and
- 2 Q You met with Mr. also then?
- 3 A Yes.
- 4 Q Was that your first meeting with Mr. about this
- 5 incident?
- 6 A Yes.
- 7 Q Okay. And that was on Wednesday, you said?
- 8 A Right.
- 9 Q Let me go back. Do you know where Mr. Chatt is now?
- 5 10 A I have no idea. I haven't seen him since.
- 11 Q Where did you meet with him?
- 12 A In the principal's office up at Rocori High School.
- 13 Q And that's in Cold Spring?
- 14 A Yeah.
- 15 Q During that conversation did you take notes?
- 16 A I took a complete statement from I
- 17 discussed the matter with Chatt first and then we called
- 18 him into the room and then I took a complete statement
- 19 from him.
- 20 Q Let's talk about what you spoke about with Mr. Chatt
- 21 before you spoke with Mr. in that conversation.
- 22 What did Mr. Chatt tell you?
- 23 A We talked a little bit about his involvement, how he
- 24 became involved in the case. The kid was troubled and
- 25 it was my understanding that he had been kicked out of

5 1 the house and he was suicidal, he had attempted --
2 actually attempted suicide according to Mike Chatt and
3 was in the hospital, he was over at 2-West, and the
4 Court then assigned custody of the kid to the social
5 services because he had been kicked out of the house, he
6 was not going back there, to his house. Then they were
7 trying to -- Well, you go ahead and direct the
8 questioning, or should I just go ahead? According to
9 his story --

10 Q Yeah, I'd like to just know what Mr. Chatt told you
11 generally.

12 A According to his story, they had no place for the kid to
13 go and they were trying to find a foster home for him,
14 and in the meantime he could leave 2-West but he had no
15 place to go. And as is customary when any of the
16 parishioners here are at the hospital, the parish priest
17 or associate pastor visits them weekly or something like
18 that. This is about what happened. Father Fran had
19 come over to the hospital to visit with on
20 several occasions, he had been there about six weeks, I
21 think, and he had no place to go, so Father Fran says
22 yeah, you can come and stay with me, stay at the parish
23 house until social services finds you a foster home.

24 Q This is what Mr. Chatt told you before you ever met with
25 Mr.

5 1 A They all agreed on the same thing, so exactly who told
2 me what I don't remember, but there was no argument
3 there. Fran and and Chatt all three agreed.
4 Their statements are all pretty much -- all pretty close
5 together, so I have to believe that that's exactly what
6 happened.

7 Q Okay.

8 A At any rate --

9 Q One thing I'm interested in specifically is how did Mr.
10 Chatt come to learn of this and eventually decide to
11 make the report to the police?

12 A I was coming to that.

13 Q Okay.

14 A They found him -- After he had been there for about
15 three weeks at the parish house, they found him a place,
16 I think -- Well, I'll have to check here. was the
17 name. I had the names here somewhere. and

18 He went to live with them on September . He was
19 going to be there as a foster -- He was supposed to stay
20 there until his 18th birthday so he could finish out his
21 year in high school. But after he went there
22 they were still having a lot of problems with him, and
23 he told the family about his incidents with Father
24 Fran, and they reported it to the social services and
25 that's how the information got out.

Doe 27 103

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1 Q And then eventually --

2 A We became involved.

3 Q What was your understanding of why Mr. Chatt notified
4 the police?

5 A Well, he felt that it was illegal and some action should
6 be taken.

7 Q Okay. You say, then, that you spoke with
8 that very same day, which would be, I believe, the 10th
9 of March?

10 A Right.

11 Q I'll go over it question by question, but why don't you
12 tell me in general what told you that day.

13 A He told me he went to stay at the parish house, and I
14 questioned him at length about his residence there, did
15 you have your own room and everything else.

16 Q Did he tell you what year -- about what date he moved in
17 to the parish house?

18 A Yeah, he told me the exact date. June 10 -- Oh, no,
19 June 10 was the date when the first incident occurred.
20 Well, he said -- He didn't tell me the exact date he
21 moved in there but that -- he said he had been there
22 about a week.

23 Q So we'll say he moved in approximately June 1?

24 A Right.

25 Q Okay. And at that time did tell you that he

Doe 27 104

5 1 moved in because of the previous problems with the
 2 family?

