

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

IN THE MATTER OF)
SEAN CRUZ)
(MPTC ID 5798-6947))

Case No. 2026-013

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”).

In accordance with 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 Sean Cruz (“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).

Furthermore, the Commission finds, by clear and convincing evidence, that the Respondent was terminated by their appointing agency for disciplinary reasons, and any appeal of said termination is completed. See M.G.L. c. 6E, § 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 18, 2026.

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, must 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).


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

Notice: Sean Cruz, Respondent
Tara L. Chisholm, Esq., Commission Enforcement Counsel
Division of Police Standards
Shaun Martinez, Esq., Deputy Director, Division of Police Standards
Springfield Police Department, Law Enforcement Agency
Collective Bargaining Unit

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

IN THE MATTER OF)
SEAN CRUZ)
(MPTC ID 5798-6947))

Case No. 2026-013

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). Sean Cruz (“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 United States Postal Service (“USPS”) Priority Mail on March 13, 2026, addressed to the Respondent’s last known home address. Attach 1; see Attach 2. The record indicates that the OTSC was delivered on March 16, 2026. Attach. 2.*

2. The OTSC contained allegations against the Respondent and notification of the

* To locate a current address for the Respondent, the Division conducted a CLEAR search. CLEAR is a database, provided by Thomson Reuters, that collects information from various sources, including cell phone records, credit reporting agencies, motor vehicle registration information, and criminal history records, among other sources.

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. When the Division received no response to the OTSC, it served the Motion on the Respondent by USPS Priority Mail on April 23, 2026, to the last known address. The record indicates that the Motion was delivered on April 29, 2026. Attachs. 3 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 June 16, 2022, the Respondent was 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. See also M.G.L. c. 6E, §§ 3 and 4. The Respondent's law enforcement certification expired on June 16, 2025.

2. The Respondent was employed as a law enforcement officer by the Springfield Police Department ("SPD") from January 9, 2022, until his termination by the SPD for disciplinary reasons on April 23, 2025.

3. In or about April 2024, the Respondent submitted a falsified medical note from an urgent

care facility to the SPD, which stated that the Respondent was seen at the facility on April 22, 2024, and was to return to work on April 26, 2024. The original medical note that the facility issued, however, stated that the Respondent was to return to work on April 25, 2024. The Respondent altered the note by changing the return-to-work date from April 25, 2024, to April 26, 2024.

4. On or about July 10, 2024, the Respondent created and submitted a fabricated medical note from an urgent care facility to the SPD, which stated that the Respondent was seen at the facility on July 4, 2024, and was to return to work on July 8, 2024. The Respondent was not seen for medical treatment at that facility on that date.

5. On or about August 5, 2024, the Respondent created and submitted a fabricated medical note from an urgent care facility to the SPD, which stated that the Respondent was seen at the facility on August 3, 2024, and was to return to work on August 5, 2024. The Respondent was not seen for medical treatment at that facility on that date.

6. On or about August 15, 2024, the Respondent created and submitted a fabricated medical note from an urgent care facility to the SPD, which stated that the Respondent was seen at the facility on August 11, 2024, and was to return to work on August 13, 2024. The Respondent was not seen for medical treatment at that facility on that date.

7. Based on the above false documents, the Respondent improperly utilized nine days of allotted SPD sick leave in 2024. The Respondent defrauded the SPD of over \$2,700 in sick leave payments.

8. The Respondent created a fabricated medical note for SPD Officer 1, whose identity is known to the Commission, for Officer 1 to obtain sick leave for which he was not entitled. The fabricated note falsely indicated that SPD Officer 1 was seen at an urgent care facility on July 20,

2024, and was to return to work on July 22, 2024. SPD Officer 1 was neither seen for medical treatment at that facility on that date nor was he ever a patient at that facility.

9. The Respondent created a second fabricated medical note for SPD Officer 1 to obtain sick leave for which he was not entitled. The fabricated note indicated that SPD Officer 1 was seen at an urgent care facility on August 12, 2024, and was to return to work on August 14, 2024. SPD Officer 1 was neither seen for medical treatment at that facility on that date nor was he ever a patient at that facility.

10. The Respondent created a fabricated medical note for SPD Officer 2, whose identity is known to the Commission, for Officer 2 to obtain sick leave for which he was not entitled. The fabricated note indicated that SPD Officer 2 was seen at an urgent care facility on July 30, 2024. SPD Officer 2 was not seen for medical treatment at that facility on that date nor was he ever a patient at that facility.

