COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

MASSACHUSETTS COMMISSION
AGAINST DISCRIMINATION and
JEAN BRUNE,
Complainants

v. DOCKET NO. 15-BEM-02613

THE MARTIN GROUP, INC.,
Respondent.

DECISION OF THE FULL COMMISSION

This matter comes before us following a decision by Hearing Officer Eugenia Guastaferri in favor of Complainant, Jean Brune ("Mr. Brune"). Following an evidentiary hearing, the Hearing Officer concluded that Respondent, The Martin Group, violated M.G.L. c. 151B by discriminating against Mr. Brune on the basis of national origin, religion and ancestry when it rescinded an offer of employment following the discovery of his former "Arab-sounding" name.[1] The Martin Group appealed to the Full Commission and opposes Mr. Brune's request for attorney's fees and costs in the amounts of $52,650.00 and $4,852.50, respectively. For the reasons discussed below, we affirm the Hearing Officer's decision and award a modified amount of attorney's fees and costs.

STANDARD OF REVIEW

The responsibilities of the Full Commission are outlined by statute, the Commission's Rules of Procedure (804 CMR 1.00 (2020)), and relevant case law. It is the duty of the Full

[1] Mr. Brune's former name is Abdulnasser Mustafa Majzoub, which was described by The Martin Group employee who discovered it as sounding "Arab."

Commission to review the record of proceedings before the Hearing Officer. M.G.L. c. 151B, §§ 3(6), 5. The Hearing Officer's findings of fact must be supported by substantial evidence, which is defined as "….such evidence as a reasonable mind might accept as adequate to support a finding…." Katz v. MCAD, 365 Mass. 357, 365 (1974); M.G.L. c. 30A, § 1(6).

It is the Hearing Officer's responsibility to evaluate the credibility of witnesses and to weigh the evidence when deciding disputed issues of fact. The Full Commission defers to these determinations of the Hearing Officer. See, e.g., School Committee of Chicopee v. MCAD, 361 Mass. 352 (1972); Bowen v. Colonnade Hotel, 4 MDLR 1007, 1011 (1982). Fact-finding determinations are within the sole province of the Hearing Officer who is in the best position to judge the credibility of witnesses. See Quinn v. Response Electric Services, Inc., 27 MDLR 42 (2005); MCAD and Garrison v. Lahey Clinic Medical Center, 39 MDLR 12, 14 (2017) (because the Hearing Officer sees and hears witnesses, her findings are entitled to deference). It is nevertheless the Full Commission's role to determine whether the decision under appeal was supported by substantial evidence, among other considerations, including whether the decision was arbitrary or capricious or an abuse of discretion. 804 CMR 1.23(10) (2020).

LEGAL DISCUSSION

The Martin Group argues that the Hearing Officer's decision was unsupported by substantial evidence, arguing on the whole that Mr. Brune failed to sufficiently rebut the legitimate, non-discriminatory reasons it provided for its decision to rescind the offer of employment. It also argues that the emotional distress award is in error because the evidence of Mr. Brune's emotional distress was related to other stressors in his life, not the harm it caused.

It is a violation of Chapter 151B, section 4(1) for an employer or their agent to refuse to hire or employ an individual because of that individual's membership in a protected class, which

includes religious creed, national origin or ancestry. The elements of a prima facie case establishing a refusal to hire based on membership in a protected class can vary depending on the facts of a case. Abramian v. President and Fellows of Harvard College, 432 Mass. 107, 116 (2000). While a prima facie refusal to hire case often includes an element showing that the employer either filled the position with a person of a different race, gender, religion, etc., or kept the position open (see, e.g., Jones v. Glowacki & Sons, Inc., et al., 25 MDLR 9, 10 (2003) (discussing flexibility of prima facie case with regard to element requiring one of these sets of facts)), this element is not required where, as here, the employer ultimately decided not to fill the position or continue seeking applicants after rescinding an offer of employment. Indeed, "a plaintiff is not required to establish as part of her circumstantial prima facie case that an employer filled a position with a nonprotected class member." Wynn & Wynn v. MCAD, 431 Mass. 655, 665 n.22 (2000), overruled on other grounds by Stonehill Coll. v. Massachusetts Comm'n Against Discrimination, 441 Mass. 549 (2004).[2] As a result, Mr. Brune could establish a prima facie case of unlawful refusal to hire by showing that: (1) he is a member of one or more protected classes; (2) he applied and was qualified for a position for which the employer was seeking applicants; and (3) he was rejected for the position under circumstances that give rise to an inference of discrimination based on one or more protected classes to which the complainant belongs. The more general "circumstances" in the third element suffices to replace proof of the specific circumstances of a position being filled by an applicant of a different race, for example, or proof that the that the job remained open. Regardless of the content of a third element, the