 3 A Right.

 4 Q Okay. What did he tell you happened after he moved in
 5 with Father?

6 6 A The first incident itself?

 7 Q Did anything lead up to that?

 8 A There was nothing that led up to that at all. He had
 9 been there about a week and he was sitting in the living
10 room one evening watching TV and Father Fran came in and
11 sat down alongside of him. And I had asked him exactly
12 what he was wearing and everything else. He was wearing
13 cut-off jeans and a T-shirt. Father Fran sat alongside
14 of him and started to play with him and opened up his
15 pants.

16 Q I'm sorry. When you say started to play with him,
17 started to play with

18 A Around his legs and that sort of thing.

19 Q And who opened whose pants?

20 A Father Fran opened pants.

21 Q pants?

22 A According to his statement. According to both their
23 statements.

24 Q Okay.

25 A Then he pulled his shorts down and gave him a blow job.

6

1 Q Okay.

2 A I asked him on -- from every angle now did you try to
3 fight him off, did you resist him in any way. Well, no,
4 he says, I didn't know what to do, I just sat there.

5 Q Okay.

6 A Did you have an erection; yeah. Did you ejaculate;
7 yeah. Did Father Fran force you in any way; no, he
8 didn't. I said, well, did he ask you to touch his
9 penis -- I said how was he dressed. Well, he undressed,
10 too. Did he ask you to touch his penis; no, he didn't.
11 Did you touch his penis; no. And the strange part of it
12 was, after it was all over, I said, well, what happened
13 after that. Well, after it was all over he went and
14 took a shower, then he said he went to his room. And
15 after he went to his room, then Father Fran came in
16 there and gave him absolution.

17 Q For what?

18 A Well, I'm getting to that.

19 Q Okay.

20 A All right. He gave you absolution. You're a Catholic,
21 aren't you; yeah. You understand absolution, what it
22 is; yeah. Why do you suppose he did that --

23 Q Could you explain for me, a non-Catholic, explain
24 absolution?

25 A When a priest hears your confession, he absolves you of

Doe 27 106

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1 your sin, he has a prayer he goes through and then your
2 sins are absolved.

3 Q Okay.

4 A That's about what it amounts to. And I says why do you
5 suppose he did that; well, I don't know. I said, well,
6 do you think he was implying the sin was yours; well, he
7 said, that's what I felt. Then -- Do you want me to go
8 on into the second incident?

9 Q Let's stick to the first for just a second.

10 A Okay.

11 Q Did anything else happen --

12 A No, there was nothing --

13 Q -- that day?

14 A -- in my records that happened after the first incident.

15 Q Did tell you if he told anybody else about the
16 first incident at the time that it happened?

17 A No, he has never told anyone. I asked him about that in
18 the statement. He had never told anyone until he talked
19 to the and told them about the incident. He had
20 never told anyone about it.

21 Q Okay. When did the second incident say
22 occurred?

23 A According to it was about a week later, but
24 according to what you call him, Fran, it was probably
25 three, four days later. So I don't know, it was

Doe 27 107

6 1 somewhere in that neighborhood.

2 Q Late June of 1982 at this point?

3 A But it happened pretty much the same way. He was
4 sitting in the living room, watching TV, there was no
5 one else in the house, the rectory, and it happened
6 pretty much the same way, except the second time he
7 didn't give him absolution. That sin is still on his
8 conscience.

9 Q Okay. Just to make sure I got this on the record, I'm
10 not sure that I did get it out, but that was in June of
11 1982; is that correct?

12 A '84. Oh, when the incident occurred was '83.

13 Q When the incident occurred was '83?

14 A '83, and when I took the statement was March of '84.

15 Q Okay. I had it written down wrong. Thank you. Did
16 tell you of any other incidents that took place?

17 A You're referring to the second incident?

18 Q After the second incident.

19 A No. After the second incident, there was some dis-
20 crepancy here, I asked him if it occurred again, he said
21 it didn't, and then I asked him how long he stayed there
22 after that second incident, and he thought maybe two or
23 three weeks and -- but Fran thought maybe it was a week,
24 so that was about it. Then I asked him if he had ever
25 spoken to or seen Father Fran after that incident.

Doe 27 108

1 Q Okay.

2 A And then he said that after he had moved in with the
3 Father Fran called him one day and told him that
4 he still had all his belongings there and he could pick
5 them up any time he wanted to, so he went back to the
6 parish house, I think that same day, and Father Fran had
7 packed up all his stuff and he just picked it up and
8 left.

9 Q So there was no --

10 A There was -- No, no.

11 Q -- untoward contact at that time?

12 A No.

13 Q Okay. At the time you were speaking to _____ in 1984,
14 did he seem to you to be in distress?

15 A He just seemed to be complacent, I don't know, just sat
16 there like a -- He was a troubled kid anyway, of course.
17 I shouldn't say that because I don't know it for a fact
18 except for the records that I have, but he just seemed
19 dull and passive, just -- everything I asked him, it
20 would be asking a machine and it would answer and that
21 was it.

22 Q Okay. Did he tell you of any harm to himself that had
23 been caused by the sexual abuse from Father Hoeffgen?

24 A No, he didn't.

25 Q When I say harm, I don't mean necessarily physical but

Doe 27 109

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1 just any type of mental harm that he may have felt at
2 that time.

3 A He didn't relate anything like that to me.

4 Q Okay. Did he seem or did he act like he was concerned
5 about the incident in any fashion? You were describing
6 that he seemed to be machine-like.

7 A Well, from his general mood it would be pretty hard for
8 me to tell. I couldn't comment on that.

9 Q Was that the only time you spoke to about
10 this allegation?

11 A Right.

12 Q At that time did ask you to do anything about
13 what he was reporting?

14 A No.

15 Q Did you tell that you would do anything about it at
16 that time?

17 A No, I explained to him I was there to take a statement
18 and to get the facts, and I didn't mention -- I don't
19 recall mentioning anything that there would be an arrest
20 made or anything like that.

21 Q Okay. Was that conversation with Mr. Chatt and
22 your first step of your investigation?

23 A Pretty much so, yeah.

24 Q In general, what were the other steps you took in your
25 own work? And we'll go back over each of those steps.

Doc 27 110

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1 A I think I next went and talked to the parish pastor
2 here, who was Mel Taylor at the time, told him of the
3 incident. And I told him that I wanted to take a
4 statement from Father Fran and I didn't want him to come
5 down to the office to cause speculation, I didn't want
6 to come to the parish house. At that time Willenbring,
7 Lickteig & Dahl was our city attorneys, and I called
8 them and asked them if I could borrow one of their
9 offices to take a statement from someone, it would be
10 less conspicuous with us walking in there, so they
11 agreed they would give me an office and I got ahold of
12 Fran and told him to meet me there.

13 Q What date did you meet with Father Fran?

14 A I think it was on the same day.

15 Q Okay. The Wednesday?

16 A I can check. I thought I had this in order. I've got
17 March 19 here. This is sometime later that I took the
18 statement from . . .

19 Q From Father Hoefgen?

20 A The 17th was the date I took the statement from

21

22 Q The 17th?

23 A The 17th. And the 19th I took the statement from Fran.

24 Q But this was all in March for sure?

25 A Right.

Doe 27 111

7
1 Q And you say you met Fran Hoefgen at the local city
2 attorney's office?

3 A Right.

4 Q Was anybody else present at that meeting?

5 A One of the Stearns County deputies, Ralph Boeckers, was
6 with me.

7 Q Do you know if Mr. Boeckers is still a deputy with
8 Stearns County?

9 A Yes, he is.

10 Q Did you take notes of that meeting?

11 A With Fran?

12 Q Yes.

13 A I took a complete statement.

14 Q You took a statement from him?

15 A Right.

16 Q Could you tell me what was said during that meeting
17 between you and Father Hoefgen.

18 A The actual incidents as he related them were pretty
19 close to the way related them. It happened
20 in the living room and he was -- It happened pretty much
21 the same way.

22 Q So he told you about one incident that took place early
23 in June on the living room couch?

24 A Right.

25 Q And then he told you of a subsequent incident some two

Doe 27 112

7 1 or three weeks later?

2 A No, not two or three weeks, two or three days later.

8 3 Q Two or three days later?

