

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

IN THE MATTER OF)
SAMUEL GOMEZ-GONZALEZ)

Case No. 2024-024

FINAL DECISION

Pursuant to 555 CMR 1.10(1), a Hearing Officer was assigned to conduct an adjudicatory proceeding regarding this matter on behalf of the Massachusetts Peace Officer Standards and Training Commission (“Commission”).

Pursuant to M.G.L. c. 30A, § 11(7)-(8) and 555 CMR 1.10(4)(e)2., the Hearing Officer issued an Initial Decision and Order, and Samuel Gomez-Gonzalez (“Respondent”) had thirty (30) days to provide the Commission with written objections. No objections were received.

After careful review and consideration, the Commission voted to affirm and adopt the Initial Decision of the Hearing Officer.

For the above reasons, the Motion for Default and Final Decision filed by the Division of Police Standards 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”), § 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 revocation, suspension or refusal to renew is based solely upon failure of the licensee to file timely reports, schedules, or applications . . .”), incorporated by reference in M.G.L. c. 6E, § 10(f) and 555 CMR 1.10(4).

The Commission finds by clear and convincing evidence that the Respondent knowingly filed a written police report containing a false statement or committed perjury; is not fit for duty as an officer and is dangerous to the public; has a pattern of unprofessional police conduct that may escalate; and was terminated by his appointing agency for disciplinary reasons, and the appeal of his termination is completed. See M.G.L. c. 6E, § 10(a)(viii), 10(a)(xvi), 10(b)(iii), and 10(b)(iv). **Thus, 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. 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 June 26, 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

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INITIAL DECISION

I. Introduction

At issue in this matter is whether this proceeding brought by the Massachusetts Peace Officer Standards and Training Commission (“Commission”) should now terminate with a default decision in the Commission’s favor, pursuant to Massachusetts General Laws chapter 30A, § 10(2), 801 CMR 1.01(7)(a), and 555 CMR 1.10(4). Samuel Gomez-Gonzalez (“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”). For the reasons stated below, I recommend that the Commission grant the Division’s Motion for Default and Final Decision (“Motion”), adopt this Initial Decision as its Final Decision and determine what discipline should be imposed against the Respondent.

II. Procedural History

1. The Division served the Respondent with an OTSC by USPS Priority Mail on February 25, 2025, addressed to the Respondent’s last known home address. Attachment 1; see Att. 3 n.1. The record indicates that the OTSC was delivered on March 1, 2025. Att. 2.
2. The OTSC contained the 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 and Order 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 March 28, 2025, to the same last known address. Atts. 3 n.1 and 4. I take 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 police 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, 2022, the Respondent was recertified by the Commission.

2. The Respondent was employed as a law enforcement officer at the Springfield Police Department ("SPD") from May 27, 2014, until his termination on March 2, 2023. At the time of his termination, the Respondent was the subject of an investigation by the Federal Bureau of Investigation ("FBI") and a corresponding SPD investigation that later resulted in sustained findings and discipline.

3. The Commission suspended the Respondent's law enforcement certification on June 20, 2024, and it remains suspended to date.

4. On January 3, 2023, the Federal Bureau of Investigation (“FBI”) sent a report to the SPD indicating that the Respondent was providing non-public law enforcement information to a drug trafficking organization that operated out of a certain bakery located in the city of Springfield, Massachusetts.
5. The Respondent has known the Springfield bakery owner for years and worked at the bakery prior to becoming a police officer. The Respondent’s wife and the bakery owner’s wife are close friends, and the Respondent, while employed as an SPD police officer, ate at the bakery for free. In November 2022, the bakery owner invited the Respondent and his wife to Miami to celebrate the bakery owner’s wife’s birthday.
6. On or about May 11, 2021, the U.S. government intercepted a kilogram of cocaine sent from a supplier in Puerto Rico via the U.S. mail system to the Respondent’s residential address in Chicopee, Massachusetts.
7. The package was addressed to a relative of the Respondent who lived with the Respondent at the Respondent’s home from about January 2021 until approximately April 2021.
8. According to the January 2023 FBI report, a confidential human informant provided the FBI information about a drug trafficking organization that operated out of a certain bakery located in Springfield, Massachusetts. The owner of the bakery allegedly utilized the same drug supplier in Puerto Rico that is referenced in Paragraph (6).
9. The FBI used a confidential human informant to provide the bakery owner with a fictitious license plate number linked to an individual allegedly associated with a rival drug cartel, with the aim of determining whether anyone at the SPD would run the license plate on the bakery owner’s behalf.

