

COMMONWEALTH OF MASSACHUSETTS

**CIVIL SERVICE COMMISSION
One Ashburton Place – Room 503
Boston, MA 02108
(617) 979-1900**

PAUL M. PICCUITO,
Appellant

G2-20-132

v.

CITY OF QUINCY,
Respondent

Appearance for Appellant:

Kevin R Mullen, Esq
15 Foster Road
Quincy, MA 02169

Mary B. Flaherty, Esq.
Law Office of Mary B. Flaherty
234 Copeland St, Suite 230
Quincy, MA 02169

Appearance for Respondent:

Janet S. Petkun, Esq.
Office of the Solicitor
Quincy City Hall
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Commissioner:

Paul M. Stein

DECISION

On September 1, 2020, the Appellant, Paul M. Piccuito, currently a firefighter in the City of Quincy (Quincy) Fire Department (QFD), appealed to the Civil Service Commission (Commission), pursuant to G.L. c. 31, § 2(b), from his bypass by Quincy for promotional appointment to the position of a QFD Fire Lieutenant.¹ The Commission held a pre-hearing conference on October 11, 2020 via remote videoconference (Webex). A full hearing was held, also by remote videoconference, on December 18, 2020, which was recorded via Webex.² Eleven

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

² A link to the Webex audio/video recording of the full hearing was provided to the parties. If there is a judicial appeal of this decision, the plaintiff in the judicial appeal becomes obligated to use the recording to supply the court with the

(11) exhibits (*App. Exhs.1 through 6; Resp. Exhs.1 through 5*) were received in evidence. Quincy submitted one post-hearing exhibit which has been marked Resp.PHEXh.6 and the Appellant submitted one post-hearing exhibit which was marked App.PHEXh.7. Each party filed a Proposed Decision.

After multiple informal requests for clarification of certain medical information contained in App.PHEXh.7 as well as the Appellant's related testimony on that subject, I issued a Procedural Order dated September 27, 2021, directing that the Appellant provide to the Commission, on or before October 4, 2021, such clarifying evidence or sufficient documentation showing that he had filed a duly executed form with the appropriate state agency for the release of that clarifying information. As of the date of this decision, the Commission has not received such clarifying information or documentation that the necessary forms have been filed authorizing the release of that information. As indicated in the Procedural Order, as a result of the failure to comply with the Procedural Order, the Commission is authorized to draw, and I have drawn, an adverse inference against the Appellant as more fully explained in the Decision.

For reasons stated below, the Appellant's appeal is denied.

FINDINGS OF FACT

Based on the exhibits entered into evidence and the testimony of the following witnesses:

Called by the Appointing Authority:

- Patricia McGowan, Quincy Director of Human Resources
- Joseph Jackson, QFD Fire Chief

Called by the Appellant:

- Paul M. Piccuito, QFD Firefighter, Appellant

and taking administrative notice of all matters filed in the case, pertinent law and reasonable inferences from the credible evidence, a preponderance of evidence establishes these facts:

stenographic or other written transcript of the hearing to the extent that he/she wishes to challenge the decision as unsupported by the substantial evidence, arbitrary and capricious, or an abuse of discretion.

1. The Appellant, Paul M. Piccuito, was appointed as a full-time permanent firefighter with the Hingham Fire Department in 2008. He transferred to the QFD in 2013 and has been employed as a QFD Firefighter since that date. (*App.Exhs.3 &.4; NEOGOV record attached to HRD letter dated 9/15/2020 to Commission; Testimony of Appellant & Chief Jackson*)

2. Firefighter Piccuito is a qualified disabled veteran, having served honorably with the United States Marine Corps from 2005 to 2006, including infantry combat while deployed to Iraq. (*App.PHExh.7; NEOGOV record attached to HRD letter dated 9/15/2020 to Commission; Testimony of Appellant*)

3. While on active duty in Iraq, the Appellant sustained injuries when his Humvee was hit by an IED (roadside bomb). The Veterans' Administration offered him opiates to control the nightmares and headaches he suffered as a result of his combat injuries. He declined to use them due to their addictive properties. (*Testimony of Appellant*)

