

**COMMONWEALTH OF MASSACHUSETTS**

**CIVIL SERVICE COMMISSION**

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

SABRINA PEREZ-MARTINEZ,  
*Appellant*

v.

G1-22-173

CITY OF BROCKTON,  
*Respondent*

Appearance for Appellant:

Sabrina Perez-Martinez, *Pro Se*

Appearance for Respondent:

Allison M. Cogliano, Esq.  
Karen A. Fisher, Esq.  
City of Brockton Law Department  
45 School Street  
Brockton, MA 02301

Commissioner:

Angela C. McConney

**SUMMARY OF DECISION**

The Commission denied the Appellant's appeal as the City of Brockton had reasonable justification to bypass her for original appointment to the position of permanent full-time police officer due to an undisputed incident of domestic violence that resulted in the inability to obtain a license to carry (LTC) firearms, and due to her lack of candor on her LTC application.

**DECISION**

On December 27, 2022, the Appellant, Sabrina Perez-Martinez (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 Brockton (City or Respondent) to bypass her for original appointment to the position of permanent, full-time police officer with the Brockton Police Department (Department).

The Commission held a pre-hearing conference on January 31, 2023 via videoconference. On April 26, 2023, I conducted an in-person full evidentiary hearing at the offices of the Commission, located at 100 Cambridge Street, Boston, MA.<sup>1</sup> I recorded the hearing via the Webex platform, and a copy of the recording was provided to both parties via electronic mail.<sup>2</sup> The City submitted its post-hearing brief on June 21, 2023, whereupon the administrative record closed.<sup>3</sup>

## **FINDINGS OF FACT**

I marked the City’s Pre-hearing Memorandum as “A” for identification. I admitted three Appellant exhibits<sup>4</sup> and six Respondent exhibits into evidence. I admitted the January 27, 2023 Letter from Human Resources Division to the Civil Service Commission as Joint Exhibit 1 and the Appellant’s January 27, 2023 appeal to the Commission as Joint Exhibit 2.

Based on the documents submitted and the testimony of the following witnesses:

*Called by the Appellant:*

- Sabrina Perez-Martinez, Appellant

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<sup>1</sup> The Standard Adjudicatory Rules of Practice and Procedure, 801 C.M.R. § 1.01 (formal rules), apply to adjudications before the Commission with Chapter 31 or any Commission rules taking precedence.

<sup>2</sup> Should there be a judicial appeal of this decision, the plaintiff in the judicial appeal is obligated to supply the court with a transcript of this hearing to the extent that they wish to challenge the decision as unsupported by substantial evidence, arbitrary or capricious, or an abuse of discretion. In such cases, the plaintiff in the judicial appeal must transcribe the transcript from the Commission’s official recording.

<sup>3</sup> Despite repeated requests for extensions of time which were *allowed*, Ms. Perez-Martinez failed to submit a post-hearing brief.

<sup>4</sup> The Appellant exhibits were comprised of two employment references and one character reference from Ms. Perez-Martinez’s faith community.

- Carol<sup>5</sup>, Appellant's foster mother

*Called by the City:*

- Officer Derek Salomone, Brockton Police Department
- Officer Kathy DaSilva, Brockton Police Department

and taking administrative notice of all pleadings filed in the case, pertinent rules, statutes, regulations, case law and policies, and drawing reasonable inferences from the credible evidence,

I make the following findings of fact:

1. On June 29, 2021, Sabrina Perez-Martinez passed the Civil Service examination to become a police officer. (Testimony of Appellant)
2. On September 27, 2021, the Human Resources Division (HRD) issued Certification No. 08109 to fill 10 permanent, full-time police officer vacancies within the Department. (Respondent Pre-Hearing Conference Memorandum)
3. On March 14, 2022, the Department requested an increase in appointments from 10 to 14 permanent, full-time police officers. HRD approved the request to increase the number of appointments. (Respondent Exhibit 1)
4. Ms. Perez-Martinez's name appeared in a tie-group ranked 23<sup>rd</sup> on the certification. (Joint Exhibit 1)
5. On April 9, 2022, Ms. Perez-Martinez submitted her completed Recruit Officer Candidate Application Packet to the Department. (Respondent Exhibit 2)
6. Ms. Perez-Martinez has been in the Massachusetts National Guard for 7 ½ years and has had deployments of at least six months. She was a full-time water treatment specialist and was one rank away from being a sergeant. She has an emergency medical technician (EMT)

