

**COMMONWEALTH OF MASSACHUSETTS**

**CIVIL SERVICE COMMISSION**

100 Cambridge Street – Suite 200

Boston, MA 02114

617-979-1900

**ANTHONY BONNELL-RUZIAK,**

*Appellant,*

v.

**DEPARTMENT OF CORRECTION,**

*Respondent*

Docket Number:

G1-23-223

Appearance for Appellant:

John M. Dombrowski, Esq.  
Dombrowski, Aveni & Bunnell, P.C.  
Counsellors at Law  
6 Grove Avenue  
Leominster, MA 01453

Appearance for Respondent:

Eamonn Sullivan, Esq.  
Department of Correction  
50 Maple Street  
Milford, MA 01757

Commissioner:

Angela C. McConney

**SUMMARY OF DECISION**

The Commission denied the Appellant's bypass appeal, finding that the Department of Correction had reasonable justification to bypass him for original appointment to the position of correction officer because of his prior misconduct.

**DECISION**

On October 27, 2023, the Appellant, Anthony Bonnell-Ruziak (Appellant or Mr. Bonnell-Ruziak), pursuant to G.L. c. 31, § 2(b), appealed to the Civil Service Commission (Commission) the October 6, 2023 decision of the Department of Correction (Department or DOC) to bypass

him for original appointment to the position of permanent, full-time Correction Officer I (CO I) with the Department.

The Commission conducted a remote pre-hearing conference on December 5, 2023. On February 14, 2024, I conducted an in-person full evidentiary hearing at the offices of the Commission, located at 100 Cambridge Street, Boston MA.<sup>1</sup> The hearing was recorded via Webex.<sup>2</sup>

At the hearing, the Appellant's father acted as his advocate, in addition to appearing as a witness. In March 2024, the Respondent filed a proposed decision. John M. Dombrowski, Esq. filed an appearance and a proposed decision on behalf of the Appellant, whereupon the administrative record closed.

#### **FINDINGS OF FACT:**

I admitted nine exhibits from the Respondent Department of Correction (R. Exhibits 1-9). I admitted Mr. Bonnell-Ruziak's appeal form as Appellant Exhibit 1 (A. Exhibit 1) and the Stipulations as Joint Exhibit 1 (J. Exhibit 1). Based upon the documents submitted and the testimony of the following witnesses:

##### *Called by the Department:*

- Sgt. Fletcher D. Beach, Investigator, DOC Office of Investigative Services

##### *Called by the Appellant:*

- Anthony Bonnell-Ruziak, the Appellant

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<sup>1</sup> The Standard Adjudicatory Rules of Practice and Procedure, 801 C.M.R. § 1.01 (formal rules), apply to adjudications before the Commission with Chapter 31 or any Commission rules taking precedence.

<sup>2</sup> The Commission provided a link to the parties. Should there be a judicial appeal of this decision, the plaintiff in the judicial appeal is obligated to supply the court with a transcript of this hearing to the extent that they wish to challenge the decision as unsupported by substantial evidence, arbitrary or capricious, or an abuse of discretion. In such cases, the plaintiff in the judicial appeal must transcribe the transcript from the Commission's official recording.

- Vincent Ruziak, Appellant's father

and taking administrative notice of all pleadings filed in this case, plus pertinent rules, statutes, regulations, case law and policies, and drawing reasonable inferences from the credible evidence, I make the following findings of fact:

1. Anthony Bonnell-Ruziak is a high school graduate, and has an Associates Degree in automotive technology. (R. Exhibit 5; Testimony of Appellant)

2. Mr. Bonnell-Ruziak has been employed as a landscaper since 2019. (R. Exhibits 3 and 5; Testimony of Appellant)

3. Mr. Bonnell-Ruziak took the civil service examination for CO I on June 4, 2022. He received a score of 87 or 88. (Stipulated Facts)

4. On July 15, 2022, the state's Human Resources Division (HRD) issued Certification No. 09086 to the Department. The Appellant was ranked 44th among those willing to accept appointment. (Stipulated Facts)

5. Mr. Bonnell-Ruziak completed the Department's Application for Employment on March 27, 2023. (R. Exhibit 3)

6. The Department selected seven candidates for appointment and entry to the September 2023 Academy. Two of the candidates ranked below Mr. Bonnell-Ruziak. (Stipulated Facts).