[2] Were it otherwise, employers could shield themselves from liability for unlawful hiring practices by eliminating a job posting after engaging in discriminatory conduct. An employer may offer the elimination of a job's availability as a legitimate, non-discriminatory reason in response to an allegation of unlawful refusal to hire, requiring the complainant to prove the reason pretextual, per the burden-shifting framework discussed within. While The Martin Group ultimately decided not to fill the position at issue here, it (logically) did not offer that decision as its legitimate, non-discriminatory reason for rescinding Mr. Brune's offer of employment where the decision postdated its explanation to Mr. Brune that his offer was rescinded based on the results of an informal background check.

prima facie case as stated fulfills its purpose, which is to eliminate the most common nondiscriminatory reasons for the complainant's rejection, i.e., lack of competence and job availability, thereby creating a presumption of discrimination. See Abramian, 432 Mass. at 116, citing Texas Dep't of Community Affairs v. Burdine, 450 U.S. 248, 254 (1981). Following the three-stage process in cases involving only circumstantial evidence of unlawful discrimination, once the prima facie case was made, The Martin Group was required to show that it had legitimate reason(s) for rescinding its offer of employment, and, from there, Mr. Brune had to prove the reason(s) were pretextual such that The Martin Group acted with discriminatory animus. Id. at 116-118; Lipchitz v. Raytheon Company, 434 Mass. 493, 500-501 (2001).

The Hearing Officer determined that Mr. Brune established his prima facie case, and, in turn, that The Martin Group offered legitimate, non-discriminatory reasons for why its hiring manager, Marion Martin ("Ms. Martin"), rescinded Mr. Brune's job offer. There was no factual dispute with respect to Mr. Brune's membership in one or more protected classes, his application for the job or its availability, and he proved he was qualified for the position.[3] Moreover, where Mr. Brune's offer was rescinded after Ms. Martin learned Mr. Brune was born in Syria, and after she discovered his former name, described as "Arab-sounding", there was evidence in support of the third element of the prima facie case, i.e., Mr. Brune was rejected for the position under circumstances giving rise to an inference of discrimination based on his national origin, ancestry and / or religion.[4] As for the next stage, the reason The Martin Group articulated for its decision

[3] The Martin Group argued below that Mr. Brune's failure to include his former name on his employment application rendered him unqualified for the position. However, the Hearing Officer correctly concluded that Mr. Brune satisfied this element by showing that The Martin Group interviewed Mr. Brune and reviewed his educational background and work experience prior to offering him the job; clearly Mr. Brune proved to The Martin Group that he had the skills and education to perform the work in question.

[4] Ms. Martin had actual knowledge of Mr. Brune's national origin because she received his passport information showing he was born in Syria. However, implicit in the Hearing Officer's decision is the reasonable assumption that Mr. Brune's former name, Abdulnasser Mustafa Majzoub, indicated his ancestry and his religion to Ms. Martin, as it is recognizable as a name originating from the Middle East, where the Muslim religion predominates. The Hearing

was legitimate and non-discriminatory, i.e., that an internet search performed by Martin uncovered several indicia of Mr. Brune's alleged untrustworthiness because it revealed a purported unpaid debt, the discovery of a former name for Mr. Brune not included on an application that asked for former names (albeit within a prescribed context, as discussed below), and the possibility that one of Mr. Brune's references was a relative.