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<sup>5</sup> The Commission routinely uses pseudonyms or the first name only when the name of a private citizen testifying before the Commission is not relevant to the proceeding and/or would represent an unwarranted invasion of privacy.

license, first aid license and a CPR license. She has taken a basic firearms course. She has one year of college credits and has also attended community college. (Testimony of Appellant)

7. Ms. Perez-Martinez grew up in difficult family circumstances and became a foster child. According to her foster mother, Carol, Ms. Perez-Martinez confronted and overcame many challenges during her childhood. Carol's family cherished the Appellant and later adopted her. (Testimony of Carol)

8. Officer Derek Salamon now works in the Department's Crime Watch Command after serving four years as a background investigator. In that capacity, the Department assigned him to conduct Ms. Perez-Martinez's background investigation and to prepare a Background Investigation Report (Report). The background investigation included a review of the Appellant's educational history; work history; driving history; family members; personal and professional references; and law enforcement involvement, including any police reports and court records. Officer Salamone also examined and assessed in-house records, the candidate's honesty and truthfulness. (Respondent Exhibit 3; Testimony of Salamone)

9. Officer Salamone interviewed Ms. Perez-Martinez on April 9, 2022. (Respondent Exhibit 4; Testimony of Salamone)

10. After the interview, Officer Salamone walked Ms. Perez-Martinez out of the building. As they approached her car, Officer Salamone noticed that the inspection sticker had been expired for 16 months. Officer Salamone advised Ms. Perez-Martinez to have the vehicle inspected and to have a new inspection sticker issued as soon as possible. (Testimony of Salamone).

11. Officer Salamone continued his investigation by reviewing records provided by Ms. Perez-Martinez, examining her job history, conducting witness interviews and reviewing criminal records and driving history. (Testimony of Salamone)

12. Officer Salamone then scheduled a second interview for May 25, 2022 to further clarify Ms. Perez-Martinez's work history and criminal background. (Testimony of Salamone)

*Domestic violence incident*

13. Officer Salamone prepared the Report. While doing an in-house records search, he found a November 26, 2016 criminal complaint regarding a domestic violence incident between Ms. Perez-Martinez and her ex-boyfriend, a police officer in the Department. Officer Salamone included a copy of the police report and the court docket sheet in the Report. (Testimony of Salamone)

14. The complaint stated that Ms. Perez-Martinez had repeatedly called the ex-boyfriend on November 25 and 26, 2016 and that, on November 26, 2016, she showed up inebriated at his friend's house, blocked in his car so he could not leave, and struck the vehicle. The complaint went on to state that, when the ex-boyfriend later reached home, Ms. Perez-Martinez was waiting for him and that she got out of her vehicle, and proceeded to punch and slap him in the face and chest. She took his keys, and attempted to grab his phone so that he could not complete a call to the police. (Respondent Exhibit 3)

15. When the police officers arrived, they advised the ex-boyfriend of his right to a 209A order. He informed the police officers that he and Ms. Perez-Martinez dated for a year before breaking up the month before. (Respondent Exhibit 3)

16. The ex-boyfriend submitted an affidavit, and the court granted a temporary restraining order on November 28, 2016 with an expiration date of December 12, 2016.<sup>6</sup> Ms. Perez-Martinez was summonsed on charges of assault and battery on a family/household member (a misdemeanor) (G.L. c. 265, §13M(a)); malicious destruction of property (a misdemeanor) (G.L. c. 266, §127) and intimidation of a witness (a felony) (G.L. c. 268, §13B). (Respondent Exhibit 3)

