

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

IN THE MATTER OF
DOMENIC COLUMBO

)
)

Case No. 2023-022

FINAL DECISION

In accordance with 555 CMR 1.10(1), a Hearing Officer was assigned to conduct an adjudicatory proceeding regarding this matter on behalf of the Peace Officer Standards and Training Commission (“Commission”). The Division of Police Standards (“Division”) filed a Motion for Summary Decision (“Motion”) on the grounds that there was no genuine issue of material fact that would warrant an evidentiary hearing because there was no dispute that the Respondent Domenic Columbo [REDACTED]

[REDACTED]. The Respondent did not file any response to the Motion.

Pursuant to M.G.L. c. 30A, §§ 11(7) and (8) and 555 CMR 1.10(4)(e)(2), the Hearing Officer issued an Order, on November 7, 2024, which is the Initial Decision, granting the Motion filed by the Division. [REDACTED]

On November 18, 2024, the Respondent objected to the Initial Decision to preserve his rights [REDACTED] to seek to have the Commission to overturn the Initial Decision [REDACTED], but he explicitly expressed his intent not to file a brief or request a hearing. See 555 CMR 1.10(4)(e)2.b. The Division filed a response stating that the Respondent’s filing does not present any actual or substantive objections to the Initial Decision. Therefore, according to the Division, the Commission should allow its Motion and issue a final decision decertifying the Respondent.

After careful review and consideration, the Commission voted to affirm and adopt the Initial Decision of the Hearing Officer, and the Motion filed by the Division is hereby **granted**. See 555 CMR 1.10(4). The Commission finds, by clear and convincing evidence, that the Respondent [REDACTED], and therefore there is no need for the Commission to seek further briefing or schedule a hearing. See M.G.L. c. 30A, § 10 (“Unless otherwise provided by any law, agencies may . . . limit the issues to be heard or vary the procedures prescribed by [M.G.L. c. 30, § 11], if the parties agree to such limitation

or variation.”); see also Kobrin v. Board of Registration in Med., 444 Mass. 837, 846 (2005) (“[N]either the statute [governing the board, which authorized it to impose a disciplinary sanction following a hearing pursuant to M.G.L. c. 30A,] nor due process required the board to hold a hearing to take evidence concerning undisputed facts. Such a hearing would be a meaningless exercise.”); Massachusetts Outdoor Advertising Council v. Outdoor Advertising Bd., 9 Mass. App. Ct. 775, 789 (1980) (“[T]he Board’s summary disposition procedures . . . are structured in a fashion which does not offend the hearing requirements of [M.G.L. c. 30A, § 13], because they deprive applicants only of meaningless hearings and, therefore, do not deprive them of meaningful ones.”).

The Respondent’s certification is hereby revoked.

The Executive Director shall take the necessary steps to publish the Respondent’s name in the National Decertification Index. M.G.L. c. 6E, §§ 10(g), 13(b). This is the final decision of the Commission. M.G.L. c. 30A, § 11(8); 555 CMR 1.10(4)(e).

By vote of the Commission on December 19, 2024.

In accordance with M.G.L. c. 30A, § 14 and M.G.L. c. 6E, § 10(f), the Respondent 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 Respondent, or the Respondent’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).

Margaret R. Hinkle

Hon. Margeret Hinkle (Ret.), Chair

Notice:

Keith A. Garland, Esq., Respondent's Counsel
Timothy D. Hartnett, Esq., Commission Enforcement Counsel
Boston Police Department, Law Enforcement Agency
Collective Bargaining Unit
Suffolk County District Attorney's Office

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

IN THE MATTER OF)
DOMENIC COLUMBO)

Case No. 2023-022

ORDER ON DIVISION’S MOTION FOR SUMMARY DECISION

The Peace Officer Standards and Training Commission (“Commission”) Division of Police Standards (“Division”) has filed a Motion for Summary Decision on the grounds that there is no genuine issue of disputed fact that would warrant an evidentiary hearing. This Order on the Division’s Motion for Summary Decision constitutes the Initial Decision of the Hearing Officer.

Procedural History

On July 1, 2021, Domenic Columbo (“Respondent”) was automatically certified as a law enforcement officer pursuant to St. 2020, c. 253, § 102, an Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth. In December 2022, the Commission’s Division of Police Certification, pursuant to M.G.L. c. 6E, §§ 3(a) and 4, denied the Respondent’s application for recertification as a law enforcement officer. Also, [REDACTED]

[REDACTED] Thus, on November 25, 2023, the Division served the Respondent with an Order to Show Cause.

On December 12, 2023, the Respondent answered the Order to Show Cause. Thereafter, in December 2023, the Parties filed a Joint Motion to Stay Adjudicatory Proceedings. In January 2024, the Hearing Officer granted the joint motion and stayed the matter until one of the Parties requested that the stay be lifted. [REDACTED]

[REDACTED] In May 2024, [REDACTED]

[REDACTED]. On May 8, 2024, the Division requested that the temporary stay before the Commission be lifted, [REDACTED]

[REDACTED]. The Respondent did not respond to the Division’s request to lift the temporary stay, and, on October 3, 2024, the Hearing Officer granted the Division’s request. On October 16, 2024, the Division filed a Motion for Summary Decision.

Discussion

The Division maintains that pursuant to 801 CMR 1.01(7)(h), a summary decision is warranted in this case because there is no genuine issue of material fact relating to its claim or

any defense raised by the Respondent, and that it is entitled to prevail as a matter of law. Specifically, the Division relies on [REDACTED] which mandates that the Commission “revoke an officer’s certification if the [C]ommission finds by clear and convincing evidence that . . . [REDACTED]”

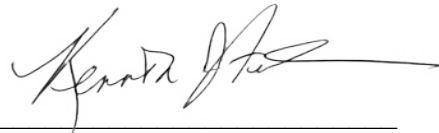
[REDACTED] Accordingly, there is no basis for either delaying resolution of this case by the Commission or holding a hearing, in circumstances such as here, where the statutory mandate to revoke the officer’s certification clearly applies. See Kobrin v. Bd. of Registration in Med., 444 Mass. 837, 846 (2005) (“[N]either the statute nor due process required the board to hold a hearing to take evidence concerning undisputed facts. Such a hearing would be a meaningless exercise.”); Massachusetts Outdoor Advertising Council v. Outdoor Advertising Bd., 9 Mass. App. Ct. 775, 789 (1980) (“[T]he Board's summary disposition procedures . . . are structured in a fashion which does not offend the hearing requirements of [M.G.L. c. 30A, § 13], because they deprive applicants only of meaningless hearings and, therefore, do not deprive them of meaningful ones.”).

Recommendation

Based on the evidence and the applicable statutes and regulations, the Hearing Officer finds by clear and convincing evidence that the Respondent [REDACTED]. Accordingly, the Hearing Officer recommends that the Division’s Motion for Summary Decision be **GRANTED** and recommends that the Commission issue a final decision revoking the Respondent’s certification. See 555 CMR 1.08(4). 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), “[u]pon receipt of the presiding officer’s initial decision, if there is objection by the officer in writing to the [E]xecutive [D]irector 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: November 7, 2024

Notice: Domenic Columbo, Respondent
Timothy D. Hartnett, Esq., Commission Enforcement Counsel
Boston Police Department, Agency
Suffolk County District Attorney's Office