4 A Yeah. He stayed in the house Fran thought maybe a week
5 after that, but thought he might have stayed
6 there three weeks after that, so that was the only
7 discrepancy. The second incident probably happened two,
8 three, four days after the first incident.

9 Q But what happened in the second incident was --

10 A Was pretty close to the same.

11 Q All right. What else would Father Hoefgen have told you
12 during that statement?

13 A I informed him that I did a complete background check on
14 him through NCIC, National Crime Information Center,
15 operated by the FBI, and the CJIS is the Minnesota one,
16 state Criminal Justice Information System.

17 Q Had you discovered any record?

18 A There was no record on either report. But he assured me
19 that there had never been another incident during his
20 years as a priest. And I asked him what came over him.
21 Now, this is not a matter of record so I probably
22 shouldn't be saying it except that the kid was troubled
23 and he was trying to reach out to him, he said, that was
24 his story, and . . .

25 Q You say you're not sure if that was on the statement?

Doe 27 113

3 1 A It was not on the statement, so this is just things I
2 remember.

3 Q Okay.

4 A And I don't like to relate things that are not a matter
5 of record because I've backed myself into corners that
6 way already.

7 Q Apart from retelling the same story that you had already
8 heard from [redacted] and your discussion with him about why it
9 would happen, did anything else get discussed during
10 that statement with Father Hoefgen?

11 A Not that I can recall.

12 Q Okay. Did you tell Father what you were going to be
13 doing after that?

14 A I did tell him there would probably be charges brought.

15 Q Okay. Did he say anything to that?

16 A I don't remember that there was any comment on his part.

17 Q Okay. What else happened in the investigation? Let's
18 not get to charges or things like that at this point.

19 A Well, I felt that I had all the facts as far as the
20 complaint was concerned. That was it as far as the
21 investigation was concerned.

22 Q Okay. Did you speak to [redacted] parents?

23 A No, they were completely out of it. They had kicked him
24 out of the house and the Court had awarded custody to
25 the social services, so they were no longer in the

8
1 picture.

2 Q Did you ever speak to the ?

3 A No, I never did. The only person I talked to was Mike
4 Chatt, the social worker.

5 Q Were there any other persons in the department assisting
6 you in this investigation?

7 A No.

8 Q Were there any persons outside of this department
9 assisting you?

10 A Other than Ralph Boeckers, I called him. He was an
11 investigator for Stearns County, and I wanted him there
12 when I took the statements to make sure I got everything
13 down that I needed.

14 Q How else did he help you during the investigation, Mr.
15 Boeckers?

16 A That was pretty much it. He went with me to take the
17 statement from and also from Father Fran.

18 Q Okay. So Mr. Boeckers -- Was it sergeant? I'm sorry.

19 A He's a detective.

20 Q So Detective Boeckers from Stearns County was present
21 with you at the statement also?

22 A Right, right.

23 Q Would you be able to reach Detective Boeckers today if
24 you needed to?

25 A I think so.

Doe 27 115

8

1 Q Okay.

2 A I could get ahold of his office, anyway. He's still a
3 detective for Stearns County.

4 Q Is there just one office that they would --

5 A Detectives, where they would receive the calls, yeah,
6 they have their own offices there.

7 Q Apart from Detective Boeckers, do you know of any other
8 people outside of your department that assisted in this
9 investigation; for instance, a prosecutor?

10 A Well, after the paperwork was complete I took it over to
11 the county attorney and they took it from there.

12 Q Okay. Did you have any involvement with the case after
13 you handed the papers to the county attorney?

14 A Well, I waited for the involvement but I never heard
15 anymore. What actually happened, I took the paperwork
16 over and discussed the matter with Roger Van Heel,
17 county attorney, he's still the county attorney, and --

18 Q Could you spell Van Heel for me?

19 A As it's pronounced, V-A-N H-E-E-L.

20 Q Okay. And you had a meeting with Mr. Van Heel?

21 A Right.

22 Q Were there any other people at that meeting?

23 A No.

24 Q What date did you have that meeting, about?

25 A Well, it was I think the day after I took the statement

9

Doe 27 116

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1 from Father Fran.

2 Q Okay.

3 A I took the statement from him March 19, so I suppose it
4 would have been the next day, the 20th. I don't keep
5 them papers around very long.

