

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

One Ashburton Place: Room 503
Boston, MA 02108
(617) 727-2293

CHRISTOPHER HADIS,
Appellant

v.

Case No.: D1-13-129

TOWN OF OXFORD,
Respondent

DECISION

Pursuant to G.L. c. 31, § 2(b) and/or G.L. c. 7, § 4H, a Magistrate from the Division of Administrative Law Appeals (DALA), was assigned to conduct a full evidentiary hearing regarding this matter on behalf of the Civil Service Commission (Commission).

Pursuant to 801 CMR 1.01 (11) (c), the Magistrate issued the attached Tentative Decision to the Commission. The parties had thirty (30) days to provide written objections to the Commission. No written objections were received.

After careful review and consideration, the Commission voted to affirm and adopt the Tentative Decision of the Magistrate in whole, thus making this the Final Decision of the Commission.

The decision of the Town of Oxford to terminate the Appellant as a police officer is affirmed and Mr. Hadis's appeal under Docket No. D1-13-129 is hereby *denied*.

By vote of the Civil Service Commission (Bowman, Chairman; Ittleman, McDowell and Stein, Commissioners) on March 20, 2014.

A true record. Attest.



Christopher C. Bowman
Chairman

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)(1), 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.

Notice to:

Kareem A. Morgan, Esq. (for Appellant)

Bryan C. Decker, Esq. (for Appellant)

Marc L. Terry, Esq. (for Respondent)

Richard C. Heidlage, Esq. (Chief Administrative Magistrate, DALA)

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Division of Administrative Law Appeals

Christopher Hadis,
Appellant

v.

Docket Nos. CS-13-407;

D1-13-129 (Civil Service Commission)

Dated: JAN 17 2014

Town of Oxford (Police),
Respondent

Appearance for Appellant:

Kareem A. Morgan, Esq.
Bryan C. Decker, Esq.
Sandulli Grace, P.C.
44 School Street, Suite 1100
Boston, MA 02109

Appearance for Respondent:

Marc L. Terry, Esq.
Mirick O'Connell
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Administrative Magistrate:

Sarah H. Luick, Esq.

Summary of Recommended Decision

The Respondent had just cause to terminate the Appellant for conduct unbecoming an Oxford Police Officer, and for being untruthful and misleading with citizens complaining about his conduct and with his superiors in an investigation of his conduct. His conduct was in violation of the Oxford Police Department Rules and Regulations. In light of prior recent discipline for similar rule violations, the Respondent's decision to terminate employment followed principles of progressive discipline.

RECOMMENDED DECISION

Pursuant to G. L. c. 31, § 43, the Appellant, Christopher Hadis, appealed to the Civil Service Commission on May 22, 2013, the May 15, 2013 decision of the Town of Oxford terminating him from his position of police officer. The appeal was timely filed. (Exs. 1, 2 & 3.)

Following a pre-hearing conference on June 11, 2013, a hearing on the merits was held for the Civil Service Commission on August 9, 2013 by the Division of Administrative Law Appeals at its offices at One Congress Street, 11th Floor, Boston, MA 02114. The hearing was transcribed and was private.

Various documents are in evidence. (Exs. 1 – 15. Exhibit 14 is Track 1 and Exhibit 15 is Track 2 on a CD recording made by the Oxford Police Department on March 15, 2013. It contains a telephone number for the complainant/citizen.) The Respondent filed a pre-hearing memorandum (Ex. A.). The parties filed written stipulations (Ex. B.) and then briefs (Ex. C.) by September 30, 2013 when the record closed. The Respondent presented the testimony of Oxford Police Department employees; Chief Michael Hassett, Sergeant William Marcelonis, Jr., Dispatcher Ryan Mastromatteo, and Sergeant Robert Green. The Appellant testified on his own behalf and presented the testimony of Oxford Police Officer Robert Picard, Jr.

FINDINGS OF FACT

Based on the stipulations, the evidence presented, and the reasonable inferences drawn therefrom, I make the following findings of fact:

1. The permanent police officers in the Oxford Police Department are subject to G. L. Chapter 31. The Board of Selectmen is the Appointing Authority for the Police Department employees. (Exs. B-stipulations & 2.)
2. Mr. Hadis had been an intermittent police officer from 1998 before becoming a permanent Police Officer for the Oxford Police Department in 2003. He last performed patrol duties driving a cruiser with no partner during the 3:00 PM to 11:00 PM shift. This was the regular tour of duty he held before, after and on Friday, March 15, 2013. During that time period his regular supervisor was Sgt. Robert Green, but he was also working under the supervision at

times of Sgt. William Marcelonis, Jr., including on his March 15, 2013 shift. (Exs. B & 1.

Testimony of Hadis, Marcelonis, Green & Hassett.)

3. Also working the same shift as Officer Hadis on March 15, 2013 was Officer Robert Picard, Jr., using a cruiser to do patrol work, and Dispatcher Ryan Mastromatteo. (Exs. B, 6, 7 & 11. Testimony of Hadis, Picard & Mastromatteo.)

4. Sometime prior to 9:00 PM on March 15, 2013, Officers Hadis and Picard received permission to do foot patrolling in the area of Oxford Center. This was not done in response to any particular issue. After doing some foot patrolling as a team for awhile, the officers saw a car exit a parking lot making an illegal left turn. Officer Hadis started moving in the direction of the car which had come to a stop at a traffic light ahead of where the officers were located. To try to reach the car before the light changed to green, Officer Hadis began to run toward the car. He waived his arms in the air and yelled at the driver to stop. When the light changed to green, Officer Hadis was near the car. He saw the car start to move. Although he was in an awkward position, he reached out and struck the back of the car on the passenger side causing a very loud bang which felt to the passenger and driver as though something had damaged the car. The driver wondered if he had blown a tire the sound was so loud. He stopped the car. (Exs. B, 5, 6, 7, 8 & 9. Testimony of Hadis & Picard.)