17. Det. Salamone interviewed the ex-boyfriend, now a police officer in the Department. He said that Ms. Perez-Martinez had struck him, struck his motor vehicle and grabbed his phone so that he could not call for help. (Testimony of Salamone)

18. The Appellant was never properly served a copy of the temporary restraining order, and it expired on December 12, 2016. (Respondent Exhibit 3; Testimony of Salamone)

19. Ms. Perez-Martinez was arraigned on September 11, 2017, and all of the criminal charges were dismissed on December 19, 2017. (Respondent Exhibit 3)

20. In her April 9, 2022 interview with Det. Salamone, Ms. Perez-Martinez admitted that she was the aggressor in a November 28, 2016 domestic violence while she was under the influence of alcohol from drinking at her high school reunion. She said that the incident began at a Brockton police officer's house and progressed to the ex-boyfriend's home. She stated that she did not know that there was a warrant out for her arrest (related to this incident) until she tried to get employment as an Uber driver. (Respondent Exhibit 4; Testimony of Salamone)

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<sup>6</sup> Pursuant to G.L. c. 276, §56A, Ms. Perez-Martinez remains on the statewide domestic violence record keeping system.

21. Det. Salamone read from the November 2016 police report. Ms. Perez-Martinez admitted that her alcohol had diminished from daily use to drinking socially. (Respondent Exhibit 4)

22. Ms. Perez-Martinez testified that because the charges were dismissed, she did not think that they would appear in a Criminal Justice Information Services (CJIS) report or Board of Probation (BOP) record. (Testimony of Appellant)

23. Det. Salamone interviewed Ms. Perez-Martinez again on May 25, 2022. First, he confirmed that the National Guard was her only employment. (Respondent Exhibit 4)

24. Second, he brought up her delayed vehicle inspection, reminding her that her inspection had been outstanding for more than a year at the time of the April 9, 2022 interview. She received an inspection sticker in May 2022. She admitted work on the car included repairing a hole in the exhaust, new tires, brakes, rotors, sensor and tire rods. (Respondent Exhibit 4)

25. Third, Det. Salamone also brought up a domestic dispute in Milton. Ms. Perez-Martinez said that it took place at a park in Milton, and that bystanders had called the police. By the time the police arrived, the altercation was over, but the police wanted the parties separated. The police drove Ms. Perez-Martinez to the nearest T station. (Respondent Exhibit 4)

26. Fourth, Det. Salamone brought up Ms. Perez-Martinez' LTC denial. She stated that she did not realize that she was being dishonest in response to Questions 4 and 10. She thought that dismissed cases did not appear on her record, and that her record was sealed. She stated that she learned this from her public defender. The detective let her know that the dismissed charges were on her record. (Respondent Exhibit 4)

27. When the detective reminded her that she could have appealed the denial to district court, Ms. Perez-Martinez stated that she could not afford the filing fee. (Testimony of Appellant, Testimony of Salamone)

28. Ms. Perez-Martinez stated that not was she was not served with the restraining order, her ex-boyfriend never told her that he filed for one, and that they continued to see each other. (Respondent Exhibit 4)

29. Det. Salamone let her know that he was more concerned with her response to Question #4 because whether or not she was served with the restraining order, she had been to court on more than one occasion. (Respondent Exhibit 4)

30. Sixth, Det. Salamone reviewed the ex-boyfriend's two-page affidavit with Ms. Perez-Martinez, seeking her assent on whether the statements were true. She said that if she had struck the ex-boyfriend's car bumper, it would have been an accident. After the detective reviewed each allegation, Ms. Perez-Martinez admitted that the rest of the ex-boyfriend's allegations happened as described in the affidavit. Det. Salamone then handed her the document to review. (Respondent Exhibit 4)

31. Ms. Perez-Martinez then gave her account of the events. She stated that the parties were still in a relationship, when she discovered a Tinder application and messages on his phone. She went to their mutual friend's home because she knew the ex-boyfriend would be there. She struck his car by accident. He then got into a car, they drove around the block. She agreed to return him to his car before meeting him at his house later to discuss the matter. When the ex-boyfriend arrived at his home, he had brought two friends with him. She grabbed the ex-boyfriend's keys when he tried to leave. A friend advised him to call the police. Ms. Perez-Martinez admitted that she hit him when he tried to get his keys back. She admitted that she



grabbed his phone so that he would not call the police, because she was afraid of arrest due to being under the influence. Det. Salamone advised that her conduct amounted to witness intimidation. When Ms. Perez-Martinez admitted to driving away from the scene, the detective asked her if she was admitting to operating while intoxicated, and she said yes. (Respondent Exhibit 4)

32. Det. Salamone let Ms. Perez-Martinez know that he had interviewed the police officer witness, who corroborated the police report and affidavit. (Respondent Exhibit 4)

33. Det. Salamonen let Ms. Perez-Martinez know that he was concerned that she was an aggressor in a domestic violence situation, had lied on a police application, had been denied a LTC. He further informed her that he had spoken to the firearms licensing officer, and that she had indicated that she would deny the LTC again. (Respondent Exhibit 4)

34. Ms. Perez-Martinez said that the domestic violence incident took place a long time ago, she had matured since then and was not the same person. She said that she was ready to be in the position of police officer. (Respondent Exhibit 4)

#### *Denial of license to carry application*

35. On November 22, 2019, Ms. Perez-Martinez applied for a Resident Class A license to carry (LTC) with the Department. She was denied the LTC because she allegedly answered the following two questions in the LTC application untruthfully. She answered in the negative to:

Question #4 – Have you ever been arrested or appeared in any court as a defendant for any criminal offense?

Question #10 – Are you now, or have you ever been the subject of a restraining order issued pursuant to MGL c. 209A, or a similar order issued by another jurisdiction?<sup>7</sup>

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<sup>7</sup> The Appellant testified that, although she appeared in court, she answered “no” to Question 4 because the charges emanating from the November 2016 domestic violence incident

(Respondent Exhibit 3; Testimony of Salamone)

36. Kathy DaSilva has worked for the Department for 24 years. As the firearms licensing officer, she processes 85 to 100 applications monthly. She pulls records, reports, fingerprint documents, and conducts background checks. (Testimony of DaSilva)

37. When Officer Salamone asked Ms. DaSilva to review Ms. Perez-Martinez's LTC application and information, she disclosed that she would deny the Appellant due to the 2016 events – including the restraining order and her conduct behind the wheel. Ms. DaSilva was concerned that Ms. Perez-Martinez's reported anger rendered her unsuitable for a LTC. (Testimony of DaSilva)

38. During the April 9, 2022 interview, Det. Salamone reviewed the denied LTC application with Ms. Perez-Martinez. He explained that her "No" response to Question #4 was viewed as untruthful because she had appeared in court; and that her "No" response to Question # 10 was viewed as incorrect because she had been the subject of a restraining order. When Ms. Perez-Martinez said that the restraining order had been dismissed, Det. Salamone explained that dismissed charges remained on her record. (Respondent Exhibit 4)

39. Officer Salamone informed Ms. Perez-Martinez that she could reapply for a LTC and, if denied, appeal to district court within the 90-day appeal period. (Testimony of Salamone)

*Poor work history*

40. Officer Salamone noted that Ms. Perez-Martinez had not worked for over a year and a half, and that she received her last job through the Mass Hire Career Center in Brockton.

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had been dismissed. She testified that she answered "no" to Question 10 because she had never been served with the restraining order.