*Reason for Bypass – Negative Police Contact*

7. Sgt. Fletcher D. Beach is an investigator in the Department's Office of Investigative Services (OIS). The Department assigned him to perform Mr. Bonnell-Ruziak's background investigation. (R. Exhibit 1)

8. Mr. Bonnell-Ruziak's Board of Probation record showed that he was arraigned on the charge of shoplifting (G.L. c. 266, §30A) on September 17, 2015. The matter was settled

with a civil disposition. Mr. Bonnell-Ruziak was arraigned on the charge of possession of a Class A substance (G.L. c. 94C, §34) on May 7, 2018. He was placed on pretrial probation until February 26, 2019 when the matter was dismissed. (R. Exhibit 6)

9. At the May 10, 2023 home interview, Sgt. Beach presented Mr. Bonnell-Ruziak with a copy of his Criminal Offender Record Information (CORI) and questioned him about it. (R. Exhibit 5; Testimony of Beach)

10. Sgt. Beach also reviewed the underlying police incident reports. On October 26, 2013, Leominster Police were dispatched to a bar for report of a large fight. When officers arrived, they learned that Mr. Bonnell-Ruziak and a friend had started to pour water and their drinks into the drinks of other patrons. A fight then broke out, and Mr. Bonnell-Ruziak and his friend were escorted out of the bar. Mr. Bonnell-Ruziak and his friend continued to argue with other patrons in the officers' presence. (R. Exhibit 9)

11. Due to the intoxication of Mr. Bonnell-Ruziak and his friend, and with no one around to take custody of them, the officers took them into protective custody out of concern for their safety. (R. Exhibit 9)

12. On September 16, 2015, Leominster Police were dispatched to a retail store for a shoplifter. When they arrived, the Loss Prevention employee reported seeing Mr. Bonnell-Ruziak place an item in his pants pocket and walk past all points of sale. When the employee stopped him, Mr. Bonnell-Ruziak handed over two vehicle accessories. Mr. Bonnell-Ruziak said that he had never shoplifted before, but the employee found him in their system for a previous shoplifting incident. (R. Exhibit 8)

13. When Mr. Bonnell-Ruziak was booked at the police station, the officers found a compact disc on his person. The officers charged him with shoplifting (G.L. c. 266, §30A). (R. Exhibit 8)

14. On March 12, 2018, at approximately 00:25 a.m., a West Boylston police officer saw Mr. Bonnell-Ruziak operating a vehicle with an extremely loud exhaust. He pulled over Mr. Bonnell-Ruziak and noticed that the vehicle had a modified dual exhaust that was causing the noise. (R. Exhibit 6)

15. As the officer was conducting the stop, he shined his spotlight into the passenger compartment, and noticed Mr. Bonnell-Ruziak lean towards the center console as if he were grabbing or hiding something. (R. Exhibit 6)

16. The officer got out of the cruiser and asked Mr. Bonnell-Ruziak to exit his vehicle and show his hands. The officer pat-frisked Mr. Bonnell-Ruziak and found a folding knife. (R. Exhibit 6)

17. A second West Boylston officer arrived on the scene. When the first officer asked Mr. Bonnell-Ruziak what he was reaching for, he was visibly nervous and shaking, and said that he was reaching for nothing. The officers looked in the area of the console and saw in “plain view” several small “corner bags” with a brown powdery residue inside and several pieces of aluminum foil with burn marks. Based on the officers’ training and experience, the corner bags were consistent with containing illegal narcotics and the powdery substance inside was heroin; and the aluminum foil with the burn marks was consistent with the smoking of narcotics. (R. Exhibit 6)