5. Officer Hadis approached the driver. He had a flashlight in his hand, and asked the driver, didn't you see me. To the driver and passenger he seemed angry. He explained he saw the driver take the illegal left turn. He asked for the driver's registration and license, received these, went to the back of the car in the area where he had hit the car, and called in this information to the Police Station. Officer Hadis was in uniform with his face and badge identification somewhat visible to the driver and his passenger. By now, Officer Picard had

reached Officer Hadis. Officer Picard had heard the loud hit to the car made by Officer Hadis, and saw what from a distance looked like a dent in the back area of the car. He did not investigate the denting or mention that to Officer Hadis. Neither the driver nor the passenger commented to Officer Hadis about the loud hit to the car. The driver received a verbal warning for making the illegal left turn. He then was free to leave and drove off. After this stop, Officers Hadis and Picard returned to their cruisers to continue their patrol duties. (Exs. B, 5, 6, 7, 8, 9, 10 & 11. Testimony of Hadis & Picard.)

6. A short time later, Dispatcher Mastromatteo used a chat line to reach just Officers Hadis and Picard. He told them he received a citizen's complaint that a car had been struck by a police officer during a traffic stop causing damage to the car. Officer Hadis responded that he "tapped" the back of a car to get a driver to stop for a traffic violation. (Ex. B, 5, 6, 7 & 12. Testimony of Hadis, Mastromatteo & Picard.)

7. Once the driver, [REDACTED] was at home, he and his passenger, his friend, [REDACTED] viewed the area where the officer had hit the car and saw denting and a scratch. [REDACTED] told his mother, [REDACTED] that a police officer who had stopped him for making an illegal turn, had hit the car in the back causing dents to it. His mother viewed the damaged area. She and her son were very sure that the dents had not been there before, and were so severe that they had to have been made with some object used to hit the car. [REDACTED] also reported how he and his passenger friend had heard a very loud bang that caused him to stop the car. They mentioned that the officer had a flashlight in his hand when he came to talk to them. Mrs. [REDACTED] called the Oxford Police Station to report this damage to the car due to some object being used to strike it. Dispatcher Mastromatteo let her present her account, explaining that her statement was being recorded. He had her understand that she would be called back by the Officer in Charge at

the Police Station. Once he was off the telephone with her, Dispatcher Mastromatteo wrote down her name and telephone number on a sticky note with the intention of presenting it and her complaint to Sgt. Marcelonis for follow-up. (Ex. B, 5, 8, 9, 10, 11, 12 & 14. Testimony of Mastromatteo.)

8. Before Dispatcher Mastromatteo provided the sticky note and complaint to Sgt. Marcelonis, Officer Hadis returned to the Police Station and approached him about the complaint. It was at or around 10:00 PM. During the conversation Officer Hadis learned that Sgt. Marcelonis had not yet heard about the complaint. Officer Hadis told Dispatcher Mastromatteo that he would contact Mrs. [REDACTED]. Dispatcher Mastromatteo gave him the sticky note, and did not also report the complaint to Sgt. Marcelonis. Officer Hadis did not tell Dispatcher Mastromatteo he would inform Sgt. Marcelonis. (Exs. B, 5 & 11. Testimony of Hadis & Mastromatteo.)

9. Officer Hadis took the sticky note and walked around the Sergeants Office area, not through it as officers often do, until he reached the squad room. Officer Hadis saw that Sgt. Marcelonis was in the Sergeants Office about to make or on a telephone call. Officer Hadis went to a telephone in the squad room and called Mrs. [REDACTED]. He recorded this call. He identified himself by name to Mrs. [REDACTED] but did not at any time during what was about an 8-10 minute call inform her that he was the officer who had stopped her son and hit the back of the car. Given the timing of Officer Hadis's call, this would have been the call Mrs. [REDACTED] was expecting to receive from an Oxford Police Supervisor or Officer in Charge as Dispatcher Mastromatteo told her would happen. In the way Officer Hadis conducted his questioning of Mrs. [REDACTED] and how he listened to her complaint, he gave no hint that he was the officer who had hit the car. He interjected during her account to ask her if she was sure the officer must have

used an object in striking the car or that the dent was not already there. At times he interjected that there was a conflicting account that no object and just a hand was used. [REDACTED] would not accept that explanation and made that clear during the call. During the call her tone was polite but unwavering in her belief that the officer used an object to cause the denting, and that the car had no prior dents in that area of the car. She offered a history about the car to emphasize why she felt there were no existing dents. Other than emphasizing to Mrs. [REDACTED] that there was a conflicting account, Officer Hadis was polite in his conversation with [REDACTED]. At the end of the call he arranged to meet her at the Police Station the next day at 3:00 PM so that he could examine the denting and take photos of the damage. She agreed to do this and had his name to ask for upon arrival. She did not ask what his position was with the Oxford Police Department. (Exs. 5, 10 & 15. Testimony of Hadis.)

10. Although Officer Hadis was aware that Sgt. Marcelonis would not be back on duty for about another four days, he did not try to get any information to him that night about the complaint against him or to let him know he had spoken to Mrs. [REDACTED] and arranged to meet her the next day. Officer Hadis mentioned to Officer Picard before they both left at the end of their shift, that he had spoken to the driver's mother about the denting on the car and that she would be coming to the Police Station the next day with the car. No further discussion occurred between them about this matter. (Ex. 5. Testimony of Hadis, Picard & Marcelonis.)

