

**COMMONWEALTH OF MASSACHUSETTS
PEACE OFFICER STANDARDS AND TRAINING COMMISSION**

IN THE MATTER OF)

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Case No. 2023-010-S

IANCY GONZALEZ

FINAL DECISION

In January 2023, the Massachusetts Peace Officer Standards and Training Commission (“Commission”) suspended the certification of Iancy Gonzalez (“Respondent”) based on credible information that she had been [REDACTED]. Thereafter, in August 2023, the Division of Police Standards (“Division”) issued an Order to Show Cause to the Respondent asking why the Commission should not revoke or otherwise take action against her certification as a law enforcement officer. The Respondent responded and requested a hearing to address the allegations contained in the Order to Show Cause.

In accordance with and pursuant to M.G.L. c. 6E, § 3(a) and 555 CMR 1.10(1), the Chair of the Commission, Hon. Margaret R. Hinkle (Ret.), designated Hon. Kenneth J. Fishman, (Ret.) as the Hearing Officer. The public hearing, which was held virtually and in conformance with M.G.L. c. 30A, §§ 10, 11, and 13; 801 CMR 1.00; and 555 CMR 1.10, commenced on February 26, 2024, and concluded on the same day. The Respondent appeared *pro se*.

The Hearing Officer issued his Initial Decision pursuant to M.G.L. c. 30A, §§ 11(7) and 11(8), and 555 CMR 1.10(4)(e)(2) on March 25, 2024, finding by clear and convincing evidence that the Respondent [REDACTED]. The Hearing Officer then recommended that the Commission revoke the Respondent’s certification as a law enforcement officer.

On April 24, 2024, the Respondent, through retained counsel, notified the Commission of her objections to the findings, rulings, and recommendation contained in the Hearing Officer’s Initial Decision and requested an additional hearing on the allegations contained in the Order to Show Cause. On May 1, 2024, the Commission established a schedule for briefing of the objections and responses, and denied the Respondent’s request for an additional hearing.

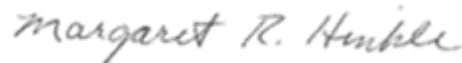
After careful consideration of the evidence presented in the hearing, the findings of fact and rulings of law in the Initial Decision, and the subsequent briefs submitted by the Respondent and the Division, the Commission finds that the Respondent [REDACTED]. Thus, the Respondent’s certification is hereby revoked. [REDACTED]

[REDACTED] The Executive Director shall take the necessary steps to publish the Respondent’s name in the National Decertification Index. See M.G.L. c. 6E, §§ 10(g), 13(b). The Respondent’s second request for an additional hearing is denied as moot.

This is the final decision of the Commission. M.G.L. c. 30A, § 11(8); 555 CMR 1.10(4)(e).

In accordance with M.G.L. 30A, § 14, a party aggrieved by this decision may commence an appeal to the Superior Court within thirty (30) days to the extent allowed by law. After initiating proceedings for judicial review in Superior Court, the Appellant, or the Appellant's attorney, is required to serve a copy of the summons and complaint upon the Boston office of the Attorney General of the Commonwealth, with a copy to the Commission, in the time and manner prescribed by Mass. R. Civ. P. 4(d).

By vote of the Commission on June 20, 2024.



Hon. Margaret R. Hinkle (Ret.), Chair

Notice to: James R. Willis Jr., Esq., Respondent's Counsel
Timothy D. Hartnett, Esq., Enforcement Counsel
Salem Police Department, Agency

**COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS PEACE OFFICER STANDARDS AND TRAINING COMMISSION**

In the Matter of)	Case No. 23-010-S
)	(PI-2023-05-11-003; SU-2022-12-20-001)
Iancy Gonzalez)	MPTC User ID # 6151-1587
)	

INITIAL DECISION OF THE PRESIDING OFFICER
(Pursuant to M.G.L. c. 30A, § 11(8); 555 CMR 1.10(4)(e)(2))

A. Introduction

On December 31, 2020, Governor Charles D. Baker signed into law An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth. St. 2020, c. 253. On July 1, 2021, pursuant to the Act, the Respondent Iancy Gonzalez was automatically certified as a police officer in Massachusetts. The Respondent received an automatic one-year certification as part of a group of officers whose last names began with the letters A-H. The Respondent resigned from the Salem Police Department (“Salem PD”) in March 2022, [REDACTED] before the one-year certification expired.¹

In August 2023, the Massachusetts Peace Officer Standards and Training Commission (“Commission”) suspended the Respondent based on credible information that she had [REDACTED]. Thereafter, the Division of Police Standards (“Division”) issued an Order to Show Cause asking why the Commission should not revoke or otherwise take action against the Respondent’s certification as a law enforcement officer.³ The Respondent responded and requested a hearing to address the allegations in the Order to Show Cause.

The adjudicatory process resulted in proceedings before the Honorable Kenneth J. Fishman, retired Massachusetts Superior Court Justice, a Hearing Officer appointed by the Commission. The Hearing Officer presided over a remote pre-hearing conference on January 29, 2024, and a remote hearing on the merits on February 26, 2024.⁴ Both parties agreed on the record to a remote hearing on the merits. All proceedings were recorded and open to the public.

It is undisputed that, on April 6, 2023, the Respondent [REDACTED]

¹ Based on information received from the Salem PD, the Respondent resigned on March 18, 2022. M.G.L. c. 6E, § 8(b)(4) and 555 CMR 1.01(5)(b).

³ 555 CMR 1.10.

⁴ The Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 (formal rules), generally apply to adjudications before the Commission, with Chapter 6E or any Commission rules taking precedence. 555 CMR 1.10(4) (conduct of hearings).

[REDACTED]. Based on the evidence and the applicable statute and regulations, the Hearing Officer recommends that the Commission revoke the Respondent's certification.

