REGISTRATION, S CRIPTION AND STATISTICAL SERVI

BOY SCOUTS OF AMERICA

DATE July 24, 1987

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SPECIAL RECOGNITION_				
SUSPENDED OR DENIED REGISTRATION	FOR FOLLOWING REASON	S:		
Criminal Sexual Condu	at 1 st days co.			
SPECIFY THE FACTS WHICH LEAD YOU				
SUPPORTING DOCUMENTS (STATE ONLY	KNOWN FACTS, NOT RUM	OR, CONJECTURE OR S	PECULATION):	
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I	STATE OF MINNESOTA	DISTRICT COURT			
2	COUNTY OF WRIGHT	TENTH JUDICIAL DISTRICT			
3					
4	STATE OF MINNESOTA,) TRANSCRIPT OF PROCEEDINGS			
5	Plaintiff,	FILE NOS. K1-86-1248, K3-86-1249, K8-86-1344			
6	vs.)) PLEAS OF GUILTY, SENTENCING			
7	KENNETH JOHN BOBROWSKE,)			
\$ ¹	Defendant.				
9					
10 .	The above-entitled matter	came on before the Honorable			
11	Bruce R. Douglas, one of the Ju	dges of the above-named Court,			
12	commencing on the 16th day of October, 1986, commencing at				
13	approximately 10:00 o'clock a.m., at the Courthouse, City of				
1.5	Buffalo, County of Wright, and State of Minnesota.				
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17	APPEA	RANCES			
18	Katy L. Stesniak, Assistant Wright County				
19	Attorney, appeared as counsel for and on behalf of the State of				
20	Minnesota.				
21	Charles E. Pasch	ke, Esq., appeared as counsel for			
22	and on behalf of the Defendant.				
23	Kenneth John Bobrowske, the Defendant.				
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THE COURT: Call the matter of State versus 1 Kenneth John Bobrowske. 2 We are here this morning for a joint hearing, 3 sentencing hearing on Files 1248, 1344 and 1249. 4 You are Mr. Bobrowske? -THE DEFENDANT: Yes, your Honor. 6 THE COURT: You are appearing here with 7 Mr. Paschke, is that correct? 8 THE DEFENDANT: That's correct, your Honor. 9 THE COURT: And, Ms. Stesniak, you are appearing 10 on behalf of the State? 11 MS. STESNIAK: That's correct, your Honor. 12 The files reflect that on I believe THE COURT: 13 it was September 19th Mr. Bobrowske appeared before 14 Judge Swenson and I believe entered pleas of guilty. 15 obvious intent of everyone was that pleas of guilty be 16 entered in three files to three separate charges of 17 criminal sexual conduct in the second degree, in violation 18 of Minnesota Statute 609.345, Subd.1(A). Is that the 19 understanding of Counsel as to the intent and effect of 20 that charge? 21 MR. PASCHKE: Yes, it is, your Honor. 22 MS. STESNIAK: Yes, it is, your Honor. 23 THE COURT: It appears Judge Swenson is 24 unavailable, and so I'm here today to proceed with 25

sentencing. 1 Ms. Stesniak, does the State have any objection if I handle the sentencing? MS. STESNIAK: No, your Honor. THE COURT: Mr. Paschke, do you? 5 MR. PASCHKE: No, your Honor. 6 THE COURT: Mr. Bobrowske, do you? No, your Honor. THE DEFENDANT: I have reviewed the transcript of THE COURT: 9 the hearing that was held on September 19th, and it appears 10 very clear to me that you did enter a factual basis for the 11 pleas to the three charges in each of these three files, 12 but the transcript does not reflect you expressly entered 13 a plea to each of the three charges, so just to make sure 1.1 that it's very clear to you and very clear to me, what we 1.5 have done here, and so that the record accurately reflects 16 what's being done, I would like to have you enter pleas 17 again before me. 18 Is that agreeable with Counsel? 19 MR. PASCHKE: It is, your Honor. 20 MS. STESNIAK: Yes, your Honor. 21 THE COURT: And with you, Mr. Bobrowske? 22 THE DEFENDANT: Yes, your Honor. 23 THE COURT: Mr. Bobrowske, would you approach the 24 Bench, please, with Mr. Paschke? 25