11. The next day, Officer Hadis was at roll call at the start of his 3:00 PM to 11:00 PM shift when he was notified that the [REDACTED] were in the lobby area waiting to see him. He left roll call, being conducted by Sgt. Green, to meet with them. He was in his police uniform. [REDACTED] and his parents came. Officer Hadis left with them to view the denting in the back of the car and to take photos. The [REDACTED] again claimed that there had been no dents in that area of the

car, and that they believed the officer who hit the car had made the dents by hitting the car with some object. If [REDACTED] recognized Officer Hadis as the officer who hit his car, he did not say that or ask that question. Officer Hadis never revealed that he had been the officer who hit the car. He questioned [REDACTED] why they were sure the denting had not been there prior to the time the officer "tapped" the back of the car. Mrs. [REDACTED] was upset at hearing this information based on the detailed account she had given to Officer Hadis the night before. Officer Hadis did not say much more, and after taking the photos, he told the [REDACTED] that someone would be in touch with them about this matter. The [REDACTED] left feeling that Officer Hadis did not believe that the denting had not previously been there. Officer Hadis did not record the conversation he had with the [REDACTED] in the lobby area where it could have been recorded. After this meeting, Officer Hadis did not write up any report about the incident, or about this next day meeting, or about the telephone call with Mrs. [REDACTED] or about taking the sticky note from the Dispatcher. He decided to wait to report about the incident on Monday morning to Chief Hassett at the start of the Chief's regularly scheduled workday. He knew he could have contacted Chief Hassett over the weekend to inform him about the incident. Officer Hadis was not scheduled to work that Monday. (Exs. B, 5, 6 & 10. Testimony of Hadis, Marcelonis & Hassett.)

12. Officer Hadis never informed Sgt. Green before or after the meeting with the [REDACTED] that there was an incident involving himself that led to a citizen complaint against him that he was investigating. Sgt. Green did not learn from any other source about such a complaint against Officer Hadis. (Testimony of Hadis, Marcelonis, Green & Hassett.)

13. On Monday morning, Officer Hadis met with Chief Hassett about the Friday night incident and the complaint made against him. Officer Hadis reported that he was on a foot patrol

when he saw a car make an illegal left turn and that he tried to catch up to the car when it was stopped at a red light before the light changed. He explained that he hit the car in the back of it with his left gloved hand to get the driver's attention to stop the car. He said he later met with the driver's parents who felt he had caused a dent in their car where he had hit the car. After hearing this, Chief Hassett ordered Officer Hadis to make the Sgt. in Charge of his Friday night shift aware of the incident and the complaint with a written report. He was aware at that time that Officer Hadis was not scheduled to work until Wednesday, March 20, 2013. Chief Hassett did not know at this time the Sgt. in Charge was Sgt. Marcelonis. Officer Hadis did not tell Chief Hassett that he had already informed Sgt. Green about the event. Chief Hassett's initial reaction was that this incident did not sound like a big deal with Officer Hadis perhaps using poor judgment in hitting the car. Officer Hadis left. Later that morning after learning that Sgt. Marcelonis had been the Sgt. in Charge, Chief Hassett spoke about the incident to Sgt. Marcelonis. He explained what he had been told by Officer Hadis. This was the first time Sgt. Marcelonis learned about the complaint. Chief Hassett ordered Sgt. Marcelonis to investigate the incident. (Testimony of Hadis, Hassett & Marcelonis.)

14. When Officer Hadis was working on March 20, 2013, Sgt. Marcelonis talked to him about the incident before Officer Hadis provided him with the report of the incident. During this meeting, Officer Hadis explained the events surrounding the traffic stop, acknowledged hitting the car but only with his gloved hand. He showed Sgt. Marcelonis the photos of the denting on the car denying he could have caused such damage. He told Sgt. Marcelonis he first learned of the complaint via a chat line with the dispatcher who received the complaint. Officer Hadis explained that all this occurred near the end of his shift. Officer Hadis told Sgt. Marcelonis he responded to the dispatcher's inquiry whether either he or Officer Picard caused the damage by

explaining he just "tapped" the car. Sgt. Marcelonis asked him why he had not informed him about this complaint. Officer Hadis said he learned of the complaint toward the close of the shift with the shift change happening and with no chance to reach him. Sgt. Marcelonis ordered him to complete his written report. Officer Hadis did this and Sgt. Marcelonis read it later that day. The report was not signed until later. (Testimony of Marcelonis & Hadis.)

15. In his report Officer Hadis explained that he was on a foot patrol with Officer Picard in the Oxford Center area when he saw a car make an illegal turn out of a parking lot despite warning signs not to, and that the car next stopped at a traffic light. He wrote that he approached the car and saw a female passenger look at him so he made a motion to her that the car should remain stopped. As Officer Hadis was near the rear of the car, he wrote that the driver began to move with the green light so he used his left hand and "tapped the rear right fender of the vehicle" using only his "black patrol gloves." He wrote that the car stopped, and that he next addressed the traffic violation with the driver who "was released with a verbal warning." Officer Hadis wrote that the next day he met with the mother of the driver who claimed "that there was now a blemish on the vehicle which she believed was caused by my actions." Officer Hadis wrote that he "viewed the vehicle" with the mother and her husband and saw "damage ... on top of the rear right fender ... a dent with missing paint ... secondary indent next to the tail light housing ... also observed ... [and was] the initial discovery of this smaller indent." He wrote that the "area of damage was not consistent with where I came into contact with the vehicle, which was much lower." He opined in his report that the mother assumed "I had thrown an object or struck the vehicle with an inanimate object," but also acknowledged "that she was not certain if this damaged (sic) was actually caused by my actions but assumed so since she does not believe this had been there before." Officer Hadis ended his report by noting he had taken

photos of the car "including the damage and informed Ms. [REDACTED] that I would forward the information to the Chief of Police." He wrote nothing else about the course of events involving this incident. (Ex. 6.)

