

APPENDIX A

CONFIDENTIAL RECORD SHEET REGISTRATION SERVICE BOY SCOUTS OF AMERICA

Date 10.10.88

Full name STEVEN MONROE KABEARY
(no initials if you can possibly get full name)

Social Security Number _____

Address _____

City MARTINEZ State CA ZIP Code 94553

Date of Birth MAY, 1953 (This is important and should be exact.)

Approximate age 35 (To be used ONLY when date of birth is not known.)

Religion PROTESTANT Nationality U.S. CITIZEN

Occupation ALBANY (CA) UNIFIED SCHOOL DISTRICT (CAMPUS AIDE)

Education _____

Weight 190 LBS Height 5'11" Race CAUCASIAN

Color of hair BROWN Color of eyes HAZEL

Outstanding characteristics or interests COUNSELING YOUTH REF. DRUG ABUSE PREVENTION

Married or single MARRIED Children 4
(Number, ages, and names, if possible)

Spouse's name _____

Scouting connections:

Unit No. T22 City BERKELEY State CA Position SA Date registered 1976 Date resigned _____
1/31/78
Special recognition _____

Suspended or denied registration for following reasons: LETTER OF SUSPENSION 09.28.88

SPECIFY THE FACTS WHICH LEAD YOU TO RECOMMEND DENIAL OF REGISTRATION, AND LIST ATTACHED SUPPORTING DOCUMENTS (STATE ONLY KNOWN FACTS, NOT RUMOR, CONJECTURE, OR SPECULATION):

(SEE ATTACHED ARTICLE)

Signed [Signature]
SCOUT EXECUTIVE

Council MT. DIABLO COUNCIL

MAR 13 '89
JOSEPH L. ANGLIM



BOY SCOUTS OF AMERICA

National Office
1325 West Walnut Hill Lane
P.O. Box 152079, Irving, Texas 75015-2079
214-580-2000

FILE
KREEM

December 31, 1991

SUBJECT: [REDACTED] ET AL VS BOY SCOUTS OF AMERICA

FROM: Mark L. Dama
Assistant Director
Insurance and Risk Management, S400

TO: Paul J. Ernst
Director
Registration Service, S108

This case is currently scheduled to start trial on January 31, 1992. Our attorney advises me that you will be needed for testimony purposes at trial, but not until some time after February 17. Please provide me with an idea of your February schedule so that I may pass this on to Attorney Dick Heidt.

cc: Nicholas W. Heidt
Sedgwick, Detam, Moran & Arnold
One Embarcadero Center, 16th Floor
San Francisco CA 94111-3766

CASE FILED
MARK
1-3-92
[Signature]

December 20, 1991

Ms. Karen Anderson Holmes
Edwards, White & Sooy
Attorneys At Law
1615 Murray Canyon Road
10th Floor
San Diego, CA 92108

Dear Karen:

I have read the deposition transcript and do not have any corrections to make to it at this time.

Thank you.

Sincerely,

Paul Ernst, Director
Registration & Statistical Service
Boy Scouts of America

READY FOR FILE

DEC 19 1991

ERIN O'RILEY

CONF021358

MICHAEL M. EDWARDS
JOHN M. WHITE
R. SOOY
R. BONGARD
W. BYRON
KOSLAK ZIRNGIBL
WEN M. RASMUSSEN
CAREN A. HOLMES
MASON KERCKHOFF
CHN A. SIMPSON
WILLIAM P. HARRIS, III
JOHN D. MARINO
STEPHEN A. GENTES
MARC D. CLEAVINGER
CAROLE C. VAN DYKE
EFFREY M. GARBER

LISA G. SHEMONSKY
JOHN H. WALLER
ROBYN S. McCLAIN
DAVID WILLIAM SMITH
PAUL I. DELMORE
EULALIO I. GARCIA
THOMAS I. CRISHAM
ERICH I. LIDL
STEVEN I. SERRATORE
PETER M. HUGHES
WILLIAM L. PETTINGILL
MICHAEL I. ORZEL
JENNIFER J. GNYS
ROBERT F. TYSON, JR.
ELAINE L. PODNEY

EDWARDS, WHITE & SOOY
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
1615 MURRAY CANYON ROAD
10TH FLOOR
SAN DIEGO, CALIFORNIA 92108
TELEPHONE: (619) 692-2020
FAX: (619) 293-7619

INLAND EMPIRE OFFICE
P.O. Box 1480
RIVERSIDE, CA 92502
(714) 276-0100
CRAIG MARKEY
ADMINISTRATOR

December 12, 1991

Mr. Paul Ernst
Boy Scouts of America
1325 Walnut Hill Lane
P.O. Box 152079
Irving, Texas 75015-2079

Re: [REDACTED], et al. v. Boy Scouts of America, et al.
Client: San Diego County Council, Boy Scouts of
America and Boy Scouts of America,
National Council
Claim No.: 0835-340-073963-A
EWS File No.: BSA10/2516

Dear Mr. Ernst:

Enclosed herewith please find the transcript of your deposition taken November 22, 1991. Please carefully review the deposition transcript and, on a separate piece of paper, note the page and line of any changes that you wish to make to the deposition transcript and the change itself.