10. On or about August 8, 2021, the Respondent illicitly requested, under false pretenses and for personal, non-law enforcement purposes, that a fellow SPD officer (hereinafter referred to as “Officer A”) utilize the Criminal Justice Information System (“CJIS”) to run a license registration query. The Respondent texted Officer A, stating in sum and substance, that he was on his bike the day before and believed a car tried to hit him on purpose and wanted to check to see if he knows the other driver.

11. The motor vehicle the Respondent claimed almost ran him off the road on August 7, 2021, was not on the road on August 7, 2021, because it was being stored in a United States government-controlled facility on that date. The individual listed as the owner of the vehicle in CJIS was a fictitious identity.

12. Officer A ran the license plate for the Respondent and took a screenshot picture of the license plate information, which he texted to the Respondent.

13. On or about January 24, 2023, during an interview with SPD internal affairs, the Respondent was untruthful on why he requested that Officer A run the CJIS license plate inquiry for him.

14. In a report the Respondent submitted to the SPD, dated January 26, 2023, the Respondent untruthfully reiterated, in sum and substance, that the reason he requested that Officer A run the CJIS license plate query in August 2021 was that he wanted to know who was driving the motor vehicle that almost hit him while he was riding his motorcycle.

15. Again, on or about March 1, 2023, the Respondent was untruthful at the Springfield Board of Police Commissioners’ (“SBPC”) disciplinary hearing when he testified, in sum and substance, that the reason he requested that Officer A conduct the CJIS license plate query on his

behalf was because he wanted to know who was driving the motor vehicle that ran him off the road while riding his motorcycle in August 2021.

16. On or about March 2, 2023, the SPD terminated the Respondent from his employment with the SPD following an evidentiary hearing held before the SBPC on March 1, 2023. The SBPC sustained six findings against the Respondent for violation of the SPD Rules and Regulations, including conduct unbecoming; failure to comply with directives and orders; failure to obey the rules and regulations; failure to report their place of residence to the Chief; failure to submit necessary reports on time, in accordance with procedures, truthfully and completely; and associating with persons who one knows, or should know, are persons under criminal investigation, or who have a reputation in the community or Department for recent or present involvement in felonious or criminal activities.

17. On or about March 9, 2023, the Respondent appealed the decision by the SPD to terminate his employment to the Civil Service Commission (“CSC”), and a de novo evidentiary hearing was held on or about September 29, 2023.

18. At the CSC hearing on or about September 29, 2023, the Respondent untruthfully testified under oath that the reason he asked Officer A to run the CJIS license plate query for him was that he wanted to know the name of the driver who almost hit him and ran him off the road while he was riding his motorcycle in Springfield in August 2021.

19. On or about June 13, 2024, the CSC denied the Respondent’s appeal of his termination. The Respondent did not appeal the CSC decision.

20. On June 20, 2024, the Commission directed the Division to open a preliminary inquiry to investigate the above-described allegations against the Respondent.

21. On or about November 21, 2024, the Commission approved the initiation of adjudicatory

proceedings against the Respondent.

IV. Attachments

In ruling on this matter, I have considered the following attachments:

Attachment 1: OTSC with a certificate of service, dated February 25, 2025.

Attachment 2: OTSC USPS Priority Mail tracking, indicating delivery on March 1, 2025.

Attachment 3: Motion for Default and Final Decision, dated March 28, 2025.

Attachment 4: Motion for Default USPS Priority Mail tracking, indicating delivery on April 3, 2025.

