

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

IN THE MATTER OF
DOMINICK BOSCHETTO

)
)

Case No. 2025-023
(MPTC ID 1610-3014)

FINAL DECISION

I. Introduction

At issue is whether this proceeding brought by the Massachusetts Peace Officer Standards and 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). Dominick Boschetto (“Respondent”) did not answer, appear, or defend the allegations of misconduct against him in the Order to Show Cause (“OTSC”). After careful review and consideration, the Commission voted to grant a Motion for Default and Final Decision (“Motion”) filed by the Division. See 555 CMR 1.10(4).

II. Procedural History

1. According to the certificate of service on the OTSC, the Division served the Respondent with the OTSC by email on August 10, 2026. Attach. 1.¹ On that same day, the Respondent acknowledged receipt of the Division’s email. Attach. 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. Attach. 1. The OTSC stated that, if a responsive and timely answer is 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 that assumes the truth of the allegations in the OTSC and the Commission may take action against the Respondent’s

¹ The Division also mailed the OTSC to the Respondent via the United States Postal Service (“USPS”) Priority Mail.

certification, including, granting, in full, the action contemplated in the OTSC. Attach. 1.

3. When the Division received no answer to the OTSC, it served the Motion on the Respondent on September 14, 2026, to the same email address the Respondent used to acknowledge receipt of the OTSC. Attachs. 1, 2, 3. The record indicated that the Motion was delivered to the Respondent via email on that same day. Attach. 4.

4. The Commission takes administrative notice that the OTSC was attached as an exhibit to the Motion.

5. The Respondent acknowledged, via email, receipt of the OTSC, and the Commission may presume by operation of law that the Respondent received the Motion, via email, as discussed below. The Respondent failed to respond to either the OTSC or the Motion.

III. Allegations Contained in the OTSC

1. The Respondent was employed as a law enforcement officer with the Auburn Police Department (“APD”) from October 2022 until June 2025, which is when he resigned.

2. In March 2023, the Commission certified the Respondent as a law enforcement officer. On April 16, 2025, the Commission suspended the Respondent’s certification due to [REDACTED].

3. In May 2025, the Commission directed the Division to open a preliminary inquiry to investigate the allegation that the Respondent was [REDACTED]. M.G.L. c. 6E, §§ [REDACTED], [REDACTED]; 555 CMR [REDACTED].

4. The Respondent’s appointing agency, APD, submitted a final report to the Commission which reflected APD’s findings that the Respondent engaged in criminal conduct and conduct unbecoming an officer. The Respondent resigned from APD on June 14, 2025, prior to the imposition of any discipline.

5. On June 17, 2026, the Respondent [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

6. The Respondent was [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

IV. Attachments

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

Attachment 1: OTSC with a certificate of service, dated August 10, 2026.

Attachment 2: Respondent's email confirming receipt of OTSC, dated August 10, 2026.

Attachment 3: Motion with a certificate of service, dated September 14, 2026.

Attachment 4: Division's email confirming delivery of Motion, dated September 14, 2026.

The Commission takes administrative notice of all papers filed in this case, as well as chapter 6E of the Massachusetts General Laws 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 . . . [REDACTED]
[REDACTED].”

3. [REDACTED]
[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 on the alleged misconduct or one year has elapsed since the incident was reported to the Commission by the Respondent’s agency.

6. 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.”

VI. Notice

The Respondent was notified via email 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 provisions at issue did not violate due process, as they “afford[ed] the respondent reasonable procedural safeguards for notice and an opportunity to be heard”). The Respondent acknowledged receipt of the email, which had the OTSC attached. Attachs. 1, 2. However, despite being afforded the opportunity to do so, the Respondent has failed to file an answer, request an adjudicatory hearing, or otherwise respond to the allegations brought against him in the OTSC.

On September 14, 2026, the Division moved for a default judgment and final decision and served the Motion, with the OTSC and the Respondent’s email confirming receipt of the OTSC attached as exhibits, to the same email address the Respondent used to confirm receipt of the OTSC. Attach. 1, 2, 3, 4.

The Division provided sufficient notice by delivering the OTSC and the Motion using email. “Notice of actions and other communications from the Presiding Officer or adjudicating Agency, or its designee, shall be delivered by email, unless otherwise agreed upon by the parties, or directed by the Presiding Officer for good cause, or the Respondent or Petitioner lacks access to sufficient Electronic Medium.” 801 CMR 1.01(4)(c), incorporated by reference in 555 CMR 1.10(4). Pursuant to 555 CMR 12.10(1)(a), notice by the Commission to a law enforcement

officer, in implementing any aspect of M.G.L. c. 6E or 555 CMR, “[s]hall be sufficient if provided using an email address or other address that was furnished to the Commission by or on behalf of the addressee or officer at issue, for such purpose.” There is nothing in chapter 6E that requires the Division to take any additional steps. The Commission may presume that the Respondent received the Motion that was sent by email.

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 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”), § 13 (providing that, “[e]xcept as otherwise provided in this section, no agency shall

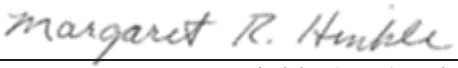
revoke or refuse to renew any license unless it has first afforded the licensee an opportunity for hearing in conformity with [§§ 10, 11, and 12],” but “[t]his section shall not apply” “[w]here the agency is required by any law to revoke, suspend or refuse to renew a license, as the case may be, without exercising any discretion in the matter, on the basis of a court conviction or judgment” or “[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).

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[ed] . . . reasonable procedural safeguards for notice and an opportunity to be heard,” noting that the respondent was given clear notice of the consequences, and 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 via email) 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 been [REDACTED]. M.G.L. c. 6E, § [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 October 15, 2026.


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

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).

Notice: Dominick Boschetto, Respondent
Keeley C. Rice, Esq., Commission Enforcement Counsel
Shaun Martinez, Esq., Deputy Director, Division of Police Standards
Division of Police Standards
Auburn Police Department, Law Enforcement Agency
Collective Bargaining Unit
Worcester County District Attorney's Office
Berkshire County District Attorney's Office