She worked as a Customer Relations Specialist from May 2019 to December 2020. (Respondent Exhibit 5; Testimony of Salamone)

41. Ms. Perez-Martinez informed Officer Salamone that she was “let go” partly due to Covid and the fact that her work ethic had declined. She testified that her checkered work history was also due to military commitments and being the sole caregiver for her child. (Respondent Exhibit 4; Testimony of Appellant)

*Failure to follow instructions*

42. Officer Salamone continued to check Ms. Perez-Martinez’s vehicle inspection status after her first interview on April 9, 2022. (Respondent Exhibit 5; Testimony of Salamone)

43. She received a rejection sticker on May 18, 2022, and a passing sticker on May 19, 2022. (Respondent Exhibit 5)

44. Officer Salamone found Ms. Perez-Martinez’s failure to have her car inspected concerning because police officers routinely issue tickets for equipment violations. (Testimony of Salamone)

45. The inspection violation was due to financial hardship. Ms. Perez-Martinez spent at least \$1,000 in repairs, hoping to repair and later sell the vehicle. There were issues with the sensors, brakes, rotors, tires, tie rod ends and a hole in the exhaust. The vehicle was later recalled by the manufacturer, and Ms. Perez-Martinez received a small settlement from the Office of the Attorney General. (Testimony of Appellant, Testimony of Salamone)

*Failure to be forthcoming with information*

46. At the second interview on May 25, 2022, Officer Salamone learned that Ms. Perez-Martinez had moved at least five and a half weeks before. She acknowledged that she knowingly failed to update the Department with any address change but did so because she

thought the new address was temporary and due to financial difficulties. (Respondent Exhibit 5; Testimony of Salamone)

47. On August 4, 2022, Officer Salamone submitted his Report to Cpt. Christopher Lafrance. The Report included Ms. Perez-Martinez's social media handle names; driving history; family interviews; interview with significant other; educational history; work history including, employer interviews; law enforcement involvement, including the police report, restraining order and court docket sheet from the November 2016 domestic violence incident and a July 10, 2018 police report documenting Ms. Perez-Martinez as the victim in a domestic violence incident. (Respondent Exhibit 5)

48. Officer Salamone recommended bypass and cited five reasons: (1) domestic violence; (2) false information on the LTC application; (3) poor work history; (4) failure to follow directions; and (5) failure to be forthcoming with information. Officer Salamone concluded that Ms. Perez-Martinez was not a suitable candidate to become a police officer because she had shown a propensity in the past for aggression and violence, she admitted to being under the influence and driving, she had incorrectly filled out her LTC application, she had driven an uninspected vehicle for over a year and waited another 39 days to get it inspected, and she had delayed informing Officer Salamone of a change of address for over five weeks during the interview process. (Respondent Exhibit 5)

49. Officer Salamone stated in the Report that Ms. Perez-Martinez:

... shows a lack of preparation, understanding, truthfulness, and not following directions. This behavior started with her domestic violence incident and has continued to this day with her lack of attention to directions and details in answering questions. Her past aggressive behavior and being under the influence of alcohol and driving are worrisome. Police officers are held to a higher standard. With her current behavior, untruthfulness, and unwillingness to do what is asked of her, I don't feel she can uphold that standard.

(Respondent Exhibit 5)

50. On January 27, 2023, Ms. Perez-Martinez filed a timely appeal. (Joint Exhibit 2)

51. The Appellant's mother has pointed out that Ms. Perez-Martinez has undergone tremendous personal growth since the 2016 domestic violence incident, was very passionate about her community, and was well on her way to becoming a sergeant in the National Guard.

(Testimony of C)

### ***Applicable Law***

The core mission of Massachusetts civil service law is to enforce “basic merit principles” for “recruiting, selecting and advancing of employees on the basis of their relative ability, knowledge and skills” and “assuring that all employees are protected against coercion for political purposes, and are protected from arbitrary and capricious actions.” G.L. c. 31, § 1. See, e.g., *Massachusetts Ass’n of Minority Law Enforcement Officers v. Abban*, 434 Mass. 256, 259 (2001); *MacHenry v. Civil Serv. Comm’n*, 40 Mass. App. Ct. 632, 635 (1995), rev. den., 423 Mass. 1106 (1996). See also *Brookline v. Alston*, 487 Mass. 278 (2021) (analyzing broad scope of the Commission’s jurisdiction to enforce basic merit principles under civil service law). Original appointments of civil service employees are made from a list of candidates, called a “certification”, whose names are drawn in the order in which they appear on the applicable civil service “eligible list”, using what is called the 2n+1 formula. G. L. c. 31, §§ 6 through 11, 16 through 27; Personnel Administration Rules, PAR.09.