I take 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 [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;

2. Pursuant to M.G.L. c. 6E, § 10(a)(viii), “[t]he [C]ommission shall . . . revoke an officer’s certification if the [C]ommission finds by clear and convincing evidence that: . . . the officer knowingly files a written police report containing a false statement or commits perjury, as defined in section 1 of chapter 268.”

3. Pursuant to M.G.L. c. 6E, § 10(a)(xvi), “[t]he [C]ommission shall . . . revoke an officer’s certification if the [C]ommission finds by clear and convincing evidence that: . . . the officer is

not fit for duty as an officer and the officer is dangerous to the public, as determined by the [C]ommission.”

4. Pursuant to M.G.L. c. 6E, § 10(b)(iii), “[t]he [C]ommission may . . . suspend or revoke an officer’s certification if the [C]ommission finds by clear and convincing evidence that the officer . . . has a pattern of unprofessional police conduct that [the] [C]ommission believes may escalate.”

5. Pursuant to M.G.L. c. 6E, § 10(b)(iv), “[t]he [C]ommission may . . . suspend or revoke an officer’s certification if the [C]ommission finds by clear and convincing evidence that the officer . . . was suspended or terminated by their appointing agency for disciplinary reasons, and any appeal of said suspension or termination is completed.”

6. Pursuant to M.G.L. c. 6E, § 10(g), “[t]he [C]ommission shall publish any revocation order and findings . . . [and] shall provide all revocation information to the [N]ational [D]ecertification [I]ndex” (“NDI”).

7. 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.

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 and Order 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 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. Massachusetts Comm’n Against Discrimination, 396 Mass. 533, 539 (1986) (holding that default provision did not violate due process, as it “afford[ed] the [R]espondent 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 March 28, 2025, the Division moved for a default 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.¹ Att. 3.

The Commission 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

¹ Two representatives of the Division spoke on the telephone with the Respondent on October 15, 2024, to inquire of his current residential and email address. During that conversation, the Respondent stated that his current address is [REDACTED] and confirmed that the email the Division had been using to communicate with him was accurate at [REDACTED]. Following this conversation, the Respondent sent the Division an email confirming that he had, indeed, received our prior email and attachments. Prior to the speaking with the Respondent, the Division spoke with Attorney Kevin Coyle who had filed an appearance on behalf of the Respondent in other agencies relative to his termination from the Springfield Police Department. The attorney noted that he does not represent the Respondent in his POSTC matter because the appeal of his termination was complete.

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”). I 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 a Hearing Officer “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 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 agency’s decision to do so was not shown to be improper, where the party failed to appear after the first day of hearing). That step is warranted here. The Commission has afforded the Respondent an opportunity for a full and fair hearing as required by M.G.L. c. 30A, §§ 10, 11(1) and 801 CMR 1.01(4)(c).

In University Hosp., 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 receiving 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. Atts. 1 and 3. 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 decision by the Commission is both legal and proper.

By reason of the Respondent’s default, and upon consideration of the Division’s Motion, I recommend that the Commission grant the Motion. See Lawless, 466 Mass. at 1010-12 & n.1; Univ. Hosp., 396 Mass. at 538-39; Productora e Importadora de Papel, S.A. de C.V. v. Fleming, 376 Mass. 826, 833-35 (1978) (recognizing that a default establishes the truth of factual allegations). In addition, I recommend that the Commission find that the allegations in the OTSC and the violations of the statutes and regulations stated therein are deemed admitted and established. See Lawless, 466 Mass. at 1010-12 & n.1; Univ. Hosp., 396 Mass. at 534, 538-39; Productora e Importadora de Papel, 376 Mass. at 833-35.

VIII. Conclusion

The Division’s Motion should be granted for the reasons stated above. I recommend that the Commission find the allegations to be supported, make this Initial Decision final, and determine the appropriate discipline. In accordance with the provisions of 555 CMR 1.10(4)(e)2.b., the officer has thirty days to file written objections to the Initial Decision with the Commission.

SO ORDERED.



Hon. Barbara A. Dortch-Okara (Ret.)
Hearing Officer

Date: April 24, 2025