

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

IN THE MATTER OF )  
MATTHEW B. MARSHALL )

Case No. 2024-029

**FINAL DECISION**

I. Introduction

At issue in this matter is whether this proceeding brought by the Massachusetts Peace Officer and Standards Training Commission (“Commission”) should now terminate with a default decision pursuant to M.G.L. c. 30A, § 10(2), 801 CMR 1.01(7)(a), and 555 CMR 1.10(4). Matthew Marshall (“Respondent”) did not answer, appear, or defend the allegations of misconduct against him in the Order to Show Cause (“OTSC”). Nor did he respond to mailings delivered to him by the Division of Police Standards (“Division”). After careful review and consideration, the Commission voted to grant the Motion for Default and Final Decision (“Motion”) filed by the Division. See 555 CMR 1.10(4).

II. Procedural History

1. The Division served the Respondent with an OTSC by United States Postal Service (“USPS”) Priority Mail on March 27, 2025, addressed to the Respondent’s last known home address. Attachment 1; see Att. 3 n.1. The record indicated that the OTSC was delivered on April 3, 2025. Att. 2.

2. The OTSC contained allegations against the Respondent and notification of the obligation to file an answer or otherwise respond to the allegations within 21 days. Att. 1. The OTSC stated that, if a responsive and timely answer was not filed, the Commission may act. Att. 1. In particular, the Respondent was notified that, if an answer to the allegations in the OTSC is not filed, the Commission may enter a final decision that assumes the truth of the allegations in

the OTSC and that the Commission may take action against the Respondent's certification, including, granting, in full, the action contemplated in the OTSC. Att. 1.

3. The Motion was mailed by the Division to the Respondent by USPS Priority Mail on April 29, 2025, to the same last known address. Atts. 3 n.1 and 4. The Commission takes administrative notice that the OTSC was attached as an exhibit to the Motion.

4. By operation of law, the Commission may presume that the Respondent received both the OTSC and the Motion, as discussed below. The Respondent failed to respond to either the OTSC or the Motion.

### III. Allegations Contained in the OTSC

1. On July 1, 2021, the Respondent was automatically certified as a law enforcement officer in Massachusetts pursuant to St. 2020, c. 253, § 102, an Act Relative to Justice, Equity, and Accountability in Law Enforcement in the Commonwealth. On or about July 1, 2023, the Respondent was recertified by the Commission.

2. The Commission suspended the Respondent's law enforcement certification on July 25, 2024.

3. On August 15, 2024, the Commission directed the Division to open a preliminary inquiry to investigate the allegation that the Respondent [REDACTED]

[REDACTED]

[REDACTED]

4. On [REDACTED], the Respondent [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] See id.

5. On [REDACTED], the Respondent [REDACTED]

[REDACTED]

[REDACTED].

6. On September 13, 2024, the Respondent’s appointing agency, the Brewster Police Department, submitted a final report to the Commission which reflected the department’s finding that the Respondent violated several department rules for engaging in the conduct [REDACTED] [REDACTED] described above.

IV. Attachments

In ruling on this matter, the Commission considered the following attachments:

Attachment 1: OTSC with a certificate of service, dated March 27, 2025.

Attachment 2: OTSC USPS Priority Mail tracking, indicating delivery on April 3, 2025.

Attachment 3: Motion, dated April 29, 2025.

Attachment 4: Motion USPS Priority Mail tracking, indicating delivery on May 3, 2025.

The Commission takes administrative notice of all papers filed in this case, as well as chapter 6E and Commission regulations. See M.G.L. c. 30A, § 11(5).

V. Legal Basis for Commission Disciplinary Action

1. Pursuant to M.G.L. c. 6E, § 3(a):

The commission 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 commission deems reasonable; . . .  
(23) restrict, suspend or revoke certifications issued under [chapter 6E]; [and]  
(24) conduct adjudicatory proceedings in accordance with chapter 30A; . . .

2. Pursuant to M.G.L. c. 6E, [REDACTED], “[t]he commission shall, after a hearing, revoke an officer’s certification if the commission finds by clear and convincing evidence that . . . the officer [REDACTED]

3. Pursuant to M.G.L. c. 6E, [REDACTED], “[t]he commission may, after a hearing, suspend or revoke an officer’s certification if the commission finds by clear and convincing evidence that . . . the officer [REDACTED].”

