

COMMONWEALTH OF MASSACHUSETTS

CIVIL SERVICE COMMISSION

One Ashburton Place, Room 503

Boston, MA 02108

(617) 979-1900

JOHN DiVENUTI,
Appellant

v.

G1-20-078

CITY OF REVERE,
Respondent

Appearance for Appellant:

Timothy M. Burke, Esq.
Jared S. Burke, Esq.
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Appearance for Respondent:

Daniel E. Doherty, Esq.
Assistant City Solicitor
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281 Broadway
Revere, MA 02151

Commissioner:

Christopher C. Bowman

DECISION

On May 5, 2020, the Appellant, John DiVenuti (Appellant), pursuant to G.L. c. 31, § 2(b), filed an appeal with the Civil Service Commission (Commission), contesting the decision of the City of Revere (City) to bypass him for original appointment to the position of police officer. I held a pre-hearing conference on June 2, 2020 via Webex videoconference and I held a full hearing in the same manner on August 26, 2020.¹ The hearing was digitally recorded.² The parties submitted proposed decisions on October 30, 2020.

¹ The Standard Adjudicatory Rules of Practice and Procedure, 801 CMR §§ 1.00 (formal rules) apply to adjudications before the Commission with Chapter 31 or any Commission rules taking precedence.

FINDINGS OF FACT:

Seventeen (17) exhibits were entered into evidence at the hearing (Respondent Exhibits 1-16 (R1 – R16)) and one (1) document (Post-Hearing Exhibit 1 (PH 1)) was submitted by the City after the hearing at my request. Based on the exhibits and the testimony of the following witnesses:

Called by the City:

- Ms. B;³
- Detective David Caramanica, Revere Police Department;
- Detective Douglas Zingali, Revere Police Department;
- Cheryl McCormick, attorney with the City of Revere;
- Officer Kenneth Bruker, Revere Police Department;
- Sgt. Joseph Internicola, Revere Police Department;
- Lt. Maria LaVita, Revere Police Department;

Called by the Appellant:

- John DiVenuti, Appellant;

and taking administrative notice of all matters filed in the case and pertinent statutes, regulations, policies, and reasonable inferences from the credible evidence, I make the following findings of fact:

² If there is a judicial appeal of this decision, the plaintiff in the judicial appeal would be obligated to supply the court with a transcript of this hearing to the extent that he/she wishes to challenge the decision as unsupported by substantial evidence, arbitrary or capricious, or an abuse of discretion. In such cases, this CD should be used by the plaintiff in the judicial appeal to transcribe the recording into a written transcript.

³ A pseudonym.

Background of Appellant

1. Revere, Massachusetts is a city located approximately six (6) miles north of Boston, with a population of approximately 54,000 people. (<https://www.revere.org/next-stop-revere/data#demographics>)
2. The Appellant is twenty-seven (27) years old. He is a long-time resident of Revere, where he currently resides with his wife. He is fluent in two languages; is a disabled veteran who has served with the United States Army since 2013, from which he was honorably discharged.
(Testimony of Appellant)
3. The Appellant also served with the Massachusetts Army National Guard from 2014 to 2017 and currently remains with the 181st Infantry Massachusetts Army National Guard in the rank of Sergeant. (Testimony of Appellant)
4. In 2017, the Appellant transitioned to active duty regular army and was stationed at Fort Bliss in El Paso, Texas. (Testimony of Appellant)
5. During his military career, he has never had any disciplinary action taken against him.
(Testimony of Appellant)
6. The Appellant's supervisor in the U.S. Army describes him as follows:

"He's demonstrated unyielding integrity; through his peers and subordinates, he's created a professional climate based on respect; he's supported and upheld the Army's SHARP and Equal Opportunity policies; he has demonstrated stamina and endurance in completing logs, duties, daily duties and missions."
(Testimony of Caramanica)
7. The Appellant's most recent employment apart from the military was with a local construction company where he worked as an excavation laborer from April 2016 to January 2017. (Post-Hearing Exhibit 1)