4. On the advice of another veteran, in or before 2013, Firefighter Piccuito began to take marijuana, which successfully alleviated his nightmares and headaches. At some point, he obtained a prescription for medical marijuana and provided a copy of an annually renewable "Medical Marijuana Card" as a Registered Patient of the Medical Use of Marijuana Program of the Massachusetts Department of Public Health, showing an expiration date of January 29, 2019. (*App.PHExh.7; Testimony of Appellant*)

5. Prior to January 2018, Firefighter Piccuito had no record of discipline with the QFD. In particular, his use of medical marijuana over the years to control his symptoms never affected his on-duty responsibilities as a QFD firefighter. (*App.Exh.4; Resp.Exh.3; Testimony of Appellant, McGowan & Chief Jackson*)

2018 South Carolina Arrest

6. On January 16, 2018, Firefighter Piccuito was pulled over for speeding while on a personal trip to South Carolina. He was found to be in possession of two bags containing a total of 249 grams of marijuana, approximately 9 ounces or the equivalent of about 200 “joints”. Possession of that volume of marijuana was deemed a “distributable quantity” under South Carolina law. Firefighter Piccuito did not have a Medical Marijuana Card in his possession, as required by law, and he was arrested and charged with possession with intent to distribute an illegal substance. Firefighter Piccuito did not immediately notify Quincy of his arrest. (*App.Exh.1; Testimony of Appellant & Chief Jackson*)³

7. Beginning in or around March 2018 and for months thereafter, rumors began circulating that Firefighter Piccuito had been arrested on drug charges in South Carolina and it became common knowledge in the QFD. (*Testimony of Appellant & Chief Jackson*)

8. Several months later, (then Acting) Chief Jackson asked Firefighter Piccuito directly about the South Carolina incident. Firefighter Piccuito acknowledged that it was true that he was arrested and explained that the marijuana he had with him was prescribed to him for medical use. This was the first time anyone in the QFD command staff received formal confirmation of the arrest or learned of Firefighter Piccuito’s use of marijuana. (*Testimony of Appellant & Chief Jackson*)⁴

9. On October 11, 2018, after consulting the Chief of Staff in the Quincy Mayor’s Office, (then Acting) Fire Chief Jackson placed Firefighter Piccuito on paid administrative leave pending review of the South Carolina incident. (*App.Exh.3; Testimony of Appellant & Chief Jackson*)

³ Firefighter Piccuito was also found in possession of a firearm, which he was duly licensed to carry. (*App.Exh.1; Testimony of Appellant*)

⁴ The QFD Rules and Regulations do not cover the process to be followed when a firefighter is arrested and charged with a criminal offense. (*Testimony of Chief Jackson*)

10. In or about November 2018, Firefighter Piccuito informed the QFD that the marijuana charges had been reduced from an intent to distribute to a possession charge and requested that he be returned to duty. (*App.Exh.3; Testimony of Appellant*)

11. By letter dated December 4, 2018, as a condition to considering his return to duty, (then Acting) Chief Jackson provided Firefighter Piccuito three (3) days – until December 7, 2020 – to produce documentation that his criminal case had been resolved. (*App.Exh.3*)

12. Firefighter Piccuito contacted his South Carolina attorney who promised to send the documentation directly to the QFD, but the attorney did not do so. (*Testimony of Appellant*)

13. By letter dated December 14, 2018 from the Quincy Assistant City Solicitor, Firefighter Piccuito was informed:

The Office of the City Solicitor has reviewed your employment status given your criminal matter in South Carolina. You recently asked to return from your paid administrative leave, which has been in place since October 11, 2018. You did not respond to Acting Chief Jackson’s December 4, 2018 letter requesting documentation regarding the disposition of the case.

We are aware that your criminal case has been remanded to the Central Jury Court Magistrate Session for a guilty plea⁵ to simple possession of marijuana with a negotiated sentence to conditional discharge. You should take steps necessary to ensure that the criminal matter is resolved no later than January 14, 2019. If the matter is not resolved, you will be placed on unpaid administrative leave until the case is concluded as you cannot return to work with a pending criminal matter.”