18. In the center console where Mr. Bonnell-Ruziak had been reaching, the first officer saw a metal Altoids breath mints container. When the officer shook the tin, it made a

“metal on metal” sound, not consistent with the physical properties of Altoids. When the officer asked Mr. Bonnell-Ruziak, what kind of drugs, he responded, heroin. (R. Exhibit 6)

19. When the officer opened the Altoids tin, he recognized three small clear plastic knotted bags, similar to the ones that were found in plain view. The tin also contained a small part of a BIC pen and a razor blade. The three bags contained a brown powdery substance which the officer recognized based on his training and experience as heroin. The officer recognized that the pen part and razor blade, based on his training and experience, were drug paraphernalia used in the consumption of narcotics. (R. Exhibit 6)

20. The officers charged Mr. Bonnell-Ruziak with possession of a Class A substance, heroin. The matter was dismissed after Mr. Bonnell-Ruziak completed his pretrial probation on February 26, 2019. (R. Exhibit 6)

21. Sgt. Beach compiled his findings and issued a report on May 10, 2023. (R. Exhibit 5)

22. In an October 6, 2023 bypass letter, Dep. Commissioner Kelley J. Correia wrote that Mr. Bonnell-Ruziak was ineligible for appointment to the September 10, 2023 Academy due to his failed background. As reason for bypass, the letter cited:

Failed Background due to negative police contacts; specifically, in 2018 you were arrested for possession of heroin, in 2015 you were arrested for shoplifting and in 2013 you were placed in protective custody after a bar fight.

(R. Exhibit 5)

23. Mr. Bonnell-Ruziak timely filed a bypass appeal with the Commission on October 27, 2023. (J. Exhibit 1)

***Applicable Civil Service Law***

The core mission of Massachusetts civil service law is to enforce “basic merit principles” for “recruiting, selecting and advancing of employees on the basis of their relative ability, knowledge and skills” and “assuring that all employees are protected against coercion for political purposes, and are protected from arbitrary and capricious actions.” G.L. c. 31, § 1. See, e.g., *Massachusetts Ass’n of Minority Law Enforcement Officers v. Abban*, 434 Mass. 256, 259 (2001); *MacHenry v. Civil Serv. Comm’n*, 40 Mass. App. Ct. 632, 635 (1995), rev. den., 423 Mass. 1106 (1996). See also *Brookline v. Alston*, 487 Mass. 278 (2021) (analyzing broad scope of the Commission’s jurisdiction to enforce basic merit principles under civil service law). Original appointments of civil service employees are made from a list of candidates, called a “certification”, whose names are drawn in the order in which they appear on the applicable civil service “eligible list”, using what is called the 2n+1 formula. G. L. c. 31, §§ 6 through 11, 16 through 27; Personnel Administration Rules, PAR.09.

The Commission’s role is to determine whether the appointing authority has shown, by a preponderance of the evidence, that it has “reasonable justification” for the bypass after an “impartial and reasonably thorough review” of the relevant background and qualifications bearing on the candidate’s present fitness to perform the duties of the position. *Boston Police Dep’t v. Civil Serv. Comm’n*, 483 Mass. 461, 474-78 (2019); *Police Dep’t of Boston v. Kavaleski*, 463 Mass. 680, 688-89 (2012). *Beverly v. Civil Serv. Comm’n*, 78 Mass. App. Ct. 182, 187 (2010); *Leominster v. Stratton*, 58 Mass. App. Ct. 726, 727-28 (2003).

“Reasonable justification . . . means ‘done upon adequate reasons sufficiently supported by credible evidence, when weighed by an unprejudiced mind, guided by common sense and by correct rules of law’”. *Brackett v. Civil Service Comm’n*, 447 Mass. 233, 543 (2006); *Commissioners of Civil Service v. Municipal Ct.*, 359 Mass. 211, 214 (1971) and cases cited. See

also *Mayor of Revere v. Civil Service Comm'n*, 31 Mass. App. Ct. 315, 321 (1991) (bypass reasons “more probably than not sound and sufficient”).