6 Q Okay. What happened at that meeting?

7 A I went through the whole thing with the county attorney
8 and --

9 Q By whole thing, do you mean the statements of --

10 A My statements, my involvement in it and the facts as I
11 knew them. And he seemed a little bit, I don't know --
12 I shouldn't be saying how he acted and all of that
13 because that's for him to say, but we really didn't have
14 a whole lot as far as a case was concerned for the
15 simple reason the kid was 17 years old, beyond the age
16 of consent, he was living at the rectory, he offered no
17 resistance whatsoever when the incidents occurred. The
18 best we could probably charge him with would be about
19 fifth degree abuse or assault or whatever you want to
20 call it, and -- but he needed time to look it over and
21 think about it. And I never heard any more about it and
22 I discovered later they had decided not to charge it out
23 at all.

24 Q How did you find that out?

25 A From the social services. I called them one day on

Doe 27 117

9

1 another matter and we discussed this matter. And I
2 don't remember who I talked to, but they were familiar
3 with it. And exactly what happened I don't know, but I
4 just never heard any more about it.

5 Q About when was it you found out that the case had been
6 dropped?

7 A Quite a while later. Months later.

8 Q Apart from --

9 A Before that, though, getting back to that, I was con-
10 cerned with -- I was concerned with two things. First
11 of all, you know how these small towns are. Nothing big
12 ever happens in a small town, they have to make big
13 things out of little things, and I've always said that
14 everybody can be classified in one of three categories.
15 There's small people who speak of people, there's
16 average people who speak of events, and great minds will
17 speak of ideas. But there's so many small people in a
18 small town like this, they could crucify the guy. And
19 maybe he had it coming, but that wasn't the way things
20 were handled in those days.

21 Q You mean crucify the father?

22 A Right. My concern was what it would do to the faith
23 community. I knew that I had a job to do and I took my
24 statements and my paperwork and turned it over to the
25 county attorney and I'm going to bring the charges

Doc 27 118

9 1 against the guy, but I would rather not blow it up. You
 2 know how the news media is. Off the record.

 3
 4 (WHEREUPON, a discussion was held off the record.)

 5
 6 A That was one of my concerns, what it would do to the
 7 faith community.

 8 My other concern was here's a guy that I'm going to
 9 bring charges against, and I had already talked to Dan
10 Ward over at St. John's to find out what you could do.
11 I wanted to get the guy out of the parish, get him out
12 of here, and I didn't want him involved with any more of
13 our guys or anything like that, but how do you handle
14 this. And he said they had a place over in Maryland,
15 St. Luke's, where they treated priests and that sort of
16 thing for any kind of mental, alcohol or any kind of
17 problems.

18 Q Who was it you spoke to at St. John's at about that
19 time?

20 A I talked to Mel Taylor first. And then he called the
21 abbott over there and informed him, and Dan Ward is the
22 attorney for St. John's, he called me back then. I told
23 him they can send him over to St. Luke's, but before
24 they do that, I wanted assurance that he would be made
25 available to answer any charges that may be forthcoming.

9

1 Q Okay.

2 A So where he went then I don't know, but the next day I
3 received an airmail special delivery from St. Luke's,
4 and they told me a little bit about their place out
5 there and what was going to happen, and they assured me
6 that he would be made available to answer any charges.
7 Okay, then let him go. That's where they sent him then.

8 Q Was that the last that you dealt with Father Hoefgen?

9 A That was the last I dealt with any of the case.

10 Q Have you worked at all with _____ since that
11 incident concerning this incident?

12 A No. No, I haven't. I felt that the school authorities
13 and social services are better qualified for that. I
14 didn't -- never got involved in that.

15 Q Okay. Have you told me everybody that you know of that
16 was aware of your investigation or of this report at the
17 time that you were doing it?

18 A There was a few incidents that I would tell you off the
19 record but not on the record.

20 Q Let's go off the record a moment.

21

22 (WHEREUPON, a discussion was held off the record.)

23

24 Q I don't know what your terminology would be, but as far
25 as you're concerned, is this a closed case in your

Doe 27 120

0 1 department?

2 A Well, as it turns out, it was a closed case when I took
3 the paperwork to the county attorney. I expected to
4 appear on my investigation but that never happened, so
5 it was a closed case..

6 Q Did you do any official act to close the case --

7 A No.

8 Q -- or did you basically stop your investigation?

9 A No, that was completely up to him.

10 Q Okay. I know you've already told me about certain
11 statements that you took from some of the witnesses at
12 the time. Did you make any other records in 1984 of
13 this investigation?

14 A The only record I made was those that were required by
15 the state. There is an office you have to send in a
16 report for suspected child abuse. That was it.

17 Q I am not asking you to produce any of your own records
18 here today. Could you, just to help the Court should
19 the Court wish to view those records in the future, list
20 off what you personally have, just a one-word or two-
21 word description of each of the records?

22 A The child abuse report that I received from social
23 services, I have that. I have the -- what we call the
24 ICR.

25 Q Could I go back, what was the date of that child abuse

Doe 27 121

1 report?

2 A They're all located in different places. March 12 of
3 '84.

4 Q The next report?

5 A The next report is the ICR, the complaint that was
6 received by my sergeant, Joe Dvorak. That was just the
7 complaint -- what the complaint was. That was on March
8 12 of '84. The next report that I have -- Well, I have
9 a letter here that I received from St. Luke's.

10 Q What's the date on that?

11 A The date on that is March 23.

12 Q Okay. What else?

13 A Statement of rights that I read to before I
14 took his statement; that was March 14.

15 Q Again, 1984?

16 A Right. And then his statement. I have a statement from
17 Father Fran Hoefgen.

18 Q When you said his statement before, you meant

19 A , Fran Hoefgen's statement on March 19.

20 That's it.

21 Q Okay. Did you write a complaint or charge or anything
22 of that nature?

23 A No, I didn't. I was going to have the county attorney
24 draw that up and I would sign it, but I never -- never
25 was called to sign the complaint.

Doe 27 122

0 1 Q Okay. Did you put a report about this incident on the
2 state computer system?

3 A Yes, I did.

4 Q Do you have any kind of identifying number or anything
5 like that that the report could be drawn up again?

6 A 84000069.

7 Q 84000069?

8 A Right.

9 Q What date did you put that on the system?

10 A Probably would have been the date we received the
11 complaint, 3-12-84.

12 Q And the name of that computer system again?

13 A Is CJIS, Criminal Justice Information System.

14 Q Okay.

15 A If you want to retrieve anything that's on there, that
16 is available only to law enforcement agencies.

17 Q I understand. But I would assume also that a Court
18 could have access to that?

19 A Right, they have access to that, as well.

20 Q And I would ask the Court if they would allow access to
21 that. Apart from what you just told me, are you aware
22 of any other records that are not kept by you that would
23 concern your investigation?

24 A The only people that would possibly have some would be
25 Stearns County Social Services. And Mike Chatt was the

0 1 worker that was on that case, so I have no idea what --
2 what they have for records. And I doubt he would have
3 any of the follow-up records, only the part he was
4 involved with.

5 Q Up to the point where you --

6 A Yeah, yeah.

7 Q You mentioned also you had a copy of the report from Mr.
8 Chatt or from social services?

9 A Right.

10 Q How did you get that report?

11 A He gave it to me.

12 Q At your first meeting with him?

13 A Right.

14 Q So he did not give that report, piece of paper, to
15 Sergeant Dvorak at the time he called?

16 A No. He doesn't have an ICR number on here at all, so
17 evidently -- I don't know if they send in to that
18 reporting system or not, if they report to that system.

19 Q And the records that you listed for me a few moments
20 ago, the ICR, the child abuse report, the letter, et
21 cetera, those are kept by you personally?

22 A Right.

23 Q Did you review any of these records before you gave
24 today's statement?

25 A Right, all of them.

Doe 27 124

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Q You did review all of the records?

A Right.

MR. FLEMING: Thank you very much.

THE WITNESS: You're welcome.

(Whereupon, the deposition concluded at 12:01 p.m.)

* * *

CERTIFIED, that the foregoing constitutes a true and accurate transcript of my original stenographic notes.

Ruth E. Holdvogt
Court Reporter

I, VINCENT KONZ, having read my statement, do hereby attest to the accuracy of its transcription, noting any changes and their reasons therefore below.

Dated (X) 2/10/93

(X) Vincent R. Konz
Vincent Konz

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Reason