(*App.Exh.3*)

14. By letter dated January 13, 2019, an attorney with a New Hampshire law office informed QFD Fire Chief Cadagan that Firefighter Piccuito had sought her legal advice in December “on how to proceed with obtaining an expedited resolution” of his South Carolina criminal matter because he “was given notice that the issue must be resolved quickly or he faced unpaid suspension.” The attorney attempted repeatedly to contact Firefighter Piccuito’s South Carolina

⁵ The letter’s reference to a “guilty plea” on the marijuana charge is not accurate. The only offense to which Firefighter Piccuito admitted guilt was on December 11, 2018, for a traffic violation of speeding less than 10 miles over the limit. (*App.Exh.1; Testimony of Appellant*)

attorney and, on January 10, 2019, received an email from the law office that confirmed that “the Court has agreed to reduce the charge to a misdemeanor and his attorney is actively working to resolve the charge. The wheels of justice move slowly and are outside the control of any one individual. . . . [T]he attorney is confident that the charge will be reduced to a simple possession charge – and should then result in community service or a fine.” (*App.Exh.3*)

15. By memorandum dated January 24, 2019, received in the Chief’s Office on January 25, 2019, Firefighter Piccuito reported that he received notice that a summons had been issued for a “remand plea” in the South Carolina criminal case on February 5, 2019, and, although he had not been in contact with the South Carolina attorney, he expected “a final disposition on that day.” (*App.Exh.3*)

16. The QFD then presented Firefighter Piccuito with a “Last Chance Agreement” (LCA) and gave him a few days to sign the agreement or the City would move forward with disciplinary proceedings that could result in his termination. After consulting a private attorney, Firefighter Piccuito signed the LCA on February 8, 2019. The LCA was later endorsed on February 11, 2019 by the President of his Union (Local 792, IAAF, AFL-CIO). (*Resp.Exh.3; Testimony of Appellant & McGowan*)

17. At no time during the negotiation of the LCA did Firefighter Piccuito provide Quincy with evidence that he held a Medical Marijuana card nor did Quincy request that specific documentation from him. (*Testimony of Appellant, McGowan & Chief Jackson*)

18. The LCA recited that Firefighter Piccuito faced “termination” for his arrest in South Carolina for possession of marijuana with intent to distribute, noting that the charge remained outstanding, was being reduced to a possession count, and was scheduled to be resolved on February 5, 2019. Taking into account that Firefighter Piccuito had no prior record of discipline and noting his military service, Quincy agreed that, in consideration for Firefighter Piccuito’s

acceptance of the LCA, Quincy would suspend Firefighter Piccuito for thirty (30) days, after which he would be returned to duty with the responsibility, for a period of ten (10) years, among other things, to attend bi-weekly behavioral health counseling and submit to random drug testing. (*Resp.Exh.4*)

19. Nothing in the LCA restricted or otherwise addressed whether or not Firefighter Piccuito would remain eligible for promotion. (*Resp.Exh.5*)

20. Firefighter Piccuito stopped taking marijuana and he has tested negative on all the random drug tests that he agreed to. He is otherwise in full compliance with the LCA and has no recent performance or disciplinary issues. (*Testimony of Appellant, McGowan & Chief Jackson*)

21. Neither Quincy's employment policies nor the QFD's Rules and Regulations, nor the Collective Bargaining Agreement between Quincy and the Local 792, contain a specific policy concerning the use of marijuana or other drugs, with or without a prescription, or possession of a Medical Marijuana Card. The QFD has never been faced with a situation which required discipline of any Firefighter for substance abuse, whether on-duty or off-duty. (*App.Exhs.5 & 6; Testimony of McGowan & Chief Jackson*)

22. On September 4, 2019, the South Carolina court dismissed the charge of marijuana possession. Firefighter Piccuito provided a copy of this judicial dismissal to the Quincy HR Department and also provided a copy to the QFD, which was date-stamped in the Chief's office on October 16, 2019. (*App.Exhs.1 & 3; Testimony of Appellant & Chief Jackson*)

2020 Lieutenant Promotions

23. On November 16, 2019, Firefighter Piccuito took the civil service promotional exam for Fire Lieutenant administered by the Massachusetts Human Resources Division (HRD). He scored a 98. (*Stipulated Facts; HRD Letter dated 9/15/2020 to Commission; Testimony of Appellant*)

24. The position of Fire Lieutenant entails a supervisory role over other firefighters and an increased level of responsibility at a fire scene. (*App.Exhs.5 & 6; Testimony of Chief Jackson*)