16. Sgt. Marcelonis began his investigation on March 20, 2013 when he interviewed both Officer Hadis and Officer Picard. Officer Hadis told him his account about how he just tapped the car with his glove on, and that he only learned from the dispatcher of the complaint of the denting toward the end of his shift. Once back at the Police Station, Officer Hadis explained that the dispatcher gave him "a piece of paper with the name [REDACTED] and a phone number," and that he called her "and invited her into the station the following day." Sgt. Marcelonis asked Officer Hadis why he had not told him about the call, and Officer Hadis told him because Mrs. [REDACTED] wanted "to speak with the officer himself." Sgt. Marcelonis asked him if he had seen damage on the car during the stop and he said no. He explained that he could not have caused the damage to the car because "he was running after the vehicle and had to back hand the side of the vehicle." He showed the photos he took of "two (2) dents and chipped paint ... [and a] lower dent." Sgt. Marcelonis explained why he thought the photos showed damage caused by a hit with a flashlight, but Officer Hadis again stated he had nothing in his hand. Sgt. Marcelonis asked Officer Hadis if he had recorded in the lobby area his talk with Mrs. [REDACTED] on Saturday, and Officer Hadis said no. (Ex. 5.)

17. At some point in the midst of his investigation, Sgt. Marcelonis spoke with Chief Hassett about the report Officer Hadis produced, pointing out that he had left out key facts in his report, including how he came to view the car on the Saturday following the incident. Chief Hassett had Sgt. Marcelonis order Officer Hadis to revise his report with the full story, but only the one report was produced by Officer Hadis. (Ex. 6. Testimony of Marcelonis, Hassett &

Hadis.)

18. Officer Picard wrote a report on March 21, 2013. He noted being on a foot patrol with Officer Hadis on March 15, 2013 when he saw Officer Hadis "start to yell at a vehicle pulling out of the parking lot making an illegal turn," and that "Officer Hadis finally caught up to the vehicle still yelling for the driver to stop." Officer Picard wrote that "Officer Hadis hit the back of the vehicle with his hand and the vehicle pulled to the side of the roadway." He wrote that the driver received a verbal warning. (Ex. 7. Testimony of Marcelonis & Picard.)

19. When Sgt. Marcelonis interviewed Officer Picard he learned that Officer Picard was aware that the parents of the driver had come to the Police Station the next day. Officer Picard told Sgt. Marcelonis that he "heard a very loud bang and witnessed Officer Hadis striking the quarter panel of the vehicle," but only saw his hand hit the car. He reported seeing "a dent and chipped paint," but "did not know if the damage was there previously." He told Sgt. Marcelonis that he first learned about the complaint at the end of his shift on March 15, 2013 when Officer Hadis told him the car's owner had made the complaint about the dents. (Ex. 5.)

20. Sgt. Marcelonis conducted an interview on March 21, 2013 with [REDACTED] the husband of [REDACTED]. Mr. [REDACTED] explained that he came to the Police Station with his wife and son [REDACTED] the day following the incident. He noted that his wife had called the Police Station the night of the incident to complain about the dents in the car, and that she had received a call back the same night from an officer. He noted that the officer asked his wife to come to the Police Station with the car the next day to meet with him and that this happened. Mr. [REDACTED] explained that he told the officer that the damage was not done by just a hand hitting the car but with a flashlight the officer involved was carrying since the dent was so great. Mr. [REDACTED] explained that his son mentioned seeing the officer having a flashlight in his hand during the

traffic stop. He told Sgt. Marcelonis that he and his son park their cars next to each other in the driveway and that he walks by his son's car each day and never saw the damage before the incident. He noted how he and his son about four days before the incident had put new wheel covers on the car with no dents existing then. Sgt. Marcelonis informed Mr. [REDACTED] that Officer Hadis was the officer who had made the traffic stop and hit the car. Mr. [REDACTED] responded that this would explain why his son was very nervous at the Saturday meeting and did not say anything. Mr. [REDACTED] felt Officer Hadis had not been truthful with them and that he should have told them he had hit the car. He was upset about Officer Hadis's conduct with his family, including passing himself off as a supervisor. Sgt. Marcelonis told Mr. [REDACTED] he would be following up on this matter. (Ex. 5.)

21. Later that same day, Sgt. Marcelonis interviewed both Mrs. [REDACTED] and [REDACTED]. They understood they were being recorded. He informed them that he had spoken to Chief Hassett who assigned him to do an investigation. [REDACTED] explained that he and his friend and passenger, [REDACTED] had just left a donut shop when he drove out of the parking lot. He acknowledged making the left turn but did not see any police officers in the area when he did this. He was then going to turn right at an intersection. As he began to turn, he recounted how he heard a sudden loud pop sound and thought he hit the curb and blew a tire. He then saw a police officer approaching him and he stopped the car. He told Sgt. Marcelonis that he saw the officer with a flashlight in his hand when he told him in a loud voice, didn't you see me. The officer asked for his license and registration. He was told he was being stopped stopped for an illegal left turn. He explained to Sgt. Marcelonis that he saw the officer stand behind the car in the area where the car was struck, and that a short time later he was given a verbal warning. After that, [REDACTED] explained that he and his friend went to his home and saw two dents in the

back of the car. He felt the officer had caused the dents. He told his mother what had happened.