The Martin Group contends that the case had to end there, with a finding of no liability, because Mr. Brune failed to present any credible evidence that its reasons were pretextual. However, a complainant may show pretext by revealing "weaknesses, implausibilities, inconsistencies, incoherencies, or contradictions in the employer's proffered legitimate reasons" such that a factfinder could "infer that the employer did not act for the asserted non-discriminatory reasons." Santiago-Ramos v. Centennial P.R. Wireless Corp., 217 F.3d 46, 56 (1st Cir. 2000). Also, doubts about the fairness of an employer's decision, while not necessarily dispositive, may be probative of whether an employer's reasons were pretextual. Hodgens v. Gen. Dynamics Corp., 144 F.3d 151, 169 (1st Cir. 1998). In order to determine the existence of pretext, an employer's reasons are scrutinized in the third stage within the entire context of the case. See, e.g., Chief Justice for Admin. & Mgmt. of Trial Court v. Massachusetts Comm'n Against Discrimination, 439 Mass. 729, 733–34 (2003) (defendant satisfied its obligation to articulate a legitimate, nondiscriminatory reason for failing to hire female law clerks based on a lack of requisite job knowledge, but the reason fell apart under scrutiny of the circumstances of the case, particularly that plaintiffs had extensive experience as assistant clerks).

Such is precisely what occurred here. The Hearing Officer looked at the entire picture of Ms. Martin's interactions with Mr. Brune, including, for example, that Ms. Martin only mentioned the discovery of his former name in explaining the decision to rescind his job offer,

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Officer also found as a matter of fact that Mr. Brune was of Middle Eastern ancestry and of the Muslim faith.

not the existence of a debt or an allegedly questionable reference, indicating the outsized impact his former name made in her decision.[5] (For that reason alone, there was inconsistency and weakness in the reasons given.) The impact was so large that notwithstanding a very positive (albeit new) relationship between her and Mr. Brune (including her excitement over his ability to speak French), she swiftly rescinded Mr. Brune's offer without giving him a reasonable opportunity to address her concerns, without calling his references, and without conducting a more formal background check, instead relying solely on an internet search she could not fully detail at public hearing. This behavior was arguably unfair to Mr. Brune, but it was also unfair not to honestly assess whether the job application actually required Mr. Brune to give his former name when it technically did not.[6] Ms. Martin also learned that Mr. Brune was born in Syria only after she offered him the job.[7] The totality of these circumstances support the reasonable inference that Ms. Martin had a reflexive, fearful response to the discovery of the character of Mr. Brune's former name, not just the fact that he had one. From there, the Hearing Officer reasoned that stereotypical thinking about persons of Middle Eastern and Muslim identity explained Ms. Martin's response, whether the bias in her response was conscious or subconscious. Contrary to The Martin Group's arguments on appeal, the Hearing Officer was entitled to take judicial notice of stereotypes with respect to persons of Middle Eastern and Muslim identity in inferring bias in Ms. Martin's response. The recognition of entrenched

[5] Moreover, as correctly concluded by the Hearing Officer, Mr. Brune did not have to disprove the legitimacy of the unmentioned reasons. "Because hiring decisions are seldom made for a single reason, discriminatory and nondiscriminatory hiring motives may coexist in the mind of a decision maker," and the decision "may still be unlawful if discriminatory animus was a "material and important ingredient" in the decision-making calculus." Chief Justice for Admin. & Mgmt. of Trial Court, 439 Mass. at 733–34, quoting Lipchitz, 434 Mass. at 506 n. 19.

[6] The job application only required a former name to the extent it was necessary for the employer to confirm the applicant's previous ten years of work experience and their education, and Mr. Brune's work experience and education were associated with his current name.

[7] The Hearing Officer did not believe Ms. Martin's testimony that she learned Mr. Brune was born in Syria during the interview but found that Mr. Brune submitted his passport information showing he was born in Syria after receiving his job offer.

societal stereotypes associated with the protected classes is inherent in unlawful discrimination jurisprudence. Gender-based stereotypes, for example, are routinely recognized by the courts. See, e.g., Chadwick v. WellPoint, Inc., 561 F.3d 38, 44 (1st Cir. 2009) (explicitly recognizing that the U.S. Supreme Court's consideration of the stereotype that women must be family caregivers in Nevada Dep't of Human Res. v. Hibbs, 538 U.S. 721, 730 (2003) was a matter of judicial notice). Furthermore, The Martin Group's suggestion on appeal that the events of September 11, 2001, are too distant to continue having a lasting impact on American society's conscious or subconscious perceptions of persons of Middle Eastern descent such that, presumably, such persons are no longer subject to the stereotype of being prone to violence, or terrorists, is not reasonable. Moreover, as noted in the decision below, "[u]nwitting or ingrained bias is no less injurious or worthy of eradication than blatant or calculated discrimination." Thomas v. Eastman Kodak Company, 183 F.3d 38, 60 (1st Cir. 1999) (citation omitted). For all of these reasons, the Hearing Officer's reasoning was sound and had sufficient factual support, especially where "[t]he ultimate question of the defendants' state of mind is elusive and rarely is established by other than circumstantial evidence." Blare v. Husky Injection Molding Sys. Bos., Inc., 419 Mass. 437, 439–40 (1995), quoting Wheelock, 371 Mass. at 137.