4. Pursuant to M.G.L. c. 6E, § 10(g), “[t]he commission shall publish any revocation order and findings” and “shall provide all revocation information to the national decertification index” (“NDI”).

5. Pursuant to M.G.L. c. 6E, § 10(h), the Commission may institute a disciplinary hearing after an officer’s appointing agency has issued a final disposition regarding the alleged misconduct.

6. Pursuant to M.G.L. c. 30A, § 10, “unless otherwise provided by any law, agencies may . . . place on any party the responsibility of requesting a hearing if the agency notifies [the party] in writing of [the party’s] right to a hearing and of [the party’s] responsibility to request the hearing.”

#### VI. Notice

The Respondent was notified at his last known address by the OTSC that, if he did not file an answer or otherwise respond to the allegations in the OTSC in a timely manner, the Commission could enter a final decision that assumes the truth of the allegations in the OTSC. In addition, the notice informed him that the Commission may take particular action against his

certification, including granting in full the relief contemplated in the OTSC. These advisories were sufficient to place him on notice of the consequences of any default. See Lawless v. Bd. of Registration in Pharmacy, 466 Mass. 1010, 1010 n.1, 1011 (2013) (concluding that the pharmacist had “ample notice,” where he was informed that “failure to appear at any hearing would result in entry of default and that, in the event of default, the board could enter a final decision accepting as true the allegations contained in the show cause order”); Univ. Hosp., Inc. v. Mass. Comm’n Against Discrimination, 396 Mass. 533, 539 (1986) (holding that the default provision did not violate due process, as it “afford[ed] the respondent reasonable procedural safeguards for notice and an opportunity to be heard”). Despite being afforded the opportunity to do so, the Respondent has failed to file an answer, request an adjudicatory hearing, or otherwise respond.

On April 29, 2025, the Division moved for a default judgment and final decision and served the Motion, with the OTSC and OTSC tracking information attached as exhibits, by USPS Priority Mail with tracking information to the Respondent’s last known address as indicated by a CLEAR search conducted by the Division. Att. 3.

The Division provided sufficient notice by delivering the OTSC and the Motion using USPS Priority Mail. Under Massachusetts case law, there is a presumption that the addressee receives properly deposited mail. See Espinal’s Case, 98 Mass. App. Ct. 152, 152-53, 156 (2020) (citing Eveland v. Lawson, 240 Mass. 99, 103 (1921) (“The depositing of a letter in the post office, properly addressed, postage prepaid, to a person at his place of business or residence, is prima facie evidence that it was received in the ordinary course of mails.”)); see also Commonwealth v. Crosscup, 369 Mass. 228, 239 (1975) (“Proper mailing of a letter is ‘prima facie evidence’ in civil cases of its receipt by the addressee.”). Further, nothing in chapter 6E

required the Division to take any additional steps. Nor is the Division prohibited from relying on the certification that it mailed the Motion via USPS Priority Mail delivery. See Espinal's Case, 98 Mass. App. Ct. at 157 (stating that “on other occasions when the Legislature intended to impose a requirement for notice by certified mail, return receipt requested, it has done so explicitly”). The Commission may presume that the Respondent received the Motion that was sent through USPS Priority Mail at his last known address.

## VII. Discussion

Pursuant to 801 CMR 1.01(7)(a), a party may request through a motion that the agency “issue any order or take any action not inconsistent with [the] law or 801 CMR 1.00.” One such action is recommending the entry of a final judgment of default where a respondent has failed to appear. Under M.G.L. c. 30A, § 10(2), an agency is specifically authorized to “make informal disposition of any adjudicatory proceeding by . . . default.” Lawless, 466 Mass. at 1011-12 (affirming that the agency “ha[d] authority, in an appropriate circumstance, to dispose of an adjudicatory proceeding by default,” citing M.G.L. c. 30A, § 10, and concluding that the agency’s decision to do so was not shown to be improper, where the party failed to appear after the first day of hearing). For the above reasons, the Motion for Default and Final Decision filed by the Division is hereby granted. See 555 CMR 1.10(4). The Respondent was afforded the opportunity for a full and fair hearing. See M.G.L. c. 30A, § 10 (providing that, “[i]n conducting adjudicatory proceedings,” “agencies shall afford all parties an opportunity for full and fair hearing,” and “[u]nless otherwise provided by any law, agencies may” “place on any party the responsibility of requesting a hearing if the agency notifies [the party] in writing of [the party’s] right to a hearing and of [the party’s] responsibility to request the hearing” and “make informal disposition of any adjudicatory proceeding by” “default” (emphasis added)), § 13 (providing