B. Findings of Fact

The parties offered into evidence a total of nine exhibits at the full hearing: eight jointly, and one by the Respondent. No witnesses testified. The Respondent appeared *pro se*, and Timothy Hartnett, Esq. served as Enforcement Counsel on behalf of the Commission. The Respondent was informed of her right to counsel in the Notice of Adjudicatory Hearing and during the pre-hearing conference and full hearing.

Exhibits

Joint Exhibits

Exhibit A – Salem PD Internal Affairs Complaint Form (identification purposes)

Exhibit B – Certified Copy of [REDACTED]

Exhibit C – Salem PD Internal Affairs Report and Recommendation from Chief (identification purposes)

Exhibit D – Certified Copy of [REDACTED]

Exhibit E – The Division's Notice of Preliminary Inquiry ("PI Notice")

Exhibit F – Delivery Notification of PI Notice

Exhibit G – Respondent's Response to PI Notice

Exhibit H – Massachusetts [REDACTED]

Respondent's Exhibit

Exhibit I – Respondent's Response to PI Notice

Based on the exhibits and the testimony of the Respondent and taking administrative notice of all pleadings filed in the case, and pertinent rules, statutes, regulations, and policies; and drawing reasonable inferences from the credible evidence, the Hearing Officer makes the following findings of fact.

Respondent's Background

1. On January 6, 2022, the Respondent was [REDACTED]
[REDACTED]
2. On January 5, 2023, the Commission provided notice to the Respondent of the suspension of her law enforcement officer certification, pursuant to [REDACTED], because certified court records indicated that [REDACTED]. (Jan. 5, 2023, Suspension Order).

Current Adjudicatory Proceeding

3. On April 6, 2023, the Respondent [REDACTED]
4. On May 11, 2023, the Commission directed the Division to open a preliminary inquiry to investigate the allegation that the Respondent [REDACTED] (Exhibit E).
5. On May 19, 2023, the Respondent filed a Response to the Commission's PI Notice. (Exhibit G).
6. On October 2, 2023, the Division filed a Motion for Default and Final Decision, having previously issued an Order to Show Cause directed to the Respondent. The Hearings Administrator sent a letter to the parties notifying them that the matter was assigned to the Hearing Officer. On October 12, 2023, the Respondent filed a request for a hearing on the revocation of her certification.
7. During the hearing on the merits, the Respondent, having been duly sworn, relied on her Response to Order to Show Cause (Exhibit I), the veracity of which she affirmed. In her response, she maintains that she received incorrect advice from counsel both regarding her resignation and in [REDACTED]. As to the latter, she believes that [REDACTED].
[REDACTED]
[REDACTED] The Respondent requests "a second chance . . . for her certification not to be disqualified." As of the time of the hearing, the Respondent has not taken any steps to seek to withdraw her plea or otherwise [REDACTED].

C. Applicable Legal Standard and Analysis

Pursuant to M.G.L. c. 6E, § 3(a):

The [C]ommission shall have all powers necessary or convenient to carry out and effectuate its purposes, including, but not limited to, the power to:

- (1) act as the primary civil enforcement agency for violations of [chapter 6E];...
- (4) deny an application or limit, condition, restrict, revoke, or suspend a certification, or fine a person certified for any cause that the [C]ommission deems reasonable;...
- (23) restrict, suspend or revoke certifications issued under [chapter 6E];
- (24) conduct adjudicatory proceedings in accordance with chapter 30A;

The Act Relative to Justice, Equity and Accountability provided for certain individuals to be

automatically certified as officers for a period of time. St. 2020, c. 253, § 102.

Pursuant to M.G.L. c. 6E, § 10(h), the [C]ommission may institute a disciplinary hearing after an officer's appointing agency has issued a final disposition regarding the alleged misconduct. The Commission received an Investigative Reporting Form, Executive Summary Report, and Chief's letter from Salem PD in January 2022, approximately three months before the Respondent resigned from Salem PD. (Exhibit C). On May 11, 2023, the Commission directed the Division to open a preliminary inquiry to investigate [REDACTED]

[REDACTED] (Exhibit E). Pursuant to [REDACTED]

Under [REDACTED]

D. Recommendation

Based on the evidence and the applicable statutes and regulations, the undersigned finds by clear and convincing evidence that the Respondent [REDACTED]. Pursuant to [REDACTED]

[REDACTED] Accordingly, the Hearing Officer recommends that the Commission issue a final decision to revoke the Respondent's certification. Pursuant to M.G.L. c. 6E, § 10(g), the Commission shall publish any revocation order and findings and shall provide all revocation information to the National Decertification Index.

NOTICE OF 30-DAY RIGHT FOR REVIEW BY THE COMMISSION

Pursuant to 555 CMR 1.10(4)(e)(2)(b), "upon receipt of the presiding officer's initial decision, if there is an objection by the officer in writing to the Executive Director regarding the presiding officer's findings and recommendations, the [C]ommission shall set dates for submission of briefs and for any further hearing which the [C]ommission in its discretion deems necessary. The [C]ommission shall review, and may revise, the findings of fact, conclusions of law, and recommendation of the presiding officer, giving deference to the presiding officer's evaluation of the credibility of the testimony and other evidence presented at the hearing. Failure by the officer to object to the presiding officer's initial decision within 30 days shall constitute a waiver of the officer's right to appeal under M.G.L. c. 30A § 14."



Hon. Kenneth J. Fishman (Ret.)
Hearing Officer

Date: March 25, 2024

Notice sent to: Iancy Gonzalez, Respondent
Timothy D. Hartnett, Esq., Enforcement Counsel
Salem Police Department, Appointing Agency
Collective Bargaining Unit
Essex County District Attorney