The first thing in File 1249, in that file you've been charged with criminal sexual conduct in the second degree, in violation of Minnesota Statute 609.343, Subd.1(A), therein defining the maximum penalty as five years in prison, a \$30,000 fine, or both prison and fine. That offense is alleged to have occurred in August 1983 in Howard Lake, in the City of, Wright County, and involves a juvenile with the initials of , alleged to be age 12 at that time, to that charge, Mr. Bobrowske, how do you plead, guilty or not guilty?

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THE DEFENDANT: Guilty, your Honor.

THE COURT: All right. And then in File 1344, which contains a Complaint issued by the Wright County Attorney charging you with criminal sexual conduct in the second degree, in violation of Minnesota Statute 609.343, Subd.1(A), likewise therein defining the penalty as 15 years in prison or a \$30,000 fine or both, which is alleged to have occurred on or about the summer of 1983 in the City of Howard Lake in Wright County, and which involves a juvenile with initials to that charge, Mr. Bobrowske, how do you plead?

THE DEFENDANT: Guilty, your Honor.

THE COURT: And then in File 1249, which contains a Complaint issued by the Wright County Attorney charging you originally with the offense of criminal sexual conduct in

the first degree, in violation of Minnesota Statute 609.342, Subd.1(A), which was amended by the Wright County Attorney's office on September 19th to the lesser charge of criminal sexual conduct in the second degree, in violation of Minnesota Statute 609.343, Subd.1(A), and which amended charge bears a maximum punishment of 15 years in prison or a \$30,000 fine or both, so that you are then charged with that amended charge and which charges is alleged to have occurred on or about the summer of 1985 in the City of Howard Lake, in Wright County, and which involves a juvenile with initials to that amended charge of criminal sexual conduct in the second degree, how do you plead, guilty or not guilty?

THE DEFENDANT: Guilty, your Honor.

THE COURT: All right. Now, Mr. Bobrowske, was it clear to you on September 19th that you were then intending to plead guilty to all three of these charges?

THE DEFENDANT: That is correct, your Honor.

THE COURT: And I assume you remember at that time you had gone over what we call a Petition to Enter a Plea of Guilty, is that correct?

THE DEFENDANT: That is correct.

THE COURT: And you had prepared and discussed with your attorney a Petition to Plead Guilty in each of these files with regard to each of these charges of criminal

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sexual conduct in the second degree, do you remember that?

THE DEFENDANT: That's correct.

THE COURT: Each of these three files contains a separate Petition for each of those three charges, and do you understand that those three Petitions are pertaining to those three charges as we've discussed them this morning?

THE DEFENDANT: That is correct.

THE COURT: Then do you remember that at the hearing on September 19th you were asked about those. Petitions, and that you agreed that those were your signatures on those three separate Petitions?

THE DEFENDANT: That is correct, your Honor.

THE COURT: And then Ms. Stesniak I believe asked you a series of questions regarding the rights you have and the procedures that we follow in these cases, do you remember that?

THE DEFENDANT: That's correct.

THE COURT: She asked you about your right to an attorney, your right to remain silent, your right to a trial, your right to have the witnesses appear and testify, your right to remain silent, and the fact that if you plead guilty you were waiving all of those rights that she discussed with you at that time, do you remember that?

THE DEFENDANT: That is correct, your Honor.

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THE COURT: And now that you have entered these 1 pleas again before me, do you understand that you have all 2 those rights, and that when you did plead guilty both 3 September 19th and again this morning that in effect you are 4 waiving all those rights? 5 THE DEFENDANT: That is correct, your Honor. 6 THE COURT: Okay. Now one further thing, on 7 September 19th Ms. Stesniak asked you a series of questions 8

September 19th Ms. Stesniak asked you a series of questions relating to these three charges, and on September 19th you answered her questions and basically admitted that what it says in each of these Complaints, including the amended Complaint, what it says about you and about your conduct is

true, do you remember that?

