

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Department of Public Health,
Petitioner,

No. PHLP-24-0560

Dated: June 18, 2025

v.

Timothy Foley,
Respondent.

CASE-CLOSING ORDER

This is an appeal from a notice of agency action issued by the Department of Public Health (department). The notice proposed to suspend respondent Timothy Foley's lead inspection license for sixty days.

A memorandum and order dated May 10, 2025 granted summary decision to the department on two claims: that Mr. Foley failed to consult a department-maintained database before conducting a lead inspection, contrary to 105 C.M.R. §§ 460.400(B)(1) or 460.730; and that Mr. Foley inspected the home of a lead-poisoned child, contrary to 105 C.M.R. § 460.400(M).

In June 2025, the department moved to withdraw its remaining allegations. The motion was allowed without opposition from Mr. Foley, who used the opportunity to advocate for a lesser penalty than a suspension. Mr. Foley described himself as "someone with over 35 years' experience conducting lead inspections, who has been approved by [the department] to conduct re-inspections on its behalf and who, until now, has not been the subject of a Notice of Agency Action." Given these factors, Mr. Foley suggested that the appropriate sanction might be a "letter[] of warning," a "probationary period," or a "required training." 105 C.M.R. § 460.400(g).

The upshot of the foregoing sequence of events is that all of the claims made by the department in this matter have been either decided on summary decision or withdrawn. Accordingly, a recommended decision is hereby entered to the effect that discipline may be imposed on Mr. Foley in connection with the two grounds decided in the department's favor in the May 10, 2025 memorandum and order.

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate