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MEMO

TO: Archbishop Flynn, Bishop Pates, Sister Dominica, Andrew Eisenzimmer

FROM: Fr. Kevin McDonough

DATE: November 3, 2005

RE: Father Kenneth LaVan and the Charter?

Tim Rourke has been reviewing the files of all of our priests with a history of boundary violations. His purpose in doing so is to establish a monitoring plan for each.

Some months ago he was reviewing the file of Father Ken LaVan. What he saw in the file prompted him to ask whether LaVan is not actually covered by the Charter for Protection of Children and Young People. It embarrasses me to acknowledge once again a lapse of memory on my own part. Although I had dealt with LaVan for many years about his boundary violations with adult females, I had forgotten that there were two allegations in the late 1980s concerning sexual involvement with teen-aged girls.

While readily acknowledging his misconduct with adults, LaVan had always denied any misconduct with the two teenagers. It is evident from a review of the file that their allegations were taken very seriously, and that Father Michael O'Connell had initially considered them to be trustworthy. Over time, however, significant doubts were raised about both of them. In the end, both matters were closed with what might realistically be characterized as "defense cost settlements." That suggests that even the attorney, Jeff Anderson, representing the two women had significant doubts about whether their complaints would hold up in a lawsuit.

From the Archdiocese side of things, I believe that our focus was on the therapeutic and spiritual work that LaVan was doing to address his acknowledged misconduct with adult women. Since all of this was brought to a close years before the Charter was on the horizon, we did not ever reach our own complete determination about the veracity of the two complaints against him.

As I understand it, Kenneth LaVan is now fully retired and no longer engages in any ministry. Even so, I do not think we have the option of leaving this matter "open ended." I propose the following steps:

1) That I or several of us would meet with Kenneth LaVan and ask him whether he is willing to live by the restrictions of the Charter. He could do so even without acknowledging guilt in the two 1980s complaints against him and we probably would have discharged all of our obligations in his regard.

2) If he is unwilling to live by the Charter restrictions, then we would reopen an investigation into those old matters. I would ask Richard Setter to re-interview [redacted]

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[redacted] I would ask Mr. Setter to form his own opinion about the reliability of there accusations.

3) If Richard Setter believes that the allegations have credibility, then we would go back to LaVan once again and ask him to respect that finding and live by the Charter. If he would then refuse to do so, we would have to explore our canonical options at that point.

I look forward to discussing this with you or having your written response.

cc: Tim Rourke