THE COURT: And are you confirming here today the answers that you gave under oath on September 19th with regard to your activities and the conduct that you engaged in that led to these three charges?

THE DEFENDANT: That is correct, your Honor.

THE DEFENDANT: Yes, your Honor.

THE COURT: So are you basically telling me here again as you did Judge Swenson that you believe you are guilty of those three charges?

THE DEFENDANT: Yes, your Honor.

THE COURT: Okay. Is there anything you would like to say regarding the facts that you disclosed to Judge

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Swenson on September 19th, anything you would like to say 1 ' in addition to the answers that you gave on that day? 2 No, your Honor. THE DEFENDANT: 3 Is there anything that you would like THE COURT: 4 to say regarding the rights that you have or that you waived 5 on September 19th or that again you waived today? 6 THE DEFENDANT: No, your Honor. 7 THE COURT: Have any questions about the 8 procedures we follow or the fact that I've asked you all of 9 this here again today? 10 No, your Honor. THE DEFENDANT: 11 THE COURT: Okay. Counsel, do either of you wish 12 to inquire further of Mr. Bobrowske before we proceed? 13 MS. STESNIAK: No, your Honor. 11 MR. PASCHKE: I do not, your Honor. 15 MS. STESNIAK: Your Honor, at this time I would 15 move for imposition of sentence. 17 THE COURT: Before granting that, I would like the 18 record to reflect that I have reviewed the transcripts and 19 heard Mr. Bobrowske's responses here today. With regard 20 to File 1248, it appears to the Court that you committed 21 acts which constitute the offense of criminal sexual conduct 22 in the second degree as described in that file, further 23 appears to the Court you have knowingly, willingly and 24 voluntarily waived your rights and entered your plea in that

regard, your plea is accepted, received and recorded and you are judged duly convicted of that offense.

With regard to File 1344 it appears to the Court that you have committed acts which constitute that offense, and that you have knowingly and willingly waived your rights and voluntarily entered the plea in that file, and your plea is accepted, received and recorded and you are judged duly convicted of the offense of criminal sexual conduct in the second degree as described in the Complaint in that file.

With regard to File 1249, it appears that you have committed acts which constitute the offense of criminal sexual conduct in the second degree, the amended charge in that file, and further appears to the Court that your plea was knowingly, voluntarily and intelligently entered, your plea is accepted, received and recorded and you are judged duly convicted of the amended charge of criminal sexual conduct in the second degree in that file.

A Presentence Investigation was ordered and returned, and I assume, Ms. Stesniak, you have had a chance to review that investigation?

MS. STESNIAK: Yes, your Honor. I would concur with the recommendations to the Court in keeping with the plea agreement.

THE COURT: Mr. Paschke, have you had a chance to

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1	review that Presenkence Investigation, also?
2	MR. PASCHKE: Yes, I have.
3	THE COURT: Do you or Mr. Bobrowske have any
4	factual information that you would like to add to what is
5	contained in that report?
6	MR. PASCHKE: No, we do not.
7	THE COURT: Do you have any objection to
8	proceeding at this time with sentencing?
9	MR. PASCHKE: No, your Honor, except I would move
10	the Court on behalf of Mr. Bobrowske that the Court execute
11	the first two charges concurrent with the third charge,
12	Court File No. 1249, because probation would be more onerous
13	than execution of those sentences.
14	THE COURT: You and Mr. Bobrowske recognize the
15	negotiation made in this case provides for an executed
16	sentence of 30 months?
17	MR. PASCHKE: That's correct.
18	THE COURT: And what you are requesting then is
19	that the sentence on all three charges be executed, is that
20	correct?
21	MR. PASCHKE: Yes.
22	THE COURT: Ms. Stesnisk?
23	MS. STESNIAK: I have no objection to that, your
24	Honor.
25	THE COURT: Mr. Bobrowske, is there anything that

you would like to say or anything you would like to advise the Court of before I proceed?