Thereafter, please sign the deposition on page 242 and return the original transcript, along with a separate page of corrections, to us in the enclosed stamped, self-addressed envelope.

CONF021359

EDWARDS, WHITE & SOOY
A PROFESSIONAL CORPORATION

Mr. Paul Ernst
November 6, 1991

The parties stipulated that these changes would be made prior to December 20, 1991. If you have any difficulties in accomplishing the task prior to that date, please advise immediately.

Very truly yours,

EDWARDS, WHITE & SOOY

Karen Anderson Holmes
Karen Anderson Holmes (KAM)

KAH:kam
Enclosure



BOY SCOUTS OF AMERICA

National Office
1325 West Walnut Hill Lane
P.O. Box 152079, Irving, Texas 75015-2079
214-580-2000

October 23, 1991

SUBJECT: [REDACTED] ET AL VS BOY SCOUTS OF AMERICA, ET AL
FROM: MARK DAMA, S402
ASSISTANT DIRECTOR
INSURANCE AND RISK MANAGEMENT
TO: PAUL ERNST, S108
DIRECTOR, REGISTRATION

*DEPOSITION
CANCELLED
10-30-91
[Signature]*

Per various conversations your deposition has been tentatively scheduled for November 7, 1991 at 2:00 PM. This deposition will be held at United American Court Reporters located at 2414 North Akard, Suite 600 in Dallas. Attorney Frank Lane will meet with you at approximately 9:00 AM in conference room 401 in order to prepare you for your deposition.

In the event that any of the above information changes I will notify you immediately. Please feel free to contact me at extension 2145 should you have any questions.

cc: Nicholas Heldt, Attorney
Frank Lane, Attorney

[REDACTED] youth
Kalvarez

Judge gives 8-year sentence to Martinez child molester

MARTINEZ — A former Boy Scout troop leader who pleaded no contest to molesting four youths has been sentenced by Superior Court Judge Richard Arnason to eight years in state prison.

Steven Kabearly, 35, of Martinez, had faced a maximum term of 13 years in state prison for seven felony charges of lewd and lascivious conduct with minors and four misdemeanor child molestation charges. The victims were all boys.

Deputy Probation Officer Teresa Frakes had recommended that Ka-

bearly be sentenced to state prison, despite a letter Kabearly wrote to Frakes requesting probation.

Kabearly wrote that he had voluntarily sought psychiatric help and understood his problem, and therefore deserved probation.

Frakes' report said a psychiatrist diagnosed Kabearly as a pedophile, a person who is sexually attracted to children.

Kabearly, who led a Berkeley Boy Scout troop, was also an aide at Albany High School. He surrendered to police on Oct. 19.

*Martinez together
4/21/79*

Ex-Scout leader in prison for child molestation

MARTINEZ — The former leader of a Berkeley Boy Scout troop who pleaded no contest to molesting young boys was sentenced yesterday in Contra Costa County Superior Court to eight years in state prison. Steven Kabearly, 35, was sentenced by Judge Richard Arnason. He entered his plea last month to six felony counts of lewd and lascivious behavior and one felony count of using a child under 17 for sex. Several boys testified in earlier court hearings that Kabearly invited them to his Kensington home, showed them pornographic videos, masturbated and urged them to do the same. He was arrested last fall after a lengthy police investigation.

READY FOR FILE

MAR 15 1989

March 15, 1989

Mr. Quentin M. Alexander
Scout Executive
Mount Diablo Council, No. 23

PERSONAL AND CONFIDENTIAL

SUBJECT: Steven Monroe Kabeary

Dear Quentin:

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

eko

cc: Western Region

CONF021363

Ex-scout leader pleads no contest to molest charges

MARTINEZ — A former Boy Scout troop leader pleaded no contest Monday to seven felony charges of molesting four youths.

Steven Kabear, 35, of Martinez, was allowed to remain free on \$100,000 bail after entering his plea, which carries the same consequences as a guilty plea.

Superior Court Judge Richard Arnason ordered Kabear to return to court on April 20 for sentencing. Deputy District Attorney Brandon Baum said Kabear faces a maximum sentence of 13 years in state prison.

The Probation Department has recommended that Kabear be sentenced to prison, saying he's ineligible for probation because he used obscene matter, such as pornographic movies, before molesting the children, Baum said.