11. The Respondent created a fabricated medical note for SPD Officer 3, whose identity is known to the Commission, for Officer 3 to obtain sick leave for which he was not entitled. The fabricated note indicates that SPD Officer 3 was seen at an urgent care facility on April 24, 2024. Officer 3 was not seen for medical treatment at that facility on that date.

12. The Respondent created a second fabricated medical note for SPD Officer 3, for Officer 3 to obtain sick leave for which he was not entitled. The fabricated note indicates that SPD Officer 3 was seen at an urgent care facility on June 5, 2024, and was to take a minimum of three days off and was to be re-evaluated on June 9, 2024, and cleared to return to work. Officer 3 was not seen for medical treatment at that facility on either date.

13. The Respondent created a third fabricated medical note for SPD Officer 3, for Officer 3 to obtain sick leave for which he was not entitled. The fabricated note indicates that SPD Officer

3 was seen at an urgent care facility on July 1, 2024, and was to take a minimum of three days off and was to be re-evaluated on June 3, 2024, and cleared to return to work. Officer 3 was not seen for medical treatment at that facility on either date.

14. The Respondent was untruthful to SPD internal affairs when he initially stated that he had only created falsified medical notes for SPD Officer 1 and SPD Officer 2. He failed to disclose that SPD Officer 3 was part of the scheme; however, he ultimately admitted to making the falsified notes for SPD Officer 3 as described in paragraphs 11 to 13 herein.

15. The Respondent was a member of the Army National Guard. In or about April 2023, the Respondent requested paid military leave from the SPD from April 13, 2023, through April 17, 2023, to attend military drill/training. The Respondent did not have military drill/training on April 17, 2023, and fraudulently requested and received paid military leave from the SPD for that date.

16. In or about June 2023 through July 2023, the Respondent requested paid military leave from the SPD from June 15, 2023, through July 1, 2023, for military drill/training. The Respondent did not attend military drill/training on those dates and fraudulently requested and received twelve days of paid military leave from the SPD.

17. In or about September 2023, the Respondent requested paid military leave from the SPD on September 15, 2023, and September 16, 2023. The Respondent did not attend military drill/training on those dates and fraudulently requested and received two days of paid military leave from the SPD.

18. In or about December 2023, the Respondent requested paid military leave from the SPD on December 21, 2023, through December 24, 2023. The Respondent did not attend military drill/training on those dates and fraudulently requested and received four days of paid military

leave from the SPD.

19. The Respondent was untruthful to SPD internal affairs when he stated that he had not missed any days of military drill/training in 2023.

20. The Respondent falsely utilized seventeen days of SPD military leave in 2023. The Respondent defrauded the SPD of over \$5,200 in military leave payments in 2023.

21. In or about April 2024, the Respondent requested paid military leave from April 12, 2024, through April 14, 2024. The Respondent did not attend military drill/training on those dates and fraudulently requested and received three days of paid military leave from the SPD.

22. In or about May 2024, the Respondent requested paid military leave from May 16, 2024, through May 19, 2024. The Respondent did not attend military drill/training on those dates and fraudulently requested and received four days of paid military leave from the SPD.

23. In or about June 2024 through July 2024, the Respondent requested paid military leave from the SPD from June 17, 2024, through July 2, 2024. The Respondent did not attend military drill/training on those dates and fraudulently requested and received thirteen days of paid military leave from the SPD.

24. The Respondent falsely utilized twenty days of SPD military leave in 2024. The Respondent defrauded the SPD of over \$6,100 in military leave payments in 2024.

IV. Attachments

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

Attachment 1: OTSC with a certificate of service, dated March 13, 2026.

Attachment 2: OTSC USPS Priority Mail tracking, indicating delivery on March 16, 2026.

Attachment 3: Motion for Default and Final Decision, dated April 23, 2026.

Attachment 4: Motion for Default USPS Priority Mail tracking, indicating delivery on April 29, 2026.

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 M.G.L. c. 6E, § 10(b)(iv), “[t]he commission may [...] suspend or revoke an officer’s certification if the commission 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.”

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 (“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 on 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 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”); see also University 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 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 23, 2026, 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 addresses, as indicated by a CLEAR search conducted by the Division. Attach. 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.”)). Further, nothing in chapter 6E required the Division to take any additional steps. 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 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. Attachs. 1 and 4. 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.

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; University 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; University 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 and the Respondent's law enforcement certification should be revoked. 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.

Date: May 12, 2026



Hon. Charles J. Hely (Ret.)
Hearing Officer

Notice: Sean Cruz, Respondent
Tara L. Chisholm, Esq., Commission Enforcement Counsel
Division of Police Standards
Shaun Martinez, Esq., Deputy Director, Division of Police Standards
Springfield Police Department, Law Enforcement Agency
Collective Bargaining Unit