Appellant's Civil Service Application History with the City

8. As part of a *prior* examination and hiring cycle, the Appellant's name appeared on Certification No. 05861, issued to the City on October 18, 2018. (Testimony of Lt. Lavita)
9. The City was authorized to appoint seven (7) candidates from Certification No. 05861. As the Appellant was on active military duty, the City was able to begin, but was not able to complete, the investigation and review of the Appellant. For that reason, the City appointed only six (6) candidates from Certification No. 05861 and asked the state's Human Resources Division (HRD) to keep the Appellant in a "referred" status on Certification No. 05861. All six candidates appointed from Certification No. 05861 were ranked below the Appellant. (Testimony of Lavita)
10. On March 23, 2019, the Appellant took another civil service examination for police officer and received a score of 89. (Stipulated Fact)
11. On September 1, 2019, HRD established an eligible list of candidates for Revere Police Officer. (Stipulated Fact)
12. On November 8, 2019, the Appellant's name appeared third on Certification No. 06738, from which the City was authorized to appoint eight (8) candidates as police officer. (Exhibit R1)
13. Thus, as of November 8, 2019, the Appellant's name now appeared on two (2) Certifications that had been issued to Revere: Certification No. 05861 (still in referred status as his review process had not been completed while he was on active military duty) and Certification No. 06738 (which occurred as a result of the Appellant taking another civil service examination). (Exhibit R1 and Testimony of Lavita)

14. The City proceeded with the Appellant's background and review process, which first began under Certification No. 05861, when it reviewed candidates as part of the next hiring cycle on Certification No. 06738. (Testimony of Lavita)⁴

15. The City ultimately appointed six (6) candidates from Certification No. 06738, four (4) of whom were ranked below the Appellant. (Stipulated Facts and Testimony of Lavita)

City's Stated Reasons for bypassing the Appellant

16. Among the reasons cited in the City's bypass letter are: 1) two (2) allegations of domestic violence in 2012, both involving the same female; 2) alleged vehicle moving violations in 2012; and 3) alcohol-related incidents in 2013. (Exhibit R2; Testimony of Caramanica and Lavita)

Findings Related to Two (2) Allegations of Domestic Violence

17. As part of the Appellant's background investigation, the City queried the Revere Police Department's in-house computer system for any Revere police involvements that the Appellant may have had, which is any time a person gives his or her name to police, whether as a victim, witness, or defendant. The system also has access to Coplink, a public safety sharing database which gives member police departments access to reports from other agencies. (Testimony of Caramanica)

18. The review of the in-house computer system revealed two (2) calls involving the Appellant in 2012 related to the domestic violence allegations cited in the bypass letter: January 2012 and October 2012. (Testimony of Caramanica)

⁴ It appears that the City complied with all requirements regarding the review of active military duty candidates, including keeping one (1) position open on the prior Certification until the Appellant's background and review process was completed. While the City should have notified the Appellant that he was ultimately bypassed by 10, as opposed to 4, other candidates, I considered that he was bypassed by 10 candidates as part of my review of this matter. It does not change my final conclusion regarding whether there was reasonable justification to bypass him for appointment.

January 2012 Incident

19. On January 11, 2012, at approximately 4:30 p.m., Revere police officers Kenneth Bruker and Michael Trovato responded in separate cars to the area near Taft Street regarding a call of a domestic disturbance. Upon their arrival, the Appellant was standing on one side of the street, and two females, Ms. A⁵ and Ms. B, were on the other side. The Appellant, who was then 19 years old, told Officer Bruker that he and his girlfriend, Ms. A, had been arguing in his car and that when they arrived at her aunt's house on Taft Street she threw a cell phone at him and slapped him in the face. She then exited the car and proceeded up the stairs to the house. The Appellant told the police officer that he got out of the car and continued arguing with her in the foyer, and he grabbed her arm and she slapped him again. Ms. A told Officer Bruker that the Appellant grabbed her arm and pushed her back, and she slapped him, and the Appellant took her pocketbook and threw it in the street. She was insistent that the Appellant not be arrested, that she was not afraid of him, and did not want to seek a 209A order. She stated that she would not testify against him in court. The Appellant was not arrested, but was later summonsed to court on a charge of domestic assault and battery. (Exhibit 7, Testimony of Bruker)
20. The police report for this incident was written by Officer Bruker. According to Officer Bruker's report, Ms. B, a percipient witness to the incident on January 11, 2012, provided her statement to another police officer, Officer Trovato. (Exhibit 7, Testimony of Bruker)
21. Ms. B. testified before the Commission. She was a reluctant witness who only appeared after being served by the City with a Commission-authorized subpoena. (Testimony of Ms. B; Administrative Record)

⁵ A pseudonym.