██████ told Sgt. Marcelonis that he came to the Police Station the next day with his parents.

When Sgt. Marcelonis asked him if he could recognize the officer who made the traffic stop, he said yes. (Ex. 5.)

22. Sgt. Marcelonis next interviewed ██████. She reported viewing the two dents after what her son told her, and that she immediately called the Oxford Police to complain that the officer who made the traffic stop struck the car causing significant denting. Sgt. Marcelonis inquired if she asked to speak to a supervisor, and she said she did not feel she needed to make that request. She reported that she later spoke to an officer, and that she again relayed her complaint. She said he told her he would speak to the officer involved and get back to her. She noted that he found her version of the traffic stop and the officer's matched other than the allegation about what caused the denting to the car; that the officer just tapped the car with his hand. She acknowledged setting up a meeting the next day at the Police Station with him to show him the denting and that he took photographs of the dents. She explained that during the next day's meeting the officer did not seem much interested in ██████ side of the story. Sgt. Marcelonis informed Mrs. ██████ that the officer she spoke to and met with was the officer who made the traffic stop. She became upset. She told Sgt. Marcelonis that the officer was disrespectful and his lying was not appreciated. She was told by Sgt. Marcelonis that he would follow-up about the complaint. He asked ██████ and Mrs. ██████ to do written reports. (Ex. 5. Testimony of Marcelonis.)

23. On March 22, 2013, Sgt. Marcelonis spoke to Chief Hassett on the progress of his investigation. He told Chief Hassett that he was going to investigate the log of the traffic stop and the two calls involving Mrs. ██████ the night of the incident. He also wanted to investigate

the chat line messages. Sgt. Marcelonis learned that during the chat line with the Dispatcher, Officer Hadis said he "tapped" the car. He learned that [REDACTED] had first called with her complaint at 21:56 hours and spoken to Dispatcher Mastromatteo. He learned that Dispatcher Mastromatteo told her he would relate her complaint to the Officer in Charge. Sgt. Marcelonis listened to the telephone call Officer Hadis made to Mrs. [REDACTED] that night at 22:06 hours. He heard Officer Hadis give his name and tell her that the officer's account about hitting the car with just his hand was where the accounts differed. He heard Officer Hadis and Mrs. [REDACTED] set up a meeting at the Police Station for the next day. It was clear to Sgt. Marcelonis that Mrs. [REDACTED] did not understand that she was talking to the officer involved in the traffic stop. (Ex. 5, 12, 14 & 15. Testimony of Marcelonis & Hassett.)

24. After listening to these audios, Sgt. Marcelonis spoke by telephone to Dispatcher Mastromatteo. By now, Sgt. Marcelonis had a written statement made by Dispatcher Mastromatteo who acknowledged having received the call from [REDACTED] about damage done to her son's car. He told Sgt. Marcelonis that after receiving the call he wrote down the woman's name and telephone number and gave that note to Officer Hadis when he came to the Dispatch Area that night. He acknowledged learning from the chat line that Officer Hadis was the officer involved. Dispatcher Mastromatteo told Sgt. Marcelonis that he told Officer Hadis about telling Mrs. [REDACTED] that he would inform the Officer in Charge about her complaint. He said Officer Hadis responded that he would call her back. (Exs. 5 & 11. Testimony of Marcelonis & Mastromatteo.)

25. Sgt. Marcelonis checked the telephone records for March 15, 2013 toward the end of the 3:00 PM to 11:00 PM shift, and discovered that he had been using the telephone at the time Officer Hadis had called Mrs. [REDACTED]. At no time that night did he receive any information that

there was any complaint regarding Officer Hadis's conduct that night. Sgt. Marcelonis talked to Sgt. Green who told him he also had never been notified about the complaint by anyone. (Ex. 5. Testimony of Marcelonis.)

26. Both Mrs. [REDACTED] and [REDACTED] produced written statements on March 24, 2013. [REDACTED] report mirrored the information he gave to Sgt. Marcelonis at the interview. [REDACTED]'s written statement also mirrored what she had said to Sgt. Marcelonis at her interview. She wrote that she feels "there is dishonesty all over this officer and we would just like him to admit his wrongdoing and we would like our vehicle fixed." (Exs. 5, 8 & 10.)

27. Sgt. Marcelonis interviewed [REDACTED] on March 26, 2013 at the Police Station. She brought a written statement. She understood that her interview was being recorded. She gave a course of events that mirrored the account provided by [REDACTED]. She said she had not seen the officer hit the car, but when he reached [REDACTED] he had a flashlight in his hand and was flashing it in their eyes. She described it being about six inches long. (Exs. 5 & 9.)

29. Sgt. Marcelonis handed in his investigation report and written statements to Chief Hassett on March 28, 2013. Chief Hassett also listened to the audio CDs of the telephone call Mrs. [REDACTED] made to the Police Station as well as Officer Hadis's call to her later that same night. By now he knew about the dispatcher's chat line exchange with Officer Hadis who admitted he had been the officer who hit the car. He knew by now that both Sgt. Marcelonis and Sgt. Green had made it clear to him that they had not known about Officer Hadis's conduct following the traffic stop. (Ex. 5, 6, 7, 8, 9, 10, 11, 12, 14 & 15. Testimony of Hassett & Marcelonis.)

30. Thereafter, Chief Hassett set up a meeting in his office with Officer Hadis and Sgt. Marcelonis for April 1, 2013. At this meeting he told Officer Hadis that he needed the truth. When confronted with the information that he had not told the [REDACTED] he was the officer who

struck the car, Officer Hadis admitted this and shrugged his shoulders and explained that he did not mean to be deceitful, and since he did not think [REDACTED] had recognized him at the Saturday meeting, he did not tell the [REDACTED] he was that officer; that to do so would have triggered an argument. Chief Hassett told him he should have given him a full account of the course of events on March 18, 2013 to include his call to Mrs. [REDACTED] and setting up the meeting the next day with the [REDACTED]. Officer Hadis acknowledged that the sticky note with [REDACTED]'s name and telephone number was not meant for him but was for Sgt. Marcelonis to receive as the Officer in Charge. He stated at the meeting that he had informed Sgt. Marcelonis about the incident, but when Sgt. Marcelonis disputed that, he said it must have been Sgt. Green he told. Officer Hadis was very nervous at this meeting. At this point Chief Hassett felt that Officer Hadis was continuing not to be forthcoming with information concerning his conduct after the traffic stop. Chief Hassett stopped the meeting saying he had heard enough and was placing Officer Hadis on administrative leave with pay. Officer Hadis pleaded with him not to do that and that he would accept a suspension. Chief Hassett did not change his mind and Officer Hadis was put on administrative leave. He did not place him on administrative leave because he felt Officer Hadis dented the [REDACTED]'s car, but due to his failing to be trustworthy and truthful, and due to his improper conduct following the traffic stop. He did not feel the underlying matter of the car's dents was a big deal and was an insurance matter. (Testimony of Hassett, Marcelonis & Hadis.)

31. By letter of contemplated action of May 6, 2013, Officer Hadis was notified that a hearing was scheduled to consider his termination for conduct unbecoming in violation of Rule 4.2 and for lack of truthfulness in violation of Rule 6.9, both in the Rules and Regulations of the Oxford Police Department. The letter explained: he "misrepresented" himself to the [REDACTED] as

not being the officer involved in the incident connected with the car stop on March 15, 2013; he took a message intended for the Officer in Charge of his shift and called the citizen who had just lodged a complaint against him; he did not reveal in this call that he was the officer the complaint was made against, but misled the complainant to believe he was the person with whom to discuss her complaint; and, he set up a meeting with the complainant for the next day where he continued not to reveal his identity as the officer involved even in the presence of the complainant's son who was the driver during the incident. He was also charged with further violations of these same Rules: by asserting during the investigation of the incident that he had told Sgt. Green or Sgt. Marcelonis about his conduct when he had not; for telling Chief Hassett only very general information about the complaint on March 18, 2013; and, for not timely doing what the Chief ordered him to do of informing the Officer in Charge of the March 15, 2013 shift about the complaint. (Ex. 1.)

32. Rule 4.2 of the Rules and Regulations of the Oxford Police Department states in pertinent part:

Officers may be disciplined for conduct which is not otherwise prohibited by law or by these rules where that conduct falls into the category of conduct unbecoming an officer ... [and] shall include that which tends to indicate that the officer is unable or unfit to continue as a member of the department, or tends to impair the operation, morale, integrity, reputation or effectiveness of the department or its members.

(Ex. 4.) Rule 6.9 states:

Officers shall speak the truth at all times. In cases in which an officer is not allowed by the regulations of the Department to divulge facts within his knowledge, he will decline to speak on the subject.

(Ex. 4.)

33. Officer Hadis had a prior disciplinary record.

a) Under a prior Police Chief, Michael J. Boss, Officer Hadis received 40 hours of

punishment duty on September 8, 2008 for purchasing "a CEMLEC Patch without prior authoritative permission of... [the Chief] or approval of the CEMLEC organization." Chief Boss had asked for a report from Officer Hadis to explain his conduct. Chief Boss found the report "severely lacking" to the extent that Chief Boss asked Officer Hadis "if it was his intent to deceive his sergeant and ... [the Chief] as to his actions ... in obtaining the CEMLEC patch." Officer Hadis denied a wrongful intent and this was found to be true, but Chief Boss found he had been misleading in obtaining the patch by representing he was already a member which was false and a violation of Rule 6.9 of the Oxford Police Rules and Regulations. (Ex. 13.)

b) Officer Hadis received a written warning from Chief Boss in March 2010 "for not following the directive ... [the Chief] and Sergeant Saad gave ... concerning ... [his] duties on Monday March 08, 2010." Officer Hadis was on light duty following a car accident and was assigned "to sit in an unmarked car in civilian clothes and monitor the center area." He was not to get directly "involved with anything and that if something needed to be done ... to merely call for a cruiser to handle it." Instead, Officer Hadis was found to have taken a "marked cruiser without first notifying the shift supervisor, Sgt. Saad," and that he "made a motor vehicle stop for a minor infraction in civilian clothes ... in direct opposition to what ... [he] had been previously told." (Ex. 13.)

c) On November 20 2012, Officer Hadis received a verbal warning from Sgt. Jeromy T. Grniet, for violating Rule 7.6, Insubordination, of the Rules and Regulations of the Oxford Police Department. That Rule states:

Officers shall not be insubordinate. Insubordination shall include: any failure or deliberate refusal to obey a lawful order (written or oral) given by a Superior Officer or relayed from a superior officer by another officer (regardless of rank) or a dispatcher or as otherwise specified above.