25. On March 4, 2020, HRD established an eligible list of QFD Firefighters who had taken and passed the civil service examination for Fire Lieutenant. Firefighter Piccuito's name appeared first on the eligible list. (*Resp.Exh.1*)

26. On or about July 24, 2020, Quincy prepared a Certification (FL07240020) from the March 4, 2020 eligible list to fill five (5) vacancies in the position of QFD Fire Lieutenant due to retirements. Firefighter Piccuito was the highest ranked candidate of the eleven (11) Firefighters considered for appointment. (*Resp.Exh.2; Testimony of Chief Jackson*)

27. No candidate interviews were conducted. Pursuant to a conversation with the Mayor's Office (probably the Mayor's Chief of Staff), Chief Jackson was informed that the Mayor would not appoint a candidate with an LCA. Accordingly, the selection was based exclusively on the candidate's rank order on the Certification—i.e., the five highest ranked firefighters (ranked # 2 through #6 on the Certification) who did not have an active LCA in their personnel file. (*Testimony of McGowan & Chief Jackson*)

28. Effective August 12, 2020, Quincy Mayor Koch, the Appointing Authority, promoted those five candidates to Fire Lieutenant. (*Resp.Exh.4*)

29. By letter dated August 11, 2020, drafted by the Quincy HR Director, she informed Firefighter Piccuito that he had been bypassed. (*Resp.Exh.5; Testimony of McGowan*)

30. The HR Director prepared the bypass letter based on her review of candidates' personnel records and information that she obtained from the QFD and a conference with the Mayor's Chief of Staff. (*Testimony of McGowan*)

31. The HR Director’s letter stated that Firefighter Piccuito’s bypass was based on the “egregious and recent” underlying incident that resulted in his suspension under the LCA. The letter stated:

Under federal law⁶ . . . marijuana is a controlled substance and its use is illegal, regardless of the law in Massachusetts. . . . You claimed to have a medical prescription for marijuana to relieve PTSD symptoms. However, no official from the City or the [QFD] knew of your medical prescription until after learning of the incident in South Carolina. . . . [T]he use of this controlled substance is inconsistent with the utmost duty that Firefighters owe to the public, in addition to the criminal nature of your conduct.

While you had no prior disciplinary record . . . the underlying incident is egregious and recent enough to justify reasonably bypassing your application and appointing lower ranked applicants, none of whom had any discipline as severe as a suspension, let alone a Last Chance Agreement.⁷

Given the above, . . . circumstances exist that call into question whether you are ready to assume a leadership role within the Quincy Fire Department.

(Resp.Exh.5; RespPHExh.6; Testimony of McGowan & Chief Jackson)

32. As the bypass letter acknowledged, the Quincy HR Director and Chief Jackson knew that the marijuana charge had been reduced to a simple possession charge by the time of the bypass, but mistakenly held to the belief that Firefighter Piccuito had admitted guilt to a criminal drug offense, despite the evidence that the drug charge was dismissed outright and placed in Firefighter Piccuito’s personnel file in October 2019, a year prior to the bypass. It was not until they testified at the Commission hearing that they each acknowledged that all drug charges were dismissed and

⁶ At my request for citation to the federal law involved, Quincy provided an excerpt from 21 CFR 1308.11-Schedule I (*RespPHExh.6*), which defines “Hallucinogenic substances” to include marijuana as an illegal drug under the Controlled Substance Act of 1970, 21 U.S.C. § 811 et seq. It is not clear to what extent, if at all, federal authorities currently prosecute medical marijuana users, as opposed to growers and traffickers, so long as users adhere to state law and do not sell marijuana across state lines. See, e.g., <https://www.legalmatch.com/law-library/article/federal-marijuana-laws.html>; <https://www.criminaldefenselawyer.com/resources/criminal-defense/federal-crime/medical-marijuana-federal-laws.htm>; <https://www.medicalmarijuana.com/law/federal-marijuana-laws/>. See generally, *Barbuto v. Advantage Sales & Marketing LLC*, 477 Mass. 456 (2017).

⁷ Two selected candidates had been involved in accidents with a Fire Engine. One has five sick note violations. Two candidates had no disciplinary issues. (*Resp.Exh.5*)

realized that Firefighter Piccuito, in fact, had never been convicted of a criminal offense. (*App.Exh.3; Testimony of McGowan & Chