

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION

100 Cambridge Street, Suite 200
Boston, MA 02114
(617) 979-1900

HARLY DENIS,
Appellant

v.

BOSTON POLICE DEPARTMENT,
Respondent

Docket Number: G1-25-066

Appearance for Appellant: *Pro Se*
Harly Denis

Appearance for Respondent: Joseph A. McClellan, Esq.
Boston Police Department
Office of the Legal Advisor
One Schroeder Plaza
Boston, MA 02120

Commissioner: Christopher C. Bowman

SUMMARY OF DECISION

The Commission affirmed the decision of the Boston Police Department to bypass a candidate for appointment as a permanent, full-time police officer based on the candidate's undisputed – and recent – poor judgment in assisting an individual with taking a learner's permit exam, which resulted in the candidate's driver's license being suspended.

DECISION ON RESPONDENT'S MOTION FOR SUMMARY DECISION

Procedural Background

On March 11, 2025, the Appellant, Harly Denis (Appellant), filed an appeal with the Civil Service Commission (Commission), contesting the decision of the Boston Police Department (BPD) to bypass him for original appointment as a permanent, full-time police officer.

On April 15, 2025, I held a remote pre-hearing conference. The BPD filed a motion for summary decision and Appellant did not file a reply.

Undisputed Facts

Based on the statements of the parties and the written submissions, the following, unless otherwise noted, is not in dispute:

1. On March 16, 2024, the Appellant took the civil service examination for police officer and received a passing score of 91.
2. On June 1, 2024, the state's Human Resources Division (HRD) established the eligible list for Boston Police Officer.
3. On June 28, 2024, HRD issued Certification No. 09999 to the BPD, upon which the Appellant was ranked 64th among those willing to accept appointment.
4. The BPD appointed 115 candidates for appointment, 51 of whom were ranked below the Appellant.
5. On January 13, 2025, the BPD notified the Appellant that he was bypassed for appointment.
6. The reason for bypass related to a recent driver's license suspension.
7. Specifically, the Appellant's license was suspended by the Registry of Motor Vehicles (RMV) for thirty days on 12/19/23 for "cheat[ing] on exam." Based upon the Appellant's own statement at the pre-hearing conference, the Appellant, while serving as a security officer outside of a Bank of America branch in Jamaica Plain, assisted a person take an online examination for a learner's permit on the person's phone. The Appellant acknowledged that he answered some of the questions for the person. The Appellant, whose face was captured as an RMV security measure, each time he answered a question on the phone, was later identified by the RMV and his license was suspended.

8. On March 11, 2025, the Appellant filed a timely appeal with the Commission.

STANDARD FOR SUMMARY DISPOSITION

The Commission may, on motion or upon its own initiative, dismiss an appeal at any time for lack of jurisdiction or for failure to state a claim upon which relief can be granted. 801 CMR 1.01(7)(g)(3). A motion before the Commission, in whole or in part, via summary decision may be filed pursuant to 801 C.M.R. 1.01(7)(h). An appeal may be decided on summary disposition only when, “viewing the evidence in the light most favorable to the non-moving party”, the undisputed material facts affirmatively demonstrate that the non-moving party has “no reasonable expectation” of prevailing on at least one “essential element of the case”. See, e.g., *Milliken & Co. v. Duro Textiles LLC*, 451 Mass. 547, 550 n.6 (2008); *Maimonides School v. Coles*, 71 Mass. App. Ct. 240, 249 (2008); *Lydon v. Massachusetts Parole Bd.*, 18 MCSR 216 (2005). See also *Mangino v. HRD*, 27 MCSR 34 (2014) and cases cited (“The notion underlying the summary decision process in administrative proceedings parallels the civil practice under Mass. R. Civ. P. 56, namely, when no genuine issues of material fact exist, the agency is not required to conduct a meaningless hearing.”); *Morehouse v. Weymouth Fire Dep’t*, 26 MCSR 176 (2013) (“a party may move for summary decision when . . . there is no genuine issue of fact relating to his or her claim or defense and the party is entitled to prevail as a matter of law.”)

LEGAL STANDARD REGARDING BYPASS APPEALS

When bypassing a candidate for promotion, the burden is on the appointing authority to show that they had reasonable justification for its bypass decision. *Sherman v. Town of Randolph*, 472 Mass. 802, 811 (2015) [“The commission must ‘properly place[] the burden on the [appointing authority] to establish a reasonable justification for the bypass[.]’” (quoting

Massachusetts Ass'n of Minority Law Enforcement Officers v. Abban, 434 Mass. 256, 264 (2001)].

ANALYSIS

At a minimum, the Appellant, based on the undisputed facts here, exercised extremely poor judgment only months before he was considered for appointment as a Boston Police Officer and the BPD was justified to consider this very recent error in judgment when deciding whether to bypass the Appellant for appointment. By directly facilitating cheating on a license-to-drive examination, the Appellant engaged in a very consequential dishonest act. Numerous court and Commission decisions consistently have held that honesty and personal integrity are essential attributes of a police officer. *E.g.*, *Town of Falmouth v. Civil Serv. Comm'n*, 61 Mass. App. Ct. 796, 801 (2004); *Police Comm'r of Boston v. Civil Serv. Comm'n*, 22 Mass. App. Ct. 364, 371 (1986); *Fopiano v. City of Cambridge*, 27 Mass. Civil Serv. Rptr. 383, 385 (2014); *Olisky v. Town of E. Longmeadow*, 27 MCSR 277, 280 (2014) (“Integrity and honesty are at the core of a [police] officer's job and responsibilities”).

At the pre-hearing conference, the Appellant’s only argument in response to the events that occurred here was that, each time he answered the questions on the learner’s permit examination for another person, he told that person that he (the Appellant) wasn’t 100% certain it was the correct answer, as it had been many years since the Appellant himself had taken the learner’s permit examination at the RMV. Notwithstanding the potential disconnect between the Appellant’s argument and the seriousness of what occurred here, the undisputed fact is that his license was recently suspended by the RMV for his misconduct and the Appellant chose not to appeal that suspension.

Based on the seriousness and recency of the undisputed event here, the BPD has shown that they had reasonable justification to bypass him for appointment as a police officer at this time. Human beings are prone to making mistakes – even serious errors in judgment. With the passage of time and a demonstrated pattern of consistent upright behavior, candidates who have engaged in a dishonest act can rehabilitate themselves and salvage career hopes. Perhaps this candidate will take heed.

CONCLUSION

For the above reasons, BPD's Motion for Summary Decision is allowed the Appellant's appeal under Docket Number G1-25-066 is hereby *dismissed*.

Civil Service Commission

/s/ Christopher Bowman
Christopher C. Bowman
Chair

By a vote of the Civil Service Commission (Bowman, Chair; Dooley, Markey, McConney and Stein, Commissioners) on May 15, 2025.

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 CMR 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:
Harly Denis (Appellant)
Joseph McClellan, Esq. (for Respondent)