(Ex. 4.) Sgt. Grniet had met with Officers Picard and Hadis about the details of a call both of them were to answer, making it clear to Officer Hadis that he was to assist Officer Picard on the call. Officer Hadis did not go on the call with Officer Picard and told Sgt. Grniet that he had not been told by Officer Picard when he was leaving for the call. Officer Picard denied not telling him, and Sgt. Grniet believed him. Officer Picard made service on the call alone which Sgt. Grniet found to be "an officer safety issue." Sgt. Grniet informed Chief Hassett of this verbal warning through a memorandum with background concerning the incident. (Ex.13.)

d) On February 11, 2013, Sgt. Green produced a four page memorandum for Chief Hassett concerning Officer Hadis's conduct at a fitness gym when Officer Hadis was in uniform and engaged in an argument with a woman who may have been his girlfriend. The gym's owner made a complaint about his conduct. Sgt. Green investigated the incident. He spoke to a person who had witnessed Officer Hadis's conduct, and who had taken photographs and video of Officer Hadis. He had seen Officer Hadis leave the gym in a police cruiser. He told Sgt. Green Officer Hadis gave him the finger as he left in the cruiser because he was taking video and photos of him. The person told Sgt. Green that Officer Hadis warned him that he had to stop doing this recording or he would "pull him over on the street." He told Sgt. Green that when Officer Hadis entered the cruiser that he "turned on the spotlight and shined it in his face (see video) and at one point he saw Officer Hadis run his license plate." He told Sgt. Green that Officer Hadis left the gym "parking lot at a high rate of speed." He told Sgt. Green that later, he was driving in Oxford when he passed Officer Hadis in his cruiser parked on the side of the road, and that Officer Hadis followed him with a spotlight for awhile. He then saw Officer Hadis smile at him and drive off which this person videotaped. This person was able to provide the photos and video to Sgt. Green. The photos were stamped with the date of August 31, 2011

when the Police Department logs showed Officer Hadis was on duty. As a result of Sgt. Green's memorandum to Chief Hassett, Officer Hadis received a written reprimand for violation of Rule 4.2, Conduct Unbecoming an Officer. (Ex. 13.)

34. By letter of May 15, 2013, the Oxford Board of Selectmen terminated Officer Hadis based on the May 14, 2013 hearing on the charges in the letter of contemplated action. (Ex. 2.)

35. Officer Hadis filed a timely appeal of his termination with the Civil Service Commission on May 22, 2013. He sought a G. L. c. 31, § 43 hearing. (Ex. 3.)

Conclusion and Recommendation

The Town of Oxford must satisfy a preponderance of the evidence standard to show just cause for discharging the Appellant. *Gloucester v. Civil Service Commission*, 408 Mass. 292 (1990). Just cause is found when an employee has engaged in "substantial misconduct which adversely affects the public interest by impairing the efficiency of public service." *School Committee of Brockton v. Civil Service Commission*, 43 Mass. App. Ct. 486, 488 (1997). See *Murray v. 2nd District Court of Eastern Middlesex*, 389 Mass. 508, 514 (1983). On appeal, the Civil Service Commission determines whether or not the Town of Oxford had a reasonable justification for the action it took. *City of Cambridge v. Civil Service Commission*, 43 Mass. App. Ct. 300, 304 (1997). See *City of Leominster v. Stratton*, 58 Mass. App. Ct. 726, 728 (2003); *Police Department of Boston v. Collins*, 48 Mass. App. Ct. 411 (2000); *McIsaac v. Civil Service Commission*, 38 Mass. App. Ct. 473, 477 (1995); and, *Town of Watertown v. Arria*, 16 Mass. App. Ct. 331, 334 (1983). This means the Town of Oxford's action must be "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." *Cambridge v. Civil Service Commission*, 43 Mass. App. Ct. 300, 304 (1997), quoting *Wakefield v. 1st District Court of*

Eastern Middlesex, 262 Mass. 477, 482 (1928). In making this determination, the Civil Service Commission cannot simply substitute its decision for that of the Town of Oxford. *Cambridge v. Civil Service Commission*, 43 Mass. App. Ct at 304; *School Committee of Salem v. Civil Service Commission*, 348 Mass. 696, 699 (1965). “[T]he commission is not free to modify the penalty imposed by the town on the basis of essentially similar fact finding without an adequate explanation.” *Town of Falmouth v. Civil Service Commission*, 447 Mass. 814, 824 (2006), citing *Police Commissioner of Boston v. Civil Serv. Commission*, 39 Mass. App. Ct. 594, 600 (1996).

Analysis

I conclude there is sufficient proof to support a decision to discharge Officer Hadis for his conduct following a March 15, 2013 traffic stop. I conclude that the principles of progressive discipline have been followed to make termination reasonable, based on the prior discipline he received, including the nature of his conduct in those prior disciplines involving the same Rule and Regulation violations found in his conduct following the March 15, 2013 traffic stop. The course of Officer Hadis’s misconduct I found is not dissimilar from the determinations made by Chief Hassett that the Town of Oxford endorsed following a hearing.

The findings show that in his conduct after the traffic stop, Officer Hadis decided to address the issues he faced in a way that would help him and not in a way that was in compliance with the Police Department Rules and Regulations, or in compliance with the chain of command he was aware he had to follow. Given his ten plus years as an Oxford Police Officer and his prior discipline involving the same rule violations, he had ample notice that his conduct following the traffic stop was wrong, deceitful, and misleading. He knew he was not truthful or forthcoming with the full story of all he had done when he began to speak with his superiors about his conduct. His testimony that he was trying to do a preliminary investigation to assist his

superiors was far from credible in terms his motives for doing so.

