

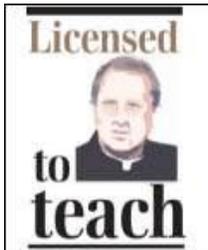
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## Priests in sex-abuse cases keep teaching certificates Ohio licenses tracked through online research



By [JIM PROVANCE](#)  
BLADE COLUMBUS BUREAU

*First of two parts*

COLUMBUS — The Vatican defrocked George J. Cooley, 58, in 1998, and he spent 18 months in prison for child molestation.

*First of two parts*

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But the disgraced former Roman Catholic priest from Cincinnati still holds a certificate issued by the state of Ohio to teach in private and religious schools.

Stephen G. Rogers, 58, a former religion teacher and associate pastor at Toledo's Central Catholic High School, was convicted of possessing child pornography in 2003. He served 18 months of a 21-month federal prison sentence, is registered as a sex offender, and has been barred from public ministry by the Diocese of Toledo.

But he continues to hold a state-issued certificate to teach in private and religious schools.

Anyone using the Department of Education's online license search engine — including schools, nonprofit organizations, and potential employers inside and outside Ohio — would find no hint of anything amiss.

"The priest thing is a whole new twist for us. This is brand-new territory," said Adrian Allison, director of the Department of Education's Office of Professional Conduct and Education Licensure.

The Ohio Board of Education is set to permanently revoke Rogers' teaching certificate next week. The state has launched inquiries into the certificates of Cooley and eight others, including a nonpriest teacher and coach who is believed to be the only one on the list actively teaching at the K-12 level.

None was on the state's radar screen until brought to its attention by The Blade.

Rogers has agreed to voluntarily surrender his certificate. Two other priests suspended by the Diocese of Toledo — Robert J. Yeager and Joseph M. Schmelzer — have also decided not to contest the state's revocation of their teaching certificates at a future date, their attorney said.

Mr. Allison noted that a Catholic diocese may have conducted its own investigation of a priest or school employee, imposed its own discipline, and, in the case of the Diocese of Toledo and the Archdiocese of Cincinnati, published that information on their Web sites.

However, no complaints were lodged with the department in these cases, he said.

There are approximately 145,000 certified or licensed teachers in Ohio. Less than 1 percent of them have faced disciplinary action.

"It's not a widespread problem. But when it happens once, it's one time too often," department spokesman J.C.

Benton said.

The department relies on public reports, state and national databases, and tips made via its toll-free line at 1-877-OHIOEDU.

Claudia Vercellotti, Toledo coordinator for the Survivors Network for those Abused by Priests, called the state's revocation of Rogers' certificate a "no-brainer."

"Anyone who would dare to prey upon a child has no business working with kids because of the recidivism rate," she said. "When Rogers got a job with Habitat for Humanity [after his release from prison], the Web site bragged that he had vast experience in education and ministry.

"They use their former credentials as a springboard to other positions that put them in close proximity to children," she said. "You can be 14 years old and volunteer for Habitat for Humanity."

Rogers quit his job as volunteer coordinator last year under pressure from Habitat for Humanity International after less than two months on the job. He now lives in a church-owned apartment at Toledo's Corpus Christi University Parish.

Each of the licensees in question appeared to fall through the cracks of existing law.

While applicants for teaching licenses are subject to criminal and sex-offender background checks when they first apply, the Department of Education does not have legal authority to conduct additional checks after licenses are issued or when they come up for renewal.

#### **Prior to 1994 law**

Many of the teachers licensed in Ohio received their credentials prior to the 1994 law requiring such checks upon application, so they may never have been subjected to checks.

There is no legal mandate requiring a school, public or private, that disciplines one of its own for a sex offense to notify the state licensing board.

The Department of Education said it has sought a bill to change that for five years, but a bill was not introduced until last year. That measure, House Bill 79, has been held up in a joint House-Senate conference committee for nearly a year.

Although the state has completely revamped its licensing process for teachers in public schools, there have been no changes in how it certifies teachers in private schools, and no changes are planned in the near future.