Last, the Hearing Officer was not precluded from awarding emotional distress damages to Mr. Brune because he had other stressors in his life at the time of The Martin Group's unlawful conduct. Awards for emotional distress must rest on substantial evidence of the emotional suffering that is causally connected to the unlawful act of discrimination. DeRoche v. MCAD, 447 Mass. 1, 7 (2006); Stonehill, 441 Mass. at 576. Factors to consider in awarding emotional distress damages include "the nature and character of the alleged harm, the severity of the harm, the length of time the complainant has suffered and reasonably expects to suffer, and

whether the complainant has attempted to mitigate the harm." DeRoche, 447 Mass. at 7. An award of damages may be based on a complainant's own credible testimony. Stonehill at 576. The Hearing Officer awarded Complainant $35,000 in damages for emotional distress, basing her decision on Mr. Brune's credited testimony that he was "grievously insulted and hurt" by the rescission of the job offer, creating for him "a very difficult time, marked by frequent panic attacks lasting several months," and that "he became more withdrawn and uninterested in daily activities." Mr. Brune made a good impression on Ms. Martin and he secured a job offer based on merit, only to have it rescinded because of the fear and prejudice his former name invoked, essentially confirming the long-held fears that lead him to change his name in the first place. The Hearing Officer believed Mr. Brune that such harm was significant and painful. Importantly, the Hearing Officer specifically addressed the other stressors in Mr. Brune's life and concluded that despite those, The Martin Group caused Mr. Brune significant emotional distress. The emotional distress award is thus supported by substantial evidence and sufficiently causally linked to the harm caused by The Martin Group.

ATTORNEY'S FEES PETITION[8]

M.G.L. c. 151B allows prevailing complainants to recover reasonable attorney's fees. The determination of whether a fee sought is reasonable is subject to the Commission's discretion and includes such factors as the time and resources required to litigate a claim of discrimination in the administrative forum. Baker v. Winchester School Committee, 14 MDLR 1097 (1992). The Commission has adopted the lodestar methodology for fee computation. Id. By this method, the Commission will first calculate the number of hours reasonably expended to litigate the claim and multiply that number by an hourly rate it deems reasonable. The

[8] Since the Petition for Attorneys' Fees and Costs was filed pursuant to 804 CMR 1.00 (1999) et seq., the Full Commission determined the award.

Commission then examines the resulting figure, known as the "lodestar," and adjusts it either upward or downward or determines that no adjustment is warranted depending on various factors, including complexity of the matter. Id.

Only those hours that are reasonably expended are subject to compensation under M.G.L. c. 151B. In determining whether hours are compensable, the Commission will consider contemporaneous time records maintained by counsel and will review both the hours expended and tasks involved. Id. at 1099. Compensation is not awarded for work that appears to be duplicative, unproductive, excessive, or otherwise unnecessary to the prosecution of the claim. Hours that are insufficiently documented may also be subtracted from the total. Grendel's Den v. Larkin, 749 F.2d 945, 952 (1st Cir. 1984); Brown v. City of Salem, 14 MDLR 1365 (1992). The party seeking fees has a duty to submit detailed and contemporaneous time records to document the hours spent on the case. Denton v. Boilermakers Local 29, 673 F. Supp. 37, 53 (D. Mass. 1987); Baker v. Winchester School Committee, 14 MDLR 1097 (1992). The failure to provide adequate documentation for a fee request may justify a drastically reduced award. Id.; Waite v. Associated Heating Corp., 18 MDLR 38 (1996) (Commission reduced the hours because no itemization was provided by counsel and due to the Commission's understanding of the time requirements for this type of litigation); Pendarvis v. Roseland One Realty Trust, 24 MDLR 247 (2002) (attorney did not provide contemporaneous time records, only provided time totals spent on each task; Commission reduced attorney's fees because there was insufficient information to determine if fees were duplicative, excessive, or otherwise unnecessary).