that, “[e]xcept as otherwise provided in this section, no agency shall revoke or refuse to renew any license unless it has first afforded the licensee an opportunity for hearing in conformity with [§§ 10, 11, and 12],” but “[t]his section shall not apply” “[w]here the agency is required by any law to revoke, suspend or refuse to renew a license, as the case may be, without exercising any discretion in the matter, on the basis of a court conviction or judgment” (emphasis added), incorporated by reference in M.G.L. c. 6E, § 10(f) and 555 CMR 1.10(4).

In University Hospital, 396 Mass. at 538-39, the Supreme Judicial Court rejected the notion that due process standards were violated by an agency rule that provided sanctions for a party’s default upon failure to respond to interrogatories. The court concluded that the provisions of the agency rule “afford . . . reasonable procedural safeguards for notice and an opportunity to be heard,” noting that respondent was given clear notice of the consequences, could obtain an extension of time, petition for a default to be vacated, and seek judicial review of the entire proceedings. Id. at 539. In the case before the Commission, the OTSC and the Motion (both sent by USPS with tracking) provided the Respondent with notice of the consequences of a failure to appear or defend in this matter, as well as an opportunity to object. The Respondent could have sought more time to respond under 801 CMR 1.01(4)(e), (7)(a), and (7)(d). Therefore, the entry of a default judgment by the Commission is both legal and proper.

The Commission finds, by clear and convincing evidence, that the Respondent has [REDACTED]

[REDACTED] **Thus, the Respondent’s certification is hereby revoked.** The Executive Director shall take the necessary steps to publish the Respondent’s name in the NDI. See 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 May 15, 2025.**

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. Margaret R. Hinkle (Ret.), Chair



# ATTACHMENTS

# ATTACHMENT 1

COMMONWEALTH OF MASSACHUSETTS  
PEACE OFFICER STANDARDS AND TRAINING COMMISSION

\_\_\_\_\_) )  
) )  
IN THE MATTER OF ) )  
) ) Case No. 2024-029  
MATTHEW B. MARSHALL ) )  
MPTC ID: 9997-2478 ) )  
) )  
\_\_\_\_\_) )

**ORDER TO SHOW CAUSE**  
(Pursuant to 555 CMR 1.10)

This is an Order to Show Cause why the Massachusetts Peace Officer Standards and Training Commission (“Commission”) should not revoke or otherwise take action against the police certification of the Respondent, Matthew B. Marshall, based upon the following allegations.

**Factual Allegations**

1. On July 1, 2021, the Respondent was automatically certified as a law enforcement officer in Massachusetts pursuant to St. 2020, c. 253, § 102, an Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth. The Respondent was recertified as of July 1, 2023, and the Commission suspended his certification on July 25, 2024.

2. On August 15, 2024, the Commission directed its Division of Police Standards (“Division”) to open a preliminary inquiry to investigate the allegation that the Respondent [REDACTED]

[REDACTED]. M.G.L. c. 6E, §§ [REDACTED]

[REDACTED]; 555 CMR [REDACTED].

3. On December 20, 2024, the Respondent [REDACTED]

[REDACTED]

[REDACTED]

4. On September 13, 2024, the Respondent’s appointing agency, the Brewster Police Department, submitted a final report to the Commission which reflected the department’s finding that the Respondent violated several department rules for engaging in the conduct [REDACTED] described above.

**Legal Basis for Commission Action**

5. 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; . . .

6. Pursuant to M.G.L. c. 6E, § [REDACTED], “[t]he [C]ommission shall, after a hearing, revoke an officer’s certification if the [C]ommission finds by clear and convincing evidence that . . . the officer [REDACTED].”

7. Pursuant to M.G.L. c. 6E, § [REDACTED], “[t]he [C]ommission may, after a hearing, suspend or revoke an officer’s certification if the [C]ommission finds by clear and convincing evidence that the officer . . . [REDACTED].”

8. 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 (“NDI”).

9. Pursuant to M.G.L. c. 6E, § 10(h), the Commission may institute a disciplinary hearing after an officer’s appointing agency has issued a final disposition on the alleged misconduct.