"Any individual who holds a certificate from the state of Ohio that is interacting with children, if they have an allegation of abuse against a student, we want to know about it," Mr. Allison said. "We want to investigate it. We want to find out whether or not it's proper for that person to be in the classroom or around students."

The Blade cross-referenced the names of those publicly implicated in the sex scandals that rocked the Catholic Church in Ohio with the department's online license search engine.

In most cases, there had been no criminal convictions or formal criminal charges brought.

But the accusations were deemed credible enough for local Catholic dioceses to remove the priests, ask the Vatican to permanently remove them, or financially settle civil lawsuits brought by alleged victims.

Accusations or the filing of lawsuits that went nowhere because of statute of limitations or other problems were not included in the investigation by The Blade. State Rep. Bill Seitz (R., Cincinnati), an attorney working for a law firm that has represented the Archdiocese of Cincinnati, said he found the three-prong test employed by The Blade to be "generally appropriate."

"I wouldn't want to be blacklisted, blackballed, and have my license overturned based on rumors that were never substantiated or admitted to," he said. "On the one hand, you want children protected from abuse, but you don't want innocent people accused and victimized by Salem witch trial."

Mr. Seitz is one of the architects of the church-backed civil registry recently passed by lawmakers in Senate Bill 17 as an alternative to opening a one-year window for the filing of lawsuits in cases where the statute of limitations had long expired.

### **No transfers allowed**

Licenses for private and religious school teachers are issued at the request of the schools. Mr. Allison stressed that such a license cannot be transferred to another school or diocese.

But while an attempt to transfer such a licence would trigger the same background check as a new license, such certification might still be used on resumes for nonteaching and volunteer positions and would show as valid on the department of education's Web site.

Mr. Yeager, 68, who last served as principal of Cardinal Stritch High School in Oregon in the 1990s, and Mr. Schmelzer, 58, who served as superintendent of St. Mary of the Assumption School in Van Wert, were barred from public ministry by the Diocese of Toledo.

A diocesan review found separate allegations of abuse against both men to be "credible," meaning that "under all circumstances known at the time of determination, a prudent person would conclude that there is a significant possibility that the incident occurred."

The diocese has forbidden them from calling themselves priests, wearing clerical collars, and publicly celebrating Mass. Their names have been placed on the diocese's own online registry.

Despite this, Mr. Yeager continues to hold permanent certificates to work as a public high school principal, superintendent, and school counselor, and Mr. Schmelzer holds a certificate to teach in private and religious schools.

"Neither one of them has utilized their license for some time," said their Toledo attorney, Richard Karcher. "One of them was expired. We're going to submit the form to voluntarily relinquish the licenses.

"This is absolutely no admission of wrongdoing by either individual," he said.

Mr. Yeager retired last year after being accused of abuse that allegedly occurred 30 years ago. Mr. Schmelzer was sued in 2003 for abuse that allegedly occurred 20 years ago.

Despite being on "administrative leave," Mr. Schmelzer is still listed as church pastor on St. Mary of the Assumption's Web site and, until recently, was listed as superintendent. He is no longer affiliated with the school, according to Mr. Karcher.

### **Additional inquiries**

The department has launched six additional inquiries:

- David J. Kelley, 58, holds a teaching certificate despite multiple lawsuits over allegations of sexual abuse that were dismissed because the statute of limitations had expired.

The Hamilton County prosecutor's office has asked a court to make Mr. Kelley the first man to be placed on a new civil registry that would subject him to many of the same registration and notification requirements as a criminally convicted sex offender.

The allegations against Mr. Kelley played a pivotal role in the conviction in 2003 of the Archdiocese of Cincinnati on five misdemeanors of failing to report sex abuse between 1978 and 1982. Mr. Kelley remains on administrative leave with the archdiocese, and his case is pending before the Vatican.

- Samuel E. Ritchey, 63, was removed from ministry by the Diocese of Columbus after a church review panel found credible an allegation of abuse that reportedly occurred in 1977 at Fisher Catholic High School in Columbus. The nearly 30-year-old incident wasn't reported until last year. He holds a teaching certificate good for private and religious schools issued in 1973.

- Bernard A. Kokocinski, 68, was barred from public ministry by the Diocese of Toledo after a charge brought against him was found to be “credible.” The church settled a 2002 lawsuit filed by a man who accused the priest of raping him in a Fremont rectory in 1975.

Richard Hasbrook, who represented Mr. Kokocinski in a lawsuit that ended in a mediated settlement, said he has been forwarded information from the state Department of Education, but is unsure whether he will represent Mr. Kokocinski in the matter of the revocation of his certificate to teach in private and religious schools.

- Richard M. Unwin, 53, still holds a teaching certificate despite being suspended from duty in 2003 by the Archdiocese of Cincinnati because of a sexual misconduct allegation dating back 18 years. He’s a former high school principal and was most recently pastor at St. John the Baptist Church in Tipp City. His case is pending before the Vatican, according to Dan Andriacco, spokesman for the Archdiocese of Cincinnati.

- The Rev. James G. Kiffmeyer, 49, holds an eight-year certificate to teach biology and chemistry in public and private high school.

The Archdiocese of Cincinnati financially settled a 1997 complaint brought against him involving an incident with an 18-year-old student in the 1980s. He has taken a voluntary leave of absence from teaching at Elder High School, but he has denied the allegation, and there have been no criminal charges filed against him.

“[The state is] acting to my knowledge solely on a newspaper report in 2002,” said Charles (Rocky) Saxbe, his Columbus attorney.

“To my knowledge, this is nothing more than an allegation reported by a newspaper,” he said. “He would object to [his certificates] being taken based on an unsubstantiated allegation. It’s somewhat of a witch hunt.”

Mr. Kiffmeyer has been an adjunct professor in the biological sciences department at the University of Cincinnati-Raymond Walters College in Blue Ash since 2004.

“There was nothing at the time that would have let us know about these allegations,” said college spokesman Ginny Hazer. “There was nothing in his application, nor did he bring it up when he was applying.”

She said the department chairman has since become aware of the allegations because of press reports, but she noted there has been no criminal conviction.

“He gets good evaluations from the students that he teaches,” she said. “He teaches Introduction to Pharmacology, a sophomore-level class. He does have his pharmacology degree.”

Mr. Saxbe said he doesn’t know whether his client harbors hopes of returning to a K-12 classroom.

- Victor Whiting, 50, a nonpriest teacher and coach, was accused in a lawsuit of sexually touching and harassing a 15-year-old female student on repeated occasions in 1990 while at St. John’s High School in Delphos.

The allegation led to a confidential settlement between the victim and the Diocese of Toledo.

Mr. Whiting now teaches business and coaches football at Northwest High School at Canal Fulton, Ohio. He holds a standard high-school teaching license issued in 2002, and he still holds a separate certificate for teaching in nonpublic schools.

The Diocese of Toledo confirmed receiving a subpoena from the state Department of Education seeking information in relation to Mr. Whiting. The diocese said it forwarded the subpoena to Mr. Whiting’s attorney. Mr. Whiting hung up on a Blade reporter when reached in the school athletic office.

The Department of Education does not need a criminal conviction to go after a teacher’s license. Earlier this year, the state board permanently revoked the high school principal and private teaching certificates of Dennis Gray, 58, of Perrysburg. As the focus of the Academy Award-nominated documentary *Twist of Faith*, he had become the most visible face of the church sex-abuse scandals in Ohio.

Never convicted of a crime, he admitted past abuse in 1995, according to Toledo diocesan records.

Suspended from the ministry, Mr. Gray voluntarily surrendered his state certificates, and Mr. Adrian said his name has been added to a national database as a warning for schools in other states.

Senate Bill 17, passed earlier this year, adds priests, rabbis, ministers, and other clergy to the list of health-care professionals, teachers, counselors, and others mandated to report abuse to police or child protection agencies.

But there's no requirement under the new law that they forward the same information to a professional licensing board until after a judge issues an order declaring the accused to be a sex offender and placing him on the civil registry.

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