THE DEFENDANT: No, your Honor.

THE COURT: Okay. In File No. 1248, wherein you standing convicted of criminal sexual conduct in the second degree for the offenses alleged to have occurred during the summer of 1983, it is the sentence of the Court and the judgment of the law that as punishment therefor you be committed to the Commissioner of Corrections of the State of Minnesota for a period of 21 months, that execution of this sentence issue forthwith.

With regard to File 1344, it is the sentence of the law and the judgment of the Court that as punishment therefor you be committed to and confined in the custody of the Commissioner of Corrections for the State of Minnesota for a period of 26 months, said sentence to run concurrent to the sentence just imposed in this File 1248. Let execution of that sentence issue forthwith.

With regard to File 1249, it is the sentence of the law and judgment of the Court that as punishment therefor you be committed to the Commissioner of Corrections for the State of Minnesota for a period of 30 months, which sentence shall run concurrent to the sentences just imposed in File 1248 and 1344. Let execution of that sentence issue forthwith.

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You are remanded to the custody of the Wright County
Sheriff for delivery to the Commissioner of Corrections at
the Minnesota Correctional Facility in Bayport, Minnesota,
commonly known as Stillwater Prison.

The record should reflect I recognize this is a dispositional departure from the sentence, presumed sentence under the Minnesota Sentencing Guidelines, that is the Minnesota Sentencing Guidelines would provide in your case that each of these sentences be imposed but that you not be sentenced to prison. However, the dispositional departure that I've m_de, that is actually sentencing you to prison, appears appropriate at this time to the Court first in view of your plea agreement and the charge concession that was made here. Secondly, in view of the number of incidents and the age of the victims. Finally, in view of the fact that were sentencing to occur in any other manner you would in all probability be spending a substantial period of time in County jail and possibly in a treatment facility which in duration would probably last longer than the sentence which I have imposed upon you.

I assume, Ms. Stesniak, that you can assist the Court in preparing an appropriate report pursuant to the Minnesota Sentencing Guidelines?

MS. STESNIAK: Yes, your Honor.

THE COURT: Mr. Bobrowske, I know that while you are

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in prison there will be available to you certain courses of treatment, counseling and other rehabilitative type resources, and I urge that you consider participating in them and volunteering for such counseling and in such programs that you can spend that time advantageously to you and advantageously to your family. As we all sit here we know you are going to return to the community in a period of time, and it would be my hope and expectation that you would return having had some counseling so that these kinds of offenses would not reoccur.

THE DEFENDANT: I shall with all intent, jour Honor, to get as much help and so forth as I can.

THE COURT: Anything further, Counsel?

MS. STESNIAK: Your Honor, I believe the Defendant spent three days in jail; would the Court's intention be to give credit for time served?

THE COURT: I assume that was at the time of his arrest?

MS. STESNIAK: Yes, your Honor.

THE COURT: The record should reflect he serve those three days in the Wright County Jail at the time of the arrest, and the law provides that he automatically receives credit for that, so that information will be transmitted to the Commissioner of Corrections.

Okay, that will be all.

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Thank you, your Honor. MR. PASCHKE: 1 Thank you, your Honor. THE DEFENDANT: 2 MS. STESNIAK: Thank you, your Honor. 3 (Whereupon, at the hour of 10:17 4 o'clock a.m., the hearing was 5 concluded.) 6 7 REPORTER'S CERTIFICATE 8 I, John R. Dziuk, Official Court Reporter, District Court, 9 Tenth Judicial District, State of Minnesota, do hereby certify 10 that this and the foregoing thirteen (13) pages of typewritten 1 material constitute a full, true and correct transcript of my 12 original stenographic notes of the complete proceedings held in 13 the above hearing entitled the State of Minnesota versus Kenneth 11. John Bobrowske at the time and the place as above so indicated; 15 that I have delivered the necessary transcripts being an original 16 and two copies to the Clerk of the District Court for Wright 17 County. 18 19 20 DZIUK, OFFICIAL COURT REPORTER 21 22 Inst. No. -File No. . 23 District Court, Wright Co. 24 OCT 22 1986 25 Marie Garrity Court Administrator

August 18, 1987

Mr. Clarence M. Hammett Scout Executive Viking Council, No. 289

PERSONAL AND CONFIDENTIAL

SUBJECT: Ken Bobrowski

Dear Clarence:

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 Confidential File.