The Commission’s role is to determine whether the appointing authority has shown, by a preponderance of the evidence, that it has “reasonable justification” for the bypass after an “impartial and reasonably thorough review” of the relevant background and qualifications bearing on the candidate’s present fitness to perform the duties of the position. *Boston Police*

*Dep't v. Civil Serv. Comm'n*, 483 Mass. 461, 474-78 (2019); *Police Dep't of Boston v. Kavaleski*, 463 Mass. 680, 688-89 (2012); *Beverly v. Civil Serv. Comm'n*, 78 Mass. App. Ct. 182, 187 (2010); *Leominster v. Stratton*, 58 Mass. App. Ct. 726, 727-28 (2003).

Public safety officers are vested with considerable power and discretion and must be held to a high standard of conduct. *See, e.g., Falmouth v. Civil Serv. Comm'n*, 61 Mass. App. Ct. 796, 801 (2004), citing *Cambridge v. Civil Serv. Comm'n*, 43 Mass. App. Ct. 300, 303-305, rev. den., 10 428 Mass. 1102 (1997); *Police Comm'r v. Civil Serv. Comm'n*, 22 Mass. App. Ct. 364, 371, rev. den. 398 Mass. 1103 (1986).

### ***Analysis***

By a preponderance of the evidence, I find that the City had reasonable justification to bypass Ms. Perez-Martinez.

Officer Salamone's investigation was reasonably thorough and detailed, and he provided Ms. Perez-Martinez with multiple opportunities to provide information and explain her statements on the application. I find that he conducted a fair investigation. I now examine whether the five reasons cited by the City justified their decision.

First, Ms. Perez-Martinez was the defendant in a temporary restraining order (TRO), and summonsed to court after a November 2016 domestic violence incident. The TRO plaintiff was a Department police officer. On September 11, 2017, Ms. Perez-Martinez was arraigned on charges of assault and battery on a family/household member (a misdemeanor) (G.L. c. 265, §13M(a)); malicious destruction of property (a misdemeanor) (G.L. c. 266, §127) and the intimidation of a witness (a felony) (G.L. c. 268, §13B). While the charges were dismissed on December 19, 2017, the underlying undisputed actions remain.

I find that the November 2016 incident of domestic violence on its own was enough for

disqualification for appointment to the position of permanent full-time police officer.

In addition, this incident had the twin effect of (1) garnering her a place on the statewide domestic violence record keeping system; and (2) providing a disqualification for a license to carry, a prerequisite for the position of police officer.

Massachusetts courts have long recognized that the chiefs of law enforcement agencies enjoy “discretion to establish generally applicable, job-related criteria for employment” and that there are “[l]egitimate purposes for [a] policy” that “require[s] all members of the department to be licensed [to carry firearms].” *Wheeler v. Town of Franklin*, Norfolk Sup. Ct., C.A. No. 2001-02034 (February 14, 2003) (Fabricant, J.) (2003 WL 1114057) (“Requiring that all [police officers] be licensed . . . effectively adopts the legislatively enacted criteria for the grant of permission to carry[.]”); *see also City of Boston v. Boston Patrolmen’s Association Inc.*, 8 Mass. App. Ct. 220, 226 (1979) (acknowledging the “right to promulgate department rules” relating to “the subject of firearms”); *Cox v. New England Tel. & Tel. Co.*, 414 Mass. 375, 388 n.4 (1993) (... the ability to shoot a gun is essential to employment as a police officer.”)