I conclude, Officer Hadis's actions were guided by his self-interest and that he was not following proper rules of conduct as a police officer. He wanted to ensure that he could uncover all he could about the [REDACTED] and their car in terms of any prior dents it may have had before his traffic stop, because the area of the car he hit was also the area of the car containing dents and a scrape. To secure this information, he misrepresented himself to the [REDACTED] as not being the officer who had made the traffic stop. His conduct during his first encounter with Mrs. [REDACTED] over the telephone clearly had her feeling she was talking to some kind of investigating or superior officer and not to the police officer who made the traffic stop. As a result, she was quite forthcoming in providing information to him that she might not have wanted to provide had she known he was the officer who struck the car. He knew he was misleading her during this call. He tried to get her to change her mind that no object besides a hand was used in hitting the car. It was not proper for him to be engaging with her this way about a complaint concerning his own conduct.

Officer Hadis knew he was violating the chain of command when he took the sticky note from Dispatcher Mastromatteo and called Mrs. [REDACTED] about her complaint. He knew the initial information about the complaint was to go to the Officer in Charge of his shift, Sgt. Marcelonis. He never told Sgt. Marcelonis, not even via an email, why he had called Mrs. [REDACTED] that night. He engaged in a continuing violation of the chain of command the next day with the [REDACTED] when he viewed the car and the denting. He also continued to mislead the [REDACTED] by not telling them he was the officer who had struck the car and continuing to assert the dents may have pre-existed the incident.

Officer Hadis testified that he told Sgt. Green about the complaint, but I did not find him

credible. Whatever he may have said to Sgt. Green, he knew Sgt. Green had not understood there was a citizen's complaint against him from his last shift for causing damage to a car that Sgt. Marcelonis did not know about. By Officer Hadis's own account, Sgt. Green did not prompt any further discussion with him about the complaint. This, as Sgt. Green very credibly explained, is far from the way Sgt. Green would have reacted to receipt of such information being presented to a superior officer for the first time. I found Sgt. Green's testimony to be very believable, that Officer Hadis did not provide him with information showing there was a recent and until then unreported citizen's complaint against him, or that he had investigated the complaint himself.

Once the [REDACTED] learned Officer Hadis was the officer involved, they felt deceived and lied to by him, and rightly so. They had trusted he was an investigating officer authorized to talk to them, and were freely providing him with information. If Officer Hadis was really doing an investigation to help his superiors, including Chief Hassett, and not just looking out for his own interests, it makes no sense when he had the driver in front of him that he did not record a conversation about what the driver or his passenger may have seen.

When Officer Hadis began to report on the incident and the complaint, he was not forthcoming in presenting the course of events to Chief Hassett or to Sgt. Marcelonis. He intentionally kept the sticky note with [REDACTED]'s name and telephone number that he knew was meant for Sgt. Marcelonis so that he could engage with the [REDACTED] about their complaint without his superiors in the chain of command knowing what he was doing. He continued his misleading conduct by not revealing all he had done right away to Chief Hassett or to Sgt. Marcelonis or to Sgt. Green after his Saturday meeting with the [REDACTED]. This course of conduct clearly shows a lack of trustworthiness and truthfulness in his dealing with his superiors. At the

April 1, 2013 meeting, although I can believe Officer Hadis when he testified that he was very nervous, I also believe he continued to try to defend his wrongful conduct by not revealing the full story when he should have and by contending he had not engaged in any wrongdoing.

The investigation done by Sgt. Marcelonis was very thorough and done over enough days that Officer Hadis had the opportunity to reveal all he had done in terms of his conduct following the traffic stop including most importantly, not following the chain of command, not being forthcoming in addressing his conduct when questioned by his superiors, and being misleading and untruthful with the [REDACTED] Officer Hadis knew he should not be investigating his own conduct without authorization to do so. If he had followed a proper chain of command, this matter might have been all about the damage to the car and the cause of it. This would have been, as Chief Hassett felt, not a big deal and ultimately an insurance issue. Instead, Officer Hadis's misconduct caused the [REDACTED] and his superior officers difficulties and concerns they need not have faced.

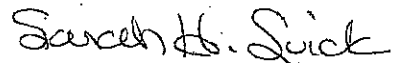
I conclude that the findings show that Officer Hadis violated the Rules and Regulations of the Oxford Police Department by engaging in conduct unbecoming a police officer and by being untruthful. (See, Ex. 4.)

In terms of the severity of the discipline imposed by the Town of Oxford of discharge, I conclude the findings also support that harsh level of discipline. The prior disciplinary record Officer Hadis had leading up to his conduct following the traffic stop shows a pattern of conduct where he did not follow the chain of command and made excuses for not doing so, was untruthful, and engaged in conduct unbecoming an officer. None of this prior discipline led to severe discipline although he did receive forty hours of punishment duty in 2008 for such conduct. Nevertheless, as Chief Hassett credibly testified, Officer Hadis never owned up to his

wrongful conduct and demonstrated very clearly by the time of his April 1, 2013 meeting that he had been intentionally deceitful, had intentionally engaged in misleading and wrongful conduct, and had shown himself not someone who can be trusted as an Oxford Police Officer.

For these reasons, I recommend that the Civil Service Commission affirm the action taken by the Town of Oxford to discharge the Appellant.

**DIVISION OF ADMINISTRATIVE
LAW APPEALS**



**Sarah H. Luick, Esq.
Administrative Magistrate**

Dated: **JAN 17 2014**