Sincerely,

Paul Ernst, Director Registration Service

PE/mdw

cc: North Central Region

READY TO FILE

MJG 181987

ERIN O'RILEY.

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REGISTRATION NO. 0722	86A		
	TY SHERIFF'S	DEPT.	C.H. No
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D.L. No.	,		
Military Service Branch	NO	···-	
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CONF015494

SUBJECT: Ken Bobrowski



National Office **BOY SCOUTS OF AMERICA**

May 5, 1987

Mr. W. Boyd Giles Director of Support Services Viking Council, No. 289

PERSONAL & CONFIDENTIAL

Dear Boyd:

In August of 1986, you sent us information concerning the above-named individual. We agreed with you at that time the evidence was of such a nature that he should not be registered with the Boy Scouts of America.

This is our third letter since that time asking for a Confidential Record Sheet so that we could identify Mr. Bobrowski and make certain he could not register in another location. We would still like that information if we are to set up a file and have the necessary information for refusal of registration attempts.

He Cocal some what short species after hed after hed Please call us if we may be of help to you.

Sincerely,

Paul Ernst. Director

Registration & Subscription Service

PE/cre

North Central Region cc:

Mr. Clarence M. Hammett, Scout Executive, Council No. 289

July 8, 1987

Mr. Clarence N. Hammett Scout Executive Viking Council, No. 289

PERSONAL & CONFIDENTIAL

Dear Clarence:

We have had communication with your council for several months concerning the above-named individual who was registered as troop committee chairman in Troop 494 of Howard Lake. The letter we received last year indicated criminal sexual conduct.

SUBJECT: Ken Bobrowski

We still have not received a Confidential Record Sheet after four letters to your council office. We are enclosing another sheet which we would like to have so that we may identify Mr. Bobrowski should be attempt registration in some other council.

We also would like information as to the outcome of the legal action which took place. If this is now completed, we would like to have newspaper clippings or copies of court records that would substantiate our refusal of registration attempts.

Please let us know if we may be of help.

Sincerely,

Paul Ernst, Director Registration & Subscription Service

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Encl.

cc: North Central Region

May 5, 1987

Mr. W. Boyd Giles Director of Support Services Viking Council, No. 289

PERSONAL & CONFIDENTIAL

SUBJECT: Ken Bobrowski

Dear Boyd:

In August of 1986, you sent us information concerning the above-named individual. We agreed with you at that time the evidence was of such a nature that he should not be registered with the Boy Scouts of America.

This is our third letter since that time asking for a Confidential Record Sheet so that we could identify Mr. Bobrowski and make certain he could not register in another location. We would still like that information if we are to set up a file and have the necessary information for refusal of registration attempts.

Please call us if we may be of help to you.

Sincerely.

Paul Ernst, Director Registration & Subscription Service

PE/cre

cc: North Central Region
Mr. Clarence M. Hammett, Scout Executive, Council No. 289

MAY 5 1987

February 4, 1987

Mr. W. Boyd Giles Director of Support Services Viking Council, No. 289

PERSONAL & CONFIDENTIAL

SUBJECT: Ken Bobrowski

Duar Boyd:

In August of 1986, you sent us information concerning the above-named individual. We agreed with you at that time that the evidence was such that he should not be registered with the boy Scouts of America.

We have written since that time and asked for a Confidential Record Sheet to be completed, so that we could identify Mr. Bobrowski should be try to register in some other location. We would still like that information, and are enclosing another Confidential Record Sheet so that you may complete it for identification purposes.

We would also like the outcome or any legal action which has taken place, since the original correspondence indicated that there should be some knowledge of this by October of 1986.

Thank you for your assistance in completing our files. This will certainly help us to better serve the youth of America.