22. On January 11, 2012, Ms. B. had an appointment at a hair salon in Revere located at or near Taft Street and Broadway. During that appointment, she briefly stepped out of the salon to go to her car which was parked on Taft Street. (Testimony of Ms. B)
23. While near her car, Ms. B, from across the street, heard a male and female arguing and tugging back and forth on a pocketbook. She saw the pocketbook get dumped out and thrown in a yard. She heard a slapping sound, but she did not see what caused it. She saw the male pulling the female's hair. The male called Ms. B an "old lady" and told her to mind her own business. Ms. B. called the police. (Testimony of Ms. B)
24. On March 22, 2019, as part of the background investigation, Det. Caramanica met with the Appellant at the Revere Police station and gave him the opportunity to address the January 11, 2012 incident. The Appellant told Det. Caramanica that he and Ms. A were in a dating relationship at the time and that they were arguing in the car when she began to hit him. He told Det. Caramanica that he threw her pocketbook, but stated that he never hit or grabbed her. He said he was summonsed to Chelsea Court where Ms. A testified that nothing happened, and the case was dismissed. (Exhibit R16, Testimony of Det. Caramanica)

October 2012 incident

25. On October 16, 2002, at approximately 2:30 a.m., Revere police officer Joseph Internicola was dispatched to Prospect Avenue for a female report of a past assault. The weather was cold and rainy. Upon his arrival, he met Ms. A standing in the rain outside her aunt's house because, according to her, no one had answered her knocks and she did not want to wake the baby inside by ringing the doorbell. She was crying and upset. She stated that she had been sleeping at her boyfriend John DiVenuti's house when he woke her up holding her cell phone and was yelling at her about messages he saw on her phone. Ms. A told the officer that he

(DiVenuti) yelled obscenities at her and told her to leave his house. She also made allegations that DiVenuti made physical contact with her. Officer Internicola observed that Ms. A was bleeding from a laceration to her right index finger which she said she received during the struggle with the Appellant. Officer Internicola advised her of her 209A rights and dropped her at a taxi stand so that she could get a ride home to Lynn. The Officer in Charge ordered him to have the Appellant summonsed to court, as opposed to arresting him that night. The Appellant was summonsed to court on four counts of domestic assault and battery. (Exhibit 11, Testimony of Sgt. Joseph Internicola)

26. The Appellant was also given the opportunity to address this incident during his interview with Det. Caramanica on March 22, 2019. He told the detective that he and Ms. A were not dating at the time and that he was out with a friend when she called and said she was going to his house. He explained to Det. Caramanica that he had a separate entrance to his apartment which he left unlocked, and that Ms. A was aware of that. He stated that he told her that she was not welcome and not to go in the house. He told the detective that, when he arrived home an hour later, she was asleep in his bed, and he got into an argument with her trying to get her to leave his house. He said that as she was leaving she said she was going to call the police and tell them that he had hit her. He said he did not speak with any police officers that night, but later received a summons to appear in Chelsea District Court. He stated that Ms. A told the clerk that nothing happened and the case was dismissed. (Testimony of Caramanica)

27. Shortly after his interview with the Appellant on March 22, 2019, Det. Caramanica contacted Ms. A by telephone and told her that he was doing a background investigation for employment of her former boyfriend, the Appellant, and she said that he was a good guy and that they had moved on with their lives. When he asked her about the domestic incidents,

she stated that nothing happened, but when he pointed out that her initial reports indicate otherwise, she said that whatever she said in the reports was true. (Testimony of Caramanica)

28. The police department where Ms. A currently resides told Detective Caramanica that Ms. A has a history of filing false reports and on numerous occasions claimed that there was a crime that turned out to be untrue. (Testimony of Caramanica)