Public safety officers are vested with considerable power and discretion and must be held to a high standard of conduct. See, e.g., *Falmouth v. Civil Serv. Comm'n*, 61 Mass. App. Ct. 796, 801 (2004), citing *Cambridge v. Civil Serv. Comm'n*, 43 Mass. App. Ct. 300, 303-305, rev. den., 10 428 Mass. 1102 (1997); *Police Comm'r v. Civil Serv. Comm'n*, 22 Mass. App. Ct. 364, 371, rev. den. 398 Mass. 1103 (1986).

## ANALYSIS

The Department has shown by a preponderance of the evidence that it had reasonable justification to bypass Mr. Bonnell-Ruziak for original appointment as a Correction Officer I. The Department conducted a reasonably thorough and detailed investigation. After reviewing Sgt. Beach’s process and adherence to procedure, I find that he conducted a fair investigation.

I now examine the Department’s stated reasons for bypassing Mr. Bonnell-Ruziak, negative police contact.

In 2013, the Leominster Police placed Mr. Bonnell-Ruziak in custody for his safety after a bar fight. Mr. Bonnell-Ruziak was charged with shoplifting on September 17, 2015, and possession of heroin on May 7, 2018. Mr. Bonnell-Ruziak testified that all of his legal troubles were due to an addiction to illegal drugs at the time, and that he has been clean since shortly after the May 7, 2018 arraignment and completion of pretrial probation. Records also show that the shoplifting charges were converted from criminal charges to a civil violation. The Commission has previously held that an applicant’s arrest record, even where there is no conviction, is entitled to some weight by the appointing authority in making its decision. *Labriola v. Town of Stoneham*, 25 MCSR 36, 38 (2012), citing *Thames v. Boston Police Dep’t*, 17 MCSR 125, 127 (2004); *Soares v. Brockton Police Dep’t*, 14 MCSR 109, 110 (2001); *Brooks v. Boston Police*



*Dep't*, 12 MCSR 19, 20 (1999); *Frangie v. Boston Police Dep't*, 7 MCSR 252, 253 (1994). This holds particularly significant relevance when an applicant is pursuing a position in public safety, such as that of a Correction Officer.

In relying on a candidate's arrest record, the appointing authority is obligated to produce sufficient substantiation of the facts underlying those charges. *Lee v. Boston Police Dep't*, 22 MCSR 239 (2009). Additionally, in order for an appointing authority to rely on a record of prior criminal conduct as the grounds for bypassing a candidate, there must be a sufficient nexus between the prior act and the time that has passed since the misconduct occurred, the nature of the offense, and evidence of the candidate's subsequent record are factors that should be taken into account on a case-by-case basis. *See e.g., Langston v. Cambridge Police Dep't*, 7 MCSR 178, 179 (1994); *Dowd v. Lowell Fire Dep't*, 14 MCSR 31, 32 (2001); *Ellis v. Dedham*, 17 MCSR 30, 31 (2004).

Mr. Bonnell-Ruziak argues that the Department relied solely on his two arrests for misdemeanors and improperly speculated that these two past events would negatively affect his current ability to perform the duties of a CO I. Further, he argues that although the Commission certainly owes some deference to the judgment of the Appointing Authority in making this decision, that deference is not without limits. *Finklea v. Civil Serv. Comm'n et al.*, No. 1784CV00999 (Suff. Sup. Ct., Feb. 9, 2018) (superior court upheld Commission's adjudication that the Department failed to show a nexus between the appellant's admission to receiving stolen property fourteen years prior and his current ability to serve as a police officer)<sup>3</sup>; *Morgan v. Boston Police Dep't*, 33 MCSR 131 (2020) (Commission unanimously concluded that the

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<sup>3</sup> The superior court remanded the matter for determination on the Appellant's driving record. *Finklea v. Civil Serv. Comm'n et al.*

Boston Police Department failed to prove a nexus between the appellant's criminal conduct sixteen years ago and his current ability to serve as a police officer); *Teixera v. Department of Correction*, 27 MCSR 471 (2014) (Commission unanimously concluded that the DOC failed to show a nexus between the Appellant's criminal conduct when he was a teenager with his current ability to serve as a corrections officer); *Stylien v. Boston Police Dep't*, 31 MCSR 154 (2018) (Appellant's bypass was overturned based on the Police Department's failure to indicate a pattern of criminal behavior that showed a nexus with his current ability to serve as a police officer).