While the Department denied Ms. Perez-Martinez’s November 22, 2019 LTC application, it is not the final arbiter on the issue. Ms. Perez-Martinez may apply again and appeal any denial to the district court within the 90-day window. G.L. c. 140, § 131 (f).

Second, I find that Ms. Perez-Martinez supplied incorrect information on her November 2019 license to carry application with the Department. While she may have been unaware of the restraining order because she had not been served with a copy, thus possibly rendering her answer to Question 10 not untruthful, she had definitely made court appearances when she responded to Question 4. She appeared for arraignment on September 11, 2016, and again when her charges were dismissed on December 19, 2017.

An appointing authority relies heavily on the information candidates provide in their applications to perform a thorough background check into whether they are qualified. It is well established that an applicant's truthfulness and candor may be considered as a reason for bypass. *See O'Brien v. Somerville*, 25 MCSR 294 (2012). Hence, I sustain the Respondent's conclusion that Ms. Perez-Martinez offered a false answer to Question 4 on her LTC application. I find that her failure to answer this question truthfully is a valid reason for bypass, and also qualifies on its own as a sole reason for bypass.

Although the first and second reasons proffered by the Appointing Authority each form sufficient reason for bypass to appointment as a permanent full-time police officer, I will examine reasons three through five.

Third, although Ms. Perez-Martinez has a successful career in the National Guard, her civilian career has been inconsistent. Nevertheless, it is reasonable that childcare obligations and the pandemic had an outsized effect on her ability to be employed. Thus, I do not consider this to be a valid reason for bypass.

Fourth, Ms. Perez-Martinez was cited by the City for failure to follow instructions due to her tardiness in getting her vehicle inspected. I find her testimony credible that she did not have the wherewithal to make those repairs, as shown by her need for temporary housing due to financial difficulties. Poverty played a role in her ability to have the car pass inspection. Ms. Perez-Martinez's lack of means was compounded by the fact that the vehicle was indeed deficient per manufacturer specifications. After the vehicle was recalled, the Office of the Attorney General was able to restore some funds to her. I do not consider this to be a valid reason for bypass.

Fifth, the City notes that Ms. Perez-Martinez was not forthcoming with information



because she failed to report a change in address. This change of address was due to a temporary housing placement and, when viewed in the proper context, I do not consider this to be a valid reason for bypass.

Ms. Perez-Martinez comes from difficult familial circumstances and grew up in the foster care system. Her foster mother was a great advocate, testifying to the hurdles that Ms. Perez-Martinez had to overcome. However, at this time, Ms. Perez-Martinez's resiliency is dwarfed by the reasons proffered by the City for her bypass.

### ***Conclusion***

Based on the uncontroverted evidence of a November 2016 domestic violence incident that led to criminal charges, resulting in the inability to obtain a license to carry (LTC) firearms, and Ms. Perez-Martinez' failure to answer correctly at least one material question on her LTC application, I find that the city had reasonable justification to bypass her for appointment.

For these reasons, Sabrina Perez-Martinez's appeal filed under G1-22-173 is hereby ***denied.***

Nothing in this decision is meant to suggest that the Appellant is permanently disqualified for appointment as a Brockton Police Officer, particularly given her many positive attributes, including her commendable military service. Rather, with the passage of time, and more attention to ensuring that all questions are answered in a thorough, forthright manner, I would encourage Brocton to provide the Appellant with full, fair consideration on a going forward basis.

CIVIL SERVICE COMMISSION

/s/ *Angela C. McConney*

Angela C. McConney, Commissioner

By vote of the Civil Service Commission (Bowman, Chair; McConney, Dooley, Stein, and Tivnan, Commissioners) on February 8, 2024.

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 C.M.R. § 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:

Sabrina Perez-Martinez(Appellant)  
Allison Cogliano, Esq. (for Respondent)  
Karen A. Fisher, Esq. (for Respondent)