October 2012 Moving Violation

29. On October 22, 2012, the Appellant was stopped by the State Police on Route 1 southbound in Peabody/Lynnfield. According to the Trooper's report, the Appellant was clocked by radar traveling at speeds of up to 88 mph in a 50 mph zone and making multiple lane changes to avoid slower moving vehicles without using a directional signal. He was cited for negligent operation, unsafe lane change, and speeding. (Exhibit R12)

30. Detective Caramanica gave the Appellant an opportunity to address this incident during their interview on March 22, 2019. The Appellant told the detective that he had to pay a fine and do 20 hours of community service as a result of in the incident. (Exhibit 12, Testimony of Det. Caramanica)⁶

October 2013 Alcohol-Related Incidents

31. According to a Revere police report, the Appellant, on October 28, 2013, was taken into protective custody when, after having been escorted out of the Moose Lodge on Broadway in Revere earlier due to aggressive behavior towards other patrons and told not to return, he returned in an intoxicated state and argued with the detail officer as to why he had to leave. (Exhibit 14)

⁶ During his testimony before the Commission, the Appellant indicated that he was also required to attend a National Safety Council driver training course.

32. Also according a Revere police report, sometime after 2:00 a.m. on October 29, 2013, a Revere Police Officer responding to reports of a disturbance involving 15-20 youths and a large group fighting saw the Appellant and another man on the street, and immediately recognized the Appellant as a male party who had been taken into protective custody earlier in the shift. According to the report: both parties were uncooperative and yelling and swearing at each other; the police officer informed the Appellant's companion that he was going to be placed in protective custody and informed the Appellant that he was under arrest; while the Appellant's companion complied, the Appellant tensed up his arms so that he could not be handcuffed and complied only when his friend yelled at him to stop resisting. The Appellant was charged with disorderly conduct. (Exhibit 3)
33. When asked about this incident by Det. Caramanica during the background interview, the Appellant stated that after being released from protective custody he went to a house party and got into a fight, and that when his friend was being placed in protective custody the Appellant said, "If you take him, you will have to take me." (Testimony of Caramanica)
34. As part of his interview with Detective Carmanica, the Appellant stated words to the effect:
- "I was a young kid. I was just out of high school. I explained my overuse with alcohol, I went out to parties with my friends, and that's what I did as a young teenager. After my incident in 2013 where I was arrested for disorderly conduct, I woke up the next day and I brought myself to an Army recruiter and I just decided to change my ways. I knew that that wasn't really me; it was just something that I was a young kid in high school in the City of Revere. We were young kids. We played sports and we liked to experiment with alcohol. And so that's just the honest truth, but I knew that that wasn't who I was, so I decided to change my ways."
- (Testimony of Appellant)

City's decision-making process

35. In Detective Caramanica's report regarding the Appellant, he wrote:

“Mr. DiVenuti appeared to be remorseful for his actions when he was younger and confronted his past head on. Mr. Divenuti appears to have matured and has represented himself in a professional manner. He has reached the rank of Sergeant in the United States Military serving as a team leader to his troops and got married while on his tour of duty with the military.” (Exhibit 16)

36. Detective Caramanica retained his investigation notebook until it had been updated for the subsequent hiring cycle under Certification No. 06738, at which time he gave it to Lt. LaVita who read it and passed it on to the Chief of Police, James Guido. The Chief, in turn, passed it around to those who would be on the interview panel, which he typically did the day before or the morning of the interview. (Testimony of LaVita)
37. The Appellant appeared before the interview panel on January 13, 2020. The interview panel consisted of Chief Guido, Captain Dennis Collyer, Captain Michelle Mangino, Lt. Maria LaVita, Det. David Caramanica, and Officer Joseph Turner. The interview was approximately 30-40 minutes long. The Appellant was asked a number of questions, including situational questions. He was asked about some of his police involvements, including at least one of the domestic incidents. During the interview, Captain Collyer expressed concern about the number of police involvements, as it was not what they typically see. (Testimony of LaVita)
38. In response to a question on his employment application as to what was the most amount of drinks he had consumed in one evening in the last five years, the Appellant stated “12+ Beers.” When asked about his drinking during his interview on January 13, 2020, he stated that he has a beer or two when he goes out to eat with his wife and drank twelve beers at a recent Thanksgiving holiday event. (Testimony of LaVita)