Mr. Brune filed a Petition for Attorney's Fees and Costs on May 25, 2018, along with an affidavit and billing records. The Petition seeks attorney's fees in the amount of $52,650 and

costs and expenses in the amount of $4,852.50. The attorney's fees sought represent a total of 162 hours of compensable time at an hourly rate of $325 for Attorney Krikorian.

The Martin Group opposes the Petition, arguing that it must be disallowed in its entirety for failure to keep contemporaneous time records, or, in the alternative, the award must be reduced by 90% because the hourly rate requested was not appropriate for an attorney of Attorney Krikorian's knowledge and experience, and the hours requested are excessive, unnecessary, and unreasonable.

The Martin Group provides sufficient examples of inaccurate record keeping to support the conclusion that records were not kept contemporaneously, but likely constructed at a later date. Notwithstanding, it is apparent that work on the case was performed including many of the tasks billed for, albeit on different dates and arguably in less time. Although we decline in this case to dismiss the attorney's fees in their entirety or take a wholesale reduction in the time requested, reductions will be taken for the amount of time charged for many of the tasks as they are excessive, inflated, or inaccurate, as follows:

1. 11/24/15 - 12.5 hours to review the position statement is excessive where the statement was only 6 pages long. The date of review is also inaccurate where the statement was mailed that day. Given these considerations the time for reviewing should be reduced from 12.5 to 2 hours. (10.5 hour deduction)
2. 12/28/2015 - 16.5 hours on one day to draft a 9 page rebuttal which largely repeats the allegations in the Complaint. It is reasonable to reduce the time for this task by 10 hours to 6.5 hours for one day of work. (10 hour deduction)

3. 2/11/2016 - 1.5 hours to review the MCAD Probable Cause Finding which did not issue until 2/25/16. While the date is incorrect the task cited was likely performed, but 45 minutes is a more reasonable time to review a disposition. (0.75 hour deduction)
4. 2/29/16 - 3.5 hours to draft a settlement proposal which was received by The Martin Group two days earlier on 2/27/16. The proposal was two pages, and 1.5 hours is a more reasonable amount of time for this task. (2 hour deduction)
5. 7/15/16 - 1.5 hours to confer to select dates for depositions. The Martin Group asserts no such conference occurred on that date, although it does not deny that there was a conference. While counsel may have conferred on another date, it was likely at most 30 minutes, a more reasonable time for such a conference. (1 hour deduction)
6. 8/3 and 8/4, 2016 - 8 hours total to review answers to admissions, interrogatories and production of documents. The answers were at most 3 pages long. The amount of time billed for this task is excessive and more reasonably should have taken at most 2 hours. (6 hour deduction)
7. 8/19/2016 - 30 hours in one day to meet, discuss and draft answers to interrogatories and to research, discuss, and gather responsive documents. The bill for this task is obviously inflated as there are only 24 hours in a day. Moreover, as there were no new documents provided, 7 hours is a more reasonable amount of time for gathering responses and drafting a response. (23 hour deduction)
8. 8/22/16 - Deposition of Complainant 2.5 hours. Deposition did not occur on that date; the deposition occurred on 8/23 and it lasted only 35 minutes. Reimbursement should only be for the 35 minutes that the deposition actually lasted. (2 hour deduction)

9. 3/21/17 - 2 hours to draft 2 form subpoenas for the depositions of Marion Martin and Kelly Kelly and $75 to serve subpoenas. Counsel for The Martin Group agreed to accept service, thereby vitiating this expense. One hour of preparation time should be deducted along with the expense of fee for service. (1 hour deduction)
10. 4/13/2017 – 3.5 hours for Complainant's re-deposition that lasted 2 hours. Reimbursement is warranted for 2 hours. (1.5 hour deduction)
11. 5/25/17 – 4.5 hours for the depositions of The Martin Group's two witnesses. The Martin Group notes that the time for the two depositions was slightly over 2 hours total as reflected by the transcripts, so compensation should be for only 2.5 hours. (2 hour deduction)
12. 10/2/17 – 9.5 hours for drafting the post-hearing brief. This amount should be reduced to 7.5 hours. (2 hour deduction)

The total number of hours rejected and deducted from the total is 61.75. Therefore, the total number of reimbursable hours is 100.25 (162 – 61.75 = 100.25). Moreover, Attorney Krikorian's hourly rate of $325 is unreasonable given that at the time of the public hearing he had been in practice for 6 years, and his practice was not primarily employment law, but personal injury law. Given these considerations, an hourly rate of $250 is more reasonable. Multiplied by the reasonable hourly rate of $250 per hour, the total amount of compensable attorney fees is therefore $25,062.50.

