

COMMONWEALTH OF MASSACHUSETTS  
Division of Administrative Law Appeals

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N.S.,	:	DPPC-22-0536
<i>Appellant</i>	:	
	:	Dated: August 14, 2023
v.	:	
	:	
DISABLED PERSONS	:	
PROTECTION COMMISSION,	:	
<i>Respondent</i>	:	

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**ORDER ALLOWING MOTION TO DISMISS**

The Disabled Persons Protection Commission (“DPPC”) initiated an investigation and made a preliminary finding that the Appellant, N.S., committed “registrable abuse.” *See* G.L. c. 19C, § 15. A finding that someone committed “registrable abuse” is appealable to the Division of Administrative Law Appeals (“DALA”)—which the statute refers to as the “division.” G.L. c. 19C, § 15(a) & (c). N.S. timely appealed.

While the case was pending, DPPC decided that N.S. should not have to register, *i.e.*, he did not commit “registrable abuse,” and amended its petition. It found that N.S. met the exclusion criteria under G.L. c. 19C, § 15(c) and 118 Code of Mass. Regs. § 14.02(3). Now, the internal agency finding is that N.S. committed “abuse.” For purposes of this case, this amendment deprives DALA of jurisdiction. Findings of abuse are not appealable to DALA (or even to Superior Court). *Compare* 118 Code Mass. Regs. § 14.05(a) *with* § 14.05(b); *see Cobbinah v. DPPC*, No. 1976-CV-00151 (Berkshire Sup. Ct., Oct. 25, 2019); *City of Springfield v. DPPC*, No. 2012-00185 (Hampden Sup Ct., Mar. 26, 2015). Therefore, for the reasons stated in the Department’s memorandum, and expressed by me at the motion hearing, the motion to dismiss is **allowed**.

Additionally, because DPPC decisions which do *not* result in a finding of registrable abuse are confidential and exempt from public records requests, I am also ordering the present file be **impounded**. See 118 Code Mass. Regs. § 9.03(1).

SO ORDERED.

DIVISION OF ADMINISTRATIVE LAW APPEALS

*Eric Tennen*

Dated: August 14, 2023

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Eric Tennen  
Administrative Magistrate

Notice sent via e-mail to:

N.S., *Appellant*

Kristyn Kelly, Esq.  
Disabled Persons Protection Commission