He is also ineligible for probation because he held a position

of special trust with the youths, Baum said.

Four misdemeanor charges of annoying and molesting minors under 18 were dropped against Kabear in exchange for his pleading no contest to the seven felony charges of committing lewd and lascivious acts on minors under the age of 14.

Kabear, who led a Berkeley Boy Scout troop, was also an aide at Albany High School. He surrendered to police on Oct. 19, about a month after investigators raided his Martinez home and seized books, magazines, tapes, film, slides, photos and lists of boys' names, according to police and court documents.

Some victims had testified at a hearing in Bay Municipal Court in November that they were fondled at Kabear's home in Kensington, where he lived before moving to Martinez.

READY FOR FILE

MAR 08 1989

A. GRAVES

March 8, 1989

Mr. Quentin M. Alexander
Scout Executive
Mount Diablo Council, No. 23

PERSONAL AND CONFIDENTIAL

SUBJECT: STEVEN MONROE KABEARY

Dear Quentin:

The material which you sent in October was most complete and enabled us to set up a file which will lead to refusal of future registration attempts by Mr. Kabeary.

We would like the outcome of the legal action if it has now been completed. This would then give us a file strong enough to refuse registration anywhere in the country. Please send us newspaper clippings, court records, or other material which would substantiate Mr. Kabeary's conviction and sentencing.

Thanks for your help.

Sincerely,

Paul Ernst, Director
Registration Service

je

cc: Western Region

CONF021365



OUNT DIABLO COUNCIL BOY SCOUTS OF AMERICA
1343 LOCUST STREET, WALNUT CREEK, CALIFORNIA 94596 PHONE (415) 935-2731

7 March, 1989

Mr. Paul Ernst
Director, Registration Service
National Council, BSA
1325 Walnut Hill Lane
P. O. Box 152079
Irving, TX 75015-2079

REF: CONFIDENTIAL FILE: STEVEN MONROE KABEARV

Dear Paul,

Enclosed is a copy of the news article reporting a "No-Contest" plea by Steven Kabearv for felony child molesting.

This should complete our documentation for the Confidential File sufficient to ensure that this individual is not approved for leadership in the future.

Yours truly,

QUENTIN M. ALEXANDER
Scout Executive

QMA/sl

Encl:

cc: Grant Robinson, Area III Director

December 12, 1988

Mr. Quentin M. Alexander
Scout Executive
Mount Diablo Council, No. 23

PERSONAL AND CONFIDENTIAL

SUBJECT: Steven Moore Kabeary

Dear Quentin:

Thanks so much for the material which you sent us in October. This is most helpful as we start a file which will lead to refusal of registration in the future.

We would like to have any additional newspaper clippings or court records which you can secure. The final outcome of the legal action will be most helpful to us in having a complete file, which will lead to refusal of registration at any time in the future.

Thanks for your help in completing this file.

Sincerely,

Paul Ernst, Director
Registration Service

ag

cc: Western Region

READY TO FILE
DEC 13 1988
ERIN O'RILEY

CONF021367



f/v
12-1-88

JUNTA DIABLO COUNCIL BOY SCOUTS OF AMERICA
1343 LOCUST STREET, WALNUT CREEK, CALIFORNIA 94596 PHONE (415) 935-2731

11 October 1988

Mr. Paul Ernst
Director, Registration Service
National Council, BSA
1325 Walnut Hill Lane
P. O. Box 152079
Irving, TX 75015-2079

Dear Paul,

Enclosed is a Confidential Record Sheet on STEVEN MONROE KABEARY. This man has served as a Scoutmaster for ten (10) years. According to information from the police, there is no question that Kabeary will be prosecuted. The news story covers only a portion of the evidence gathered during the search of his home (see news article).

In addition to his working as a Campus Aide at the Albany High School, youth with drug problems were assigned to him as a foster parent by the county courts to assist in rehabilitating them. Several of these youth became scouts in Troop 22. The indication is that much of the exploitation/abuse involved the youth assigned to him by the courts. There are indications, however, that during the last few years, other youth, including scouts, were involved.

With the strength of the evidence secured by the police, Steven Kabeary should be barred from participation in Scouting.

Yours truly,

QUENTIN M. ALEXANDER
Scout Executive

[Faint handwritten notes and stamps, including "12-1-88" and "BPM"]

QMA/sl

Encls:

cc: Western Region, BSA
G. Robinson, Area Director

Child Porn Probe Focuses on Albany High Guard

Albany High School has put a security guard, being investigated in a child pornography inquiry, on administrative leave.

By Bobby Colvan

KENSINGTON -- A former resident, who is an Albany High School campus aide and Berkeley Boy Scout troop leader, is being investigated in connection with child pornography seized at his home. The suspect may have victimized more than 60 juveniles over a five year period, Kensington police said.