39. The Chief and the Appointing Authority (the Mayor) decide who will be given conditional offers of employment. Lt. LaVita provided the Chief with a chronological summary of things that were concerning regarding the Appellant's background, and at some point following the Appellant's interview, the Chief, after conferring with the Mayor, instructed Lt. LaVita to prepare a bypass letter for the Appellant. The bypass letter was dated March 4, 2020. (Testimony of LaVita, Exhibit R2)

Legal Standard

The fundamental purpose of the civil service system is to guard against political considerations, favoritism, and bias in governmental hiring and promotion. The commission is charged with ensuring that the system operates on “[b]asic merit principles.” Massachusetts Assn. of Minority Law Enforcement Officers v. Abban, 434 Mass. 256, 259, citing Cambridge v. Civil Serv. Comm’n, 43 Mass.App.Ct. 300, 304 (1997). “Basic merit principles” means, among other things, “assuring fair treatment of all applicants and employees in all aspects of personnel administration” and protecting employees from “arbitrary and capricious actions.” G.L. c. 31, section 1. Personnel decisions that are marked by political influences or objectives unrelated to merit standards or neutrally applied public policy represent appropriate occasions for the Civil Service Commission to act. Cambridge at 304.

The issue for the Commission is “not whether it would have acted as the appointing authority had acted, but whether, on the facts found by the commission, there was reasonable justification for the action taken by the appointing authority in the circumstances found by the commission to have existed when the Appointing Authority made its decision.” Watertown v. Arria, 16 Mass.App.Ct. 331, 332 (1983). See Commissioners of Civil Service v. Municipal Ct. of Boston, 369 Mass. 84, 86 (1975); and Leominster v. Stratton, 58 Mass.App.Ct. 726, 727-728 (2003).

The Commission’s role, while important, is relatively narrow in scope: reviewing the legitimacy and reasonableness of the appointing authority’s actions. City of Beverly v. Civil Service Comm’n, 78 Mass.App.Ct. 182, 189, 190-191 (2010) citing Falmouth v. Civil Serv. Comm’n, 447 Mass. 824-826 (2006) and ensuring that the appointing authority conducted an “impartial and reasonably thorough review” of the applicant. The Commission owes “substantial deference” to the appointing authority’s exercise of judgment in determining whether there was “reasonable justification” shown. Beverly citing Cambridge at 305, and cases cited. “It is not for the Commission to assume the role of super appointing agency, and to revise those employment determinations with which the Commission may disagree.” Town of Burlington and another v. McCarthy, 60 Mass. App. Ct. 914, 915 (2004).

Disputed facts regarding alleged prior misconduct of an applicant must be considered under the “preponderance of the evidence” standard of review as set forth in the SJC’s recent decision in Boston Police Dep’t v. Civil Service Comm’n, 483 Mass. 461 (2019), which upheld the Commission’s decision to overturn the bypass of a police candidate, expressly rejecting the lower standard espoused by the police department. Id., 483 Mass. at 333-36.

Analysis

Here, the City has proved, by a preponderance of the evidence, that the Appellant, several years ago, engaged in the following misconduct:

1. While involved in a dispute with a romantic partner, the Appellant dumped the contents of the female’s pocketbook on the ground and pulled her hair.
2. The Appellant drove erratically at a high rate of speed (88 MPH in a 50 MPH zone) on Route 1.

3. The Appellant, on two different occasions on the same night, become intoxicated and acted in a belligerent manner toward a Revere police officer.

The Appellant acknowledged during his testimony that he dumped the contents of the female's pocketbook on the ground during a dispute between the two of them. In regard to whether he pulled the female's hair during that same incident, I credit the testimony of Ms. B. As noted in the findings, she was a reluctant witness. Although she does not know the Appellant, Ms. B was distressed that her testimony could negatively impact the Appellant's chances of becoming a Revere Police Officer. That notwithstanding, she provided straightforward and consistent answers regarding what she saw and heard during the interaction between the Appellant and Ms. A in 2012. She took her testimony seriously and carefully recalled what she did --and did not-- see and hear that day. For example, while she said she *heard* a slapping sound, she was quick to point out that she did not *see* what caused that slapping sound. In short, she was not trying to paint the Appellant in a bad light. She had a firm recollection of seeing the male pull the female's hair during the encounter that day and I credit her testimony.