The Martin Group also challenges the requests for costs and expenses totaling $4,852.50. As noted above, the $75 to serve subpoenas for which the Martin Group agreed to accept service is deducted. As for travel time,[9] Attorney Krikorian bills for 5 hours of travel time at an hourly

[9] Complainant's attorney included "travel" time at his billable rate as "costs." While attorney's fees for travel are not "costs" we address these fees as part of "costs" consistent with the Petition for Attorneys' Fees and Costs.

rate of $325 for two deposition appearances for $1,625 in travel time. This time billed is excessive as the offices in question are approximately 13 miles apart. Counsel also billed for 1.5 hours of travel time to and from Cambridge to Boston for depositions at a cost of $487.50. These costs are both excessive insofar as they utilize a professional rate. See Hutchinson ex rel. Julien v. Patrick, 636 F.3d 1, 15 (1st Cir. 2011) (although there is no hard-and-fast rule establishing what percentage of an attorney's standard billing rate is appropriate for travel time, travel time is ordinarily calculated at a lower hourly rate). Attorney Krikorian should only be compensated for 2 hours of travel time at a 50% rate (total of $250). The amount of the deduction for travel time is therefore $1,862.50.

Next, the request for $447.50 in copy/print, and mail/shipping costs without any further identification or specificity and no dates for incurring the costs is denied as these costs are insufficiently documented.

The remainder of the request for costs for transcripts is supported by sufficient documentation. Applying the above deductions, we award costs in the amount of $2,467.50.

Accordingly, we conclude that an award of $25,062.50 for attorney's fees and reimbursement of costs (including a limited award for attorney's travel time) in the amount of $2,467.50 is appropriate given these circumstances.

ORDER

For the reasons set forth above, we hereby affirm the decision of the Hearing Officer and The Martin Group is hereby Ordered:

1) To cease and desist from any acts of discrimination based upon national origin, ancestry or religion in its hiring practices;

2) To pay to Complainant, Jean Brune, the sum of $35,000 in damages for emotional distress with interest thereon at the rate of 12% per annum from the date the complaint was filed until such time as payment is made, or until this Order is reduced to a court judgment and post judgment interest begins to accrue;
3) To pay to Complainant, Jean Brune, the sum of $3000 for back pay with interest thereon at the rate of 12% per annum from the date the complaint was filed until such time as payment is made, or until this Order is reduced to a court judgment and post judgment interest begins to accrue; and
4) To pay Complainant, Jean Brune, the sum of $27,530 in attorney's fees and costs with interest thereon at the rate of 12% per annum from the date on which judgment entered until such time as payment is made, or until this Order is reduced to a court judgment and post-judgment interest begins to accrue.

In accordance with 804 CMR 1.24(1) (2020) and 804 CMR 1.23(12)(e) (2020), the within Order is not a final decision or order for the purpose of judicial review by the Superior Court in accordance with M.G.L. c. 151B, § 6 and M.G.L. c. 30A. Pursuant to 804 CMR 1.23(12)(c) and (d) (2020), Complainant has fifteen (15) days from receipt of this Order to file a petition for supplemental attorney's fees and costs incurred as a result of litigating the appeal to the Full Commission, and Respondent has fifteen (15) days from receipt of the petition to file an opposition.

The Commission will issue a Notice of Entry of Final Decision and Order when either the time for filing a petition for attorney's fees and costs has passed without a filing, or a decision on the petition is rendered. The Commission's Notice of Entry of Final Decision and Order will represent the final action of the Commission for purposes of M.G.L. c. 151B, § 6 and M.G.L. c.

30A § 14(1). The thirty (30) day time period for filing a complaint challenging the Commission's Final Decision and Order commences upon service of such Notice.

SO ORDERED[10] this 26th day of October, 2020

Sunila Thomas George
Chairwoman

Monserrate Quiñones
Commissioner

[10] Commissioner Neldy Jean-Francois was the Investigating Commissioner in this matter, so did not take part in the Full Commission Decision. See 804 CMR 1.23(6) (2020).