Although no formal complaint has yet been filed with the district attorney, police, armed with a

search warrant, went to the Martinez home of Steven Monroe Kabeary, 35, where they found photo negatives of nude teenaged boys performing sexual acts. The search also produced slides, video tapes and cameras.

Police are still going through the boxes of seized material found at the home to determine the contents.

Also found were address books and other lists, which police said could aid them in determining the

identities of Kabeary's alleged victims.

Kabeary could not be reached for comment.

Lt. Leonard St. Onge, who is heading the investigation for the Kensington department, said charges would be filed Wednesday morning with the district attorney in Martinez.

"We've got a lot of people who may be victims," he said.

The department is asking any possible victims to contact them

at 526-4141. Callers should ask for St. Onge or Officer Warnock.

The Kensington Police Department is conducting the investigation because most of the photographs were allegedly taken at the suspect's former home here, St. Onge said.

Victims' ranged in age from 12 to 15, he said, and most were from the Albany, Berkeley and Kensington areas.

St. Onge confirmed that some

Continued on page 8

Porn...

Continued from page 1

of the possible victims were Albany High students.

Kabeary was leader of the Berkeley Boy Scout troop until two weeks ago. The Mt. Diablo Boy Scout Council removed him from his post because of possible impropriety, according to Scout Executive Quentin Alexander.

No complaints had been received by the Boy Scouts against Kabeary, and there was no indication that any scout was victimized, Alexander said.

Police are still interviewing a number of alleged victims to build

a case against Kabeary, according to St. Onge.

Only five of the alleged victims have agreed to cooperate with police, he said, adding that some others, no longer minors, have been embarrassed to provide information.

Police said they have at least 60 names and believe investigation of the seized material may reveal more.

Kabeary, who works as a campus aide at Albany High School, was placed on administrative leave Sept. 22, according to

Albany Unified School District Superintendent Dale Hudson, who refused to comment on the investigation pending its completion.

As a campus aide, Kabeary monitored students during recesses and lunch hours, was involved in student disciplinary matters, and also guarded school buildings and other school property, according to Hudson.

Kensington police began their investigation when an alleged victim told police he was sexually exploited by Kabeary, according to St. Onge.

A 15-year old juvenile told police he was invited to Kabeary's home where the suspect allegedly viewed a pornographic movie and acted in a lewd manner, according to the affidavit accompanying the search warrant application.

Negatives were also reportedly found by new tenants at Kabeary's former Kensington home depicting a nude boy performing a lewd act on himself. Albany school officials also confirmed receiving a sexually explicit negative.



OUNT DIABLO COUNCIL BOY SCOUTS OF AMERICA
1343 LOCUST STREET, WALNUT CREEK, CALIFORNIA 94596 PHONE (415) 935-273

28 September 1988

Mr. Steve Kabary
1049 Veterans Court
Martinez, CA 94553

Dear Mr. Kabary,

John Medlock shared your discussion regarding a police investigation. After careful review, we have decided that your registration with the Boy Scouts of America should be suspended pending the outcome of the investigation. We are, therefore, compelled to request that you sever any relations that you may have with the Boy Scouts of America.

You should understand that the BSA membership registration is a privilege and is not automatically granted to everyone. We reserve the right to suspend registration whenever there is a concern that an individual may not meet the high standards of membership which the BSA seeks to provide for American youth.

If you wish to have this decision reviewed by a Council Review Committee, please write to me explaining your version of the facts supporting your claim that your registration as a BSA member should be reinstated.

Sincerely,

QUENTIN M. ALEXANDER
Scout Executive

*Delivered 29 September 1988
no response*

QMA/sl



Kensington Police Department

217 ARLINGTON AVENUE
KENSINGTON, CALIFORNIA 94707

526-4141

James M. Gray
Chief of Police

Leonard R. St. Ange
Lieutenant

09/21/88

Boy Scouts of America
Mount Diablo Council
1343 Locust
Walnut Creek, California

Attn : Quentin Alexander

Dear Mr. Alexander,

Our department is conducting an investigation into a possible sexual abuse/sexual exploitation case which could possibly involve a member/associate of Troop 22. As the person has contact with Troop 22, and possibly with Troop 100, our department is requesting the names of troop members of both troops dating back three (3) years.

Your organization will be advised of the results of the investigation once it is complete.

At this time our investigation is dealing with rumors and we are attempting to verify these rumors.

I thank you for your cooperation,

Michael Warnock #6
Police Officer

*09/26/88 REQUEST - LIST OF NAMES OF CUB SCOUT PACK
271.
M. Warnock #6*

*Copy made
9/26/88 2:15pm*