The Supreme Court took judicial notice "that the unauthorized use of narcotics is a problem that plagues every penal and detention center in the country." *Block v. Rutherford*, 468 U.S. 576, 588-589 (1984). Subsequently, the Court urged prison officials to "take all necessary steps to ensure safety of the institution and be "ever alert to attempts to introduce drugs and other contraband into the premise", which the Court noticed, "is one of the most perplexing problems of prisons today". *Hudson v. Palmer*, 468 U.S. 517, 526-527 (1994). Each day, correctional professionals confront the ongoing problem of illicit drug use within correctional facilities.

A Correction Officer with drug addiction presents a safety risk to himself, fellow Correction Officers and DOC staff and to inmates. A Correction Officer may fail to exercise good judgment if dependent on illegal substances. A Correction Officer may be pressured into bringing contraband into the correctional facility if inmates learn of a substance abuse issue.

In the instant case, DOC has shown a persuasive nexus between Mr. Bonnell-Ruziak's conduct six years ago and his current ability to perform the duties and responsibilities of a correction officer. Although Mr. Bonnell-Ruziak has no convictions or admissions on his record, he has an addiction history.

It is of note that Mr. Bonnell-Ruziak's judgment did not improve between the intervening years of his criminal offenses. In the 2015 shoplifting matter, Mr. Bonnell-Ruziak did not turn over all the shoplifted items to the Loss Prevention employee, and a compact disc was discovered on his person during the booking process at the police station. Three years later, Mr. Bonnell-Ruziak was apparently using drugs while operating a motor vehicle.

In the Department, integrity, trustworthiness, and adherence to legal standards by its employees is paramount to maintaining a safe, drug-free environment. The Department cannot be expected to undertake the risk of hiring Mr. Bonnell-Rizak given his recent drug use, conviction and court supervision which ended on February 26, 2019.

This is not to say that the Department should not consider Mr. Bonnell-Ruziak for the position of Correction Officer at some point in the future. But for now, it is a short six years since Mr. Bonnell-Ruziak's self-professed drug rehabilitation.

For the reasons already stated, the Department's decision to bypass Mr. Bonnell-Ruziak due to his negative police interactions is reasonably justified.

## **CONCLUSION**

I find that the Department of Correction was reasonably justified in Anthony Bonnell-Ruziak for the reasons cited above. The appeal filed under Docket Number G1-23-223 is hereby *denied*.

Civil Service Commission

/s/ Angela C. McConney  
Angela C. McConney  
Commissioner

By vote of the Civil Service Commission (Bowman, Chair; Dooley, Markey, McConney and Stein, Commissioners) on October 31, 2024.

Either party may file a motion for reconsideration within ten days of the receipt of this Commission order or decision. Under the pertinent provisions of the Code of Mass. Regulations, 801 C.M.R. § 1.01(7)(l),

the motion must identify a clerical or mechanical error in this order or decision or a significant factor the Agency or the Presiding Officer may have overlooked in deciding the case. A motion for reconsideration does not toll the statutorily prescribed thirty-day time limit for seeking judicial review of this Commission order or decision.

Under the provisions of G.L. c. 31, § 44, any party aggrieved by this Commission order or decision may initiate proceedings for judicial review under G.L. c. 30A, § 14 in the superior court within thirty (30) days after receipt of this order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of this Commission order or decision. After initiating proceedings for judicial review in Superior Court, the plaintiff, or his / her 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 Civil Service Commission, in the time and in the manner prescribed by Mass. R. Civ. P. 4(d).

Notice to:

John M. Dombrowski, Esq. (for Appellant)

Eamonn Sullivan, Esq. (for Respondent)