10. Pursuant to M.G.L. c. 30A, § 10, “[u]nless otherwise provided by any law, agencies may . . . place on any party the responsibility of requesting a hearing if the agency notifies [the party] in writing of [the party’s] right to a hearing and of [the party’s] responsibility to request the hearing.”

WHEREFORE, the Respondent, Matthew B. Marshall, is hereby ORDERED to Show Cause why the Commission should not:

- a. find that the Respondent [REDACTED];
- b. find that the Respondent [REDACTED];
- c. issue and publish an order revoking the Respondent’s police certification; and
- d. order the provision of all revocation information to the National Decertification Index.

Respectfully submitted,

PEACE OFFICER STANDARDS AND  
TRAINING COMMISSION

By its attorney,

/s/ Amy C. Parker

# ATTACHMENT 2

**Recipient Address**

Matthew B. Marshall

**Sender Address**Post Commission  
Peace Officer Standards and  
84 State St, Ste 200  
Boston, MA 02109-2217, US**Carrier Account**

Sender: 2000368850 - USPS

**Tracking Number****User**

postcommission@mass.gov

**Purchased On**

3/27/25, 4:31 PM

**Shipped On**

3/28/25

**Shipment Information**

My Envelope

12 oz

**Total Billable Weight** ⓘ

12 oz

Priority Mail®	\$9.24
<b>Total</b>	<b>\$9.24</b>

Carrier USPS Tracking number



DATE & TIME	ACTIVITY	LOCATION
Apr 3, 2025, 3:07:00 PM	Delivered, In/At Mailbox	CAPE CORAL
Apr 3, 2025, 7:50:00 AM	Departed USPS Regional Facility	FORT MYERS FL DISTRIBUTION CENTER
Apr 3, 2025, 3:09:00 AM	PROCESSED THROUGH USPS FACILITY	FORT MYERS FL DISTRIBUTION CENT
Apr 2, 2025, 4:38:00 PM	Arrived at USPS Regional Destination Facility	FORT MYERS FL DISTRIBUTION CENTER
Apr 1, 2025, 12:00:00 AM	In Transit to Next Facility	
Mar 31, 2025, 12:25:00 AM	PROCESSED THROUGH USPS FACILITY	NASHUA NH DISTRIBUTION CENTER
Mar 30, 2025, 4:13:00 AM	Arrived at USPS Regional Origin Facility	NASHUA NH DISTRIBUTION CENTER
Mar 29, 2025, 2:12:00 PM	Departed Post Office	WOBURN
Mar 29, 2025, 12:24:00 PM	USPS in possession of item	WOBURN
Mar 27, 2025, 12:00:00 AM	Pre-Shipment, USPS Awaiting Item	

# ATTACHMENT 3



COMMONWEALTH OF MASSACHUSETTS  
PEACE OFFICER STANDARDS AND TRAINING COMMISSION

	)	
	)	
IN THE MATTER OF	)	Commission Adjudicatory
	)	Case No. 2024-029
	)	
MATTHEW B. MARSHALL	)	
MPTC ID: 9997-2478	)	
	)	
	)	

**MOTION FOR DEFAULT AND FINAL DECISION**

The Division of Police Standards (“Division”) of the Massachusetts Peace Officer Standards and Training Commission (“Commission”) hereby moves that the Commission issue a final decision in the instant matter revoking the Respondent Matthew B. Marshall’s law enforcement officer certification. As grounds for this relief, the Division, by and through its undersigned Enforcement Counsel, states as follows:

1. Following a preliminary inquiry into alleged misconduct, the Division issued an Order to Show Cause to the Respondent on March 27, 2025. Ex. A (copy of Order to Show Cause). A true copy of said Order was served upon the Respondent at his last known residence via United States Postal Service (“USPS”) priority mail on April 3, 2025.<sup>1</sup> Ex. B (USPS tracking information). The Order to Show Cause was issued in compliance with Commission regulations at 555 CMR 1.10, and the Fair Hearing Regulations at, *inter alia*, 801 CMR 1.01(6) (governing the provision by the agency of “notice of the action or an order to show cause why the action should not be taken”).

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<sup>1</sup> The Division determined the Respondent’s last known residence by conducting a CLEAR search provided by Thomson Reuters, which utilizes a database that collects information from various sources, including cell phone records, credit reporting agencies, motor vehicle registration information, and criminal history records, among other sources.

2. The Order to Show Cause advised the Respondent as follows:

If you do not file any Answer or other written response to the allegations within 21 days, the Commission will presume that you have received notice of these proceedings but have decided to waive your right to a hearing. The Commission will then proceed to consider the evidence against you without your participation, and the Commission may issue a final decision imposing public discipline upon you. You will receive a copy of the Commission's final decision when it has been issued.

Ex. A at 7. Accordingly, the Respondent was obligated to file an Answer no later than April 24, 2025, or otherwise communicate with the Commission or the Division regarding any other appropriate relief.

3. As of the date of this motion, the Respondent has not served the Division with an Answer or any other pleading. Furthermore, the Division is unaware of any attempt by the Respondent to contact the Commission or the Division regarding the instant matter.

4. A party may waive the right to an adjudicatory hearing either expressly or by failing to respond to an Order to Show Cause. *See* 801 C.M.R. § 1.01(7)(g)(2) (failure to prosecute or defend); *Lawless v. Bd. of Reg. in Pharmacy*, 466 Mass. 1010, 1010 n.1, 1011-12 (2013) (affirming licensing board's issuance of final decision revoking pharmacist's license where board's order to show cause informed pharmacist that board could, upon his default, "enter a final decision accepting as true the allegations contained in the show cause order"); *see also* 801 C.M.R. § 1.02(10)(d) (dismissals for failure to appear). Under these circumstances, the Commission may assume the truth of the allegations in the Order and impose an appropriate sanction on the licensee.

5. In light of the Respondent's failure to file an Answer to the Order to Show Cause, and in the absence of any attempt by the Respondent to show good cause for such failure, the

Commission should assume that the allegations contained therein are true, and grant the relief sought therein.

WHEREFORE, the Division requests that the Commission:

- a. find that the Respondent, Matthew B. Marshall, has failed to file an Answer to the Order to Show Cause, and is in default; and
- b. issue and publish a final decision granting the relief sought by the Order to Show Cause, *i.e.*, revoking the Respondent's police certification and ordering the provision of all revocation information to the National Decertification Index.

Respectfully submitted,

PEACE OFFICER STANDARDS AND  
TRAINING COMMISSION

By its attorney,

Date: April 29, 2025

/s/ Amy C. Parker

Amy C. Parker

Enforcement Counsel

Division of Police Standards

Peace Officer Standards and Training Commission

84 State Street, 2<sup>nd</sup> Floor

Boston, MA 02109

857-276-2564

BBO# 688563

amy.c.parker@mass.gov

POSTCStandards@mass.gov

# ATTACHMENT 4

**Recipient Address**Matthew Marshall  
[REDACTED]**Sender Address**Post Commission  
Peace Officer Standards and  
84 State St, Ste 200  
Boston, MA 02109-2217, US**Carrier Account**

Sender: 2000368950 - USPS

**Tracking Number**  
[REDACTED]**User**

postcommission@mass.gov

**Purchased On**

4/29/25, 10:45 AM

**Shipped On**

4/28/25

**Shipment Information**

My Envelope

11 oz

**Total Billable Weight** ⓘ

11 oz

Priority Mail®	\$9.24
<b>Total</b>	<b>\$9.24</b>

Carrier: **USPS** Tracking number [REDACTED]

DATE & TIME	ACTIVITY	LOCATION
May 3, 2025, 2:22:00 PM	Delivered, In/At Mailbox	CAPE CORAL
May 3, 2025, 6:10:00 AM	Out for Delivery, Expected Delivery Between 10:30am and 2:30pm	CAPE CORAL
May 3, 2025, 5:02:00 AM	Arrived at Post Office	CAPE CORAL
May 3, 2025, 3:36:00 AM	In Transit to Next Facility	
May 3, 2025, 3:22:00 AM	Departed USPS Regional Facility	FORT MYERS FL DISTRIBUTION CENTER
May 2, 2025, 11:33:00 PM	Arrived at USPS Regional Destination Facility	FORT MYERS FL DISTRIBUTION CENTER
Apr 30, 2025, 8:59:00 PM	PROCESSED THROUGH USPS FACILITY	MIDDLESEX-ESSEX MA DISTRIBUTION
May 1, 2025, 12:00:00 AM	In Transit to Next Facility, Arriving On Time	
Apr 30, 2025, 6:46:00 PM	Arrived at USPS Regional Origin Facility	MIDDLESEX-ESSEX MA DISTRIBUTION CENTER