The Appellant did not dispute the 2013 driving incident, in which he was alleged to be driving erratically on Route 1 at a high rate of speed, which resulted in him being required to perform community service and, according to the Appellant, complete a National Safety Council driving course.

Although the Appellant has offered a somewhat different account than the police officer's report regarding the two alcohol-related incidents on the same night in 2013, he does not dispute that, after being released from protective custody that night (by Revere Police), he went to a house party and got into a fight.

The Commission is also tasked with determining whether the City conducted a “reasonably thorough review” which the Commission has consistently held includes providing the applicant with the opportunity to address negative findings about him, particularly if they involve incidents which occurred several years ago. The Appellant was indeed given that opportunity, as part of a one-on-one interview with the background investigator and during an interview with members of the command staff of the Revere Police Department.

Further, consistent with its core mission, the Commission must examine whether the City’s decision was fair and impartial, free of any political or personal bias. Although two candidates among the ten that bypassed the Appellant are related to current members of the Revere Police Department, I do not believe this was a factor in the City’s decision to bypass him for appointment. Rather, through their witnesses, they have shown that the City’s decision was based solely on their concerns regarding the Appellant’s background.

In regard to the broader issue of whether the Appellant’s behavior from several years ago provides the City with reasonable justification to bypass the Appellant, there are strong public policy arguments suggesting it is not. Leaders across the political spectrum in Massachusetts have stressed the need to avoid looking at a snapshot of who a candidate was many years ago, but, rather, to look at who that candidate is today, as defined primarily by the intervening years since the misconduct occurred. (See Golden v. Dep’t of Correction, G1-19-198 (2019)).

However, in its recent decision in Boston Police v. Civ. Serv. Comm’n, while the SJC confirmed that an Appointing Authority must prove, by a preponderance of the evidence, that the Appellant actually engaged in the alleged misconduct used as a reason for bypass, the Court also reaffirmed that, once that burden of proof regarding the prior misconduct has been satisfied, it is

for the *appointing authority, not the Commission*, to determine whether the appointing authority is willing to risk hiring the applicant.

Here, it is clear to me that the City tried to reach the appropriate balance, determining whether the Appellant's prior misconduct, albeit from several years ago, creates too much of a risk that the Appellant might engage in future misconduct as a Revere police officer. For example, mindful that some of the prior misconduct was alcohol-related, the interview panel asked the Appellant about his responses to alcohol-related questions on his application. During this exchange, the Appellant stated that, at a recent Thanksgiving holiday event⁷, he had consumed 12 beers in one sitting. The interview panel was justifiably concerned about this answer as they were assessing whether appointing the Appellant was too much of a risk at this time. Finally, I listened carefully to the Appellant's testimony. He has admirable accomplishments, including his military service, and he expressed a sincere desire to serve as a police officer in his hometown for all the right reasons. I was troubled, however, by his apparent inability, in retrospect, to grasp the seriousness of some of his prior misconduct, particularly in regard to the domestic incident. The bulk of his testimony seemed to focus on the actions of the other party, as opposed to his own actions, and how, if he had the benefit of the maturity that he has obviously gained over the years, he would have acted differently years ago.

In summary, the City has shown that, after conducting a fair, impartial and reasonably thorough review of the Appellant's background, it had reasonable justification to bypass the Appellant for appointment as a Revere Police Officer at this time.

Conclusion

The Appellant's appeal under G1-20-078 is hereby *denied*.

⁷ The Appellant testified that this occurred in 2017. The interview panel remembers recall the Appellant saying it was the year prior to the interview (2019).

Civil Service Commission

/s/ Christopher Bowman

Christopher C. Bowman
Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Camuso, Ittleman, Tivnan, and Stein, Commissioners) on November 19, 2020.

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:

Timothy M. Burke, Esq. (for Appellant)

Jared Burke, Esq. (for Appellant)

Daniel E. Doherty, Esq. (for Respondent)