

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

IN THE MATTER OF
ISER BARNES

)
)

Case No. 2025-013

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 Iser Barnes (“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).

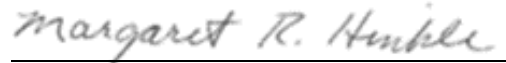
The Commission finds, by clear and convincing evidence, that the Respondent has a pattern of unprofessional police conduct that may escalate and has repeated sustained internal affairs complaints, for the same or different offenses. See M.G.L. c. 6E, § 10(b)(iii) and 10(b)(v). **Thus, the Respondent’s 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 September 25, 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).

A handwritten signature in cursive script, reading "margaret R. Hinkle".

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

Notice: Iser Barnes, Respondent
William P. Aiello, Esq., Commission Enforcement Counsel
Shaun Martinez, Esq., Deputy Director, Division of Police Standards
Division of Police Standards
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
ISER BARNES

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Case No. 2025-013

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). Iser Barnes (“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 6, 2025, addressed to the Respondent’s last known home address. Attach. 1. However, the USPS tracking information was inconclusive about the Respondent receiving the OTSC. Attach. 2. Therefore, the Division hand delivered a copy of the OTSC to the Respondent’s address on June 4, 2025. Attach. 3. The Division also sent a copy of the OTSC on February 20, 2025, to the Respondent’s email address, which he had previously identified as his own. Attach. 4.

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. Attach. 1. The OTSC stated that, if a responsive and timely answer was not filed, the Commission may act. Attach. 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. Attach. 1.

3. The Motion was mailed by the Division to the Respondent by USPS Priority Mail on July 24, 2025, to the same last known address. I take administrative notice that the OTSC was attached as an exhibit to the Motion. Attachs. 5 and 6.

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 or about November 4, 2022, the Respondent was 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. Throughout the time of the allegations below, the Respondent was employed as an officer by the Boston Police Department ("BPD").

2. On or about June 6, 2023, BPD notified the Commission that it had sustained multiple internal affairs charges against the Respondent, arising from several incidents described in the succeeding paragraphs.

3. While employed as a law enforcement officer, on or about January 8, 2023, the Respondent used his emergency lights and drove through red lights without slowing down in response to a low priority larceny that did not warrant the use of such potentially hazardous techniques. This was a violation of BPD's policy, and BPD sustained the allegation that the Respondent violated emergency driving procedures.

4. On February 2, 2023, the Respondent responded to a call for a breaking and entering. At the scene, the Respondent recovered a piece of luggage that reportedly belonged to the suspect. The Respondent did not document the recovered evidence in any reports, and he discarded it in a dumpster behind the police station. BPD sustained the allegations related to this incident and found that the Respondent neglected his duties and failed to follow evidence and property procedures.

5. On or about February 8, 2023, the Respondent responded to the scene of a robbery. The Respondent disposed of apparent evidence of the crime, which consisted of a pair of shoes and a backpack that the suspect left behind, in a dumpster. BPD sustained the allegations related to this incident and found that the Respondent failed to follow evidence and property procedures when he discarded the evidence in a dumpster.

6. On or about February 12, 2023, the Respondent violated several BPD policies when he did not immediately report an interaction with an individual, who was later the subject of a "BOLO" (be on the lookout), because he did not want to be involved in a potential investigation. Notably, dispatch had broadcasted that the individual had a gun. BPD sustained allegations relating to this incident, finding that the Respondent neglected his duty when he failed to immediately report the interaction.

7. On February 26, 2023, the Respondent arrived at the scene of an accident involving several vehicles. A vehicle involved was disabled and was blocking the opposite traffic lane. Despite the dangerous conditions, the Respondent left the scene without waiting for the vehicle to be towed. A supervisor had to call him back to the area. BPD sustained the allegation that the Respondent neglected his duties when he failed to secure the scene.
8. On March 4, 2023, the Respondent responded to a call concerning a motor vehicle accident involving a potentially intoxicated driver. The vehicle, which had struck several other vehicles, had a missing tire and was blocking the road. The Respondent left the scene without helping to clear the accident. Hours later, a second call was received regarding the same accident. The driver was unresponsive in the vehicle, and a large quantity of marijuana was present inside the vehicle. The Respondent returned to the location of the accident but once again left the scene without addressing the hazardous conditions or the marijuana. BPD sustained the allegation that the Respondent neglected his duties when he failed to properly address the situation.
9. On May 7, 2023, the Respondent disproportionately responded to a disagreement with another officer about how police officers should deal with a hostile crowd. During the disagreement, a BPD Captain ordered the Respondent to stand down and the Respondent did not immediately respond to the order. BPD sustained the allegation that the Respondent failed to follow orders when he failed to listen to the Captain.
10. On June 6, 2023, the Respondent was placed on administrative leave due to his alleged misconduct. However, the Respondent resigned from BPD on October 16, 2023 before BPD imposed any discipline.

11. On July 18, 2024, the Commission directed the Division to open a preliminary inquiry to investigate the above-described allegations against the Respondent.

12. On 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 6, 2025.

Attachment 2: OTSC USPS Priority Mail tracking.

Attachment 3: Hand delivered Certificate of Service of OTSC, dated June 4, 2025.

Attachment 4: Emailed notification of OTSC to Respondent, dated February 20, 2025.

Attachment 5: Motion for Default and Final Decision, dated July 24, 2025.

Attachment 6: Motion for Default USPS Priority Mail tracking, indicating delivery on July 26, 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 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];

(24) conduct adjudicatory proceedings in accordance with chapter 30A;

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

3. Pursuant to Pursuant to M.G.L. c. 6E, § 10(b)(v), “[t]he commission may . . . suspend or revoke an officer’s certification if the commission finds by clear and convincing evidence that the officer . . . has repeated sustained internal affairs complaints, for the same or different offenses.”

4. Pursuant to M.G.L. c. 6E, § 10(d)(iv), “[t]he commission may, after a hearing, order retraining for any officer if the commission finds substantial evidence that the officer . . . failed to respond [to] an incident according to established procedure.”

5. Pursuant to M.G.L. c. 6E, § 10(d)(v), “[t]he commission may, after a hearing, order retraining for any officer if the commission finds substantial evidence that the officer . . . has a pattern of unprofessional police conduct.”

6. Pursuant to M.G.L. c. 6E, § 10(d)(ix), “[t]he commission may, after a hearing, order retraining for any officer if the commission finds substantial evidence that the officer . . . would benefit in their job performance if retrained.”

7. 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”).

8. 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.

9. Pursuant to M.G.L. c. 6E, § 4(g), “[n]o agency shall appoint or employ a person as a law enforcement officer unless the person is certified by the [C]ommission.”

VI. Notice

The Respondent was notified via email and 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 responsive and 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 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 July 24, 2025, the Division moved for a default decision 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. Attachs. 5 and 6.

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 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 a respondent is given clear notice of the consequences, and has opportunities to object, to obtain an extension of time, to petition for a default to be vacated, and to seek judicial review of the entire proceedings. Id. at 539. In the case before the Commission, the OTSC, which was sent by USPS with tracking, by email, and by hand, and the Motion, which were 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. See Attachs. 1, 2, 3, 4, and 6. 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

proceed to determine what discipline is appropriate. In accordance with the provisions of 555 CMR 1.10(4)(e)2.b., the Respondent has 30 days to file written objections to the Initial Decision with the Commission.

SO ORDERED.



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

Date: August 19, 2025

Notice: Iser Barnes, Respondent
William P. Aiello, Esq., Commission Enforcement Counsel
Division of Police Standards
Boston Police Department, Agency
Collective Bargaining Union
Suffolk County District Attorney's Office