Sincerely,

Paul Ernst, Director Registration, Subscription & Statistical Service

PE/cro

Enclosure

cc: North Central Region
Mr. Clarence M. Hammeti, Scout Executive, Council No. 289

READY FOR FILE

FEB 4 1987

October 30, 1986

Mr. W. Boyd Giles Director of Support Services Viking Council, No. 289

PERSONAL & CONDIFERTIAL

Dear Boyd:

We appreciate the information which you sent us previously concerning the aboved named individual. This is most helpful to us, but we do need more information in order to make certain that we have a complete file for refusal of registration attempts wherever they might originate.

I am again enclosing a Confidential Record Sheet which I would like to have completed so that we may identify Mr. Bobrowski should a registration application reach our office. We would also like to have copies of court records or newspaper clippings which would give us more information concerning this matter.

Please let us know if we may be of help from this office. Thanks for your assistance in protecting the youth of America.

Sincerely,

Paul Ernst, Director Registration, Subscription & Statistical Service marrie con FIII

SUBJECT: Ken Bobrowski

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SHIRLEY MEYER

Enclosure

cc: North Central Region
Mr. Clarence M. Hammett, Scout Executive, Council No. 289

August 22, 1986

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Mr. W. Boyd Giles Director of Support Services Viking Council, No. 289

PERSONAL & CONFIDENTIAL

Dear Boyd:

Thank you for the information which you sent concerning Ken Bobrowski. This information is helpful to us and we have begun to establish a confidential file so that refusal of future registration attempts may be possible.

I am sending a Confidential Record Sheet which I would like to have completed, so that we may be able to identify Mr. Bobrowski should be try to register in some other location.

I appreciate your help and know that you will send me information as it becomes available related to the outcome of any legal proceedings. This will be very necessary for us in maintaining a file for refusal of registration.

Thanks again for your help.

Sincerely.

Paul Ernst, Director Registration, Subscription & Statistical Service

PE/cre

Enclosure

cc: North Central Region

Mr. Clarence M. Hammett, Scout Executive, Council No. 289

- THY THE FILL

AUG 2 2 1986

SHIRLEY MEYER

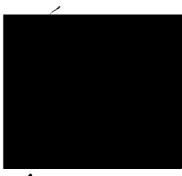
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From Robinson his and to CF file Roberted Sconling On line Council to delete from their computer



VIKING COUNCIL

Aug 15,86



Paul Ernet.

the enclosed letter is somewhat

self explaining.

Please take what styre are recessary to remove Kan Bobrowski as CC Trop494.

Pretrial is Sept 10-Jenal Desposition Should come in Oct. 1986. Wore information will follow. a, it became, available.

Thanks Word Ales



August 1, 1986

Martin Wahan

Waverly, MN 55390

Dear Martin:

Our records indicate that you are the Institutional Head for Troop 494 Chartered by Post 14, American Legion of Howard Lake. I also note that you are registered as the Scout Master.

The council office has received information concerning Ken Bobrowski, registered as Troop Committee Chairman. This information is sensitive and should be handled in a confidential manner.

Mr. Bobrowski has been arrested for criminal sexual conduct. The court case is pending. This conduct is an act of unacceptable nature and would appear that he is unfit to give leadership to youth in the Boy Scouts of America.

The unit and the chartered organization must take steps to remove the above named individual from leadership in the troop, until final disposition has been made by the courts.

We would also appreciate your assistance in obtaining hard evidence about the situation, such as police reports, court records and signed statements by principals filing complaint against Ken Bobrowski; also, any newspaper clippings which might appear.

If you have any questions or concerns, please contact the council office, Thank you for your action and assistance.

Berth Man

Sincerely,

W. Boyd Giles Director Support Services

Acheel to CF O jew Sept 10 - Prettial F. STARON
AUG 21 1986 Clarence Hammett, Scout Executive John Drenth, District Executive

WBG/jc

612/545-4550 5300 Glenwood Avenue Minneapolis, Minnesota 55422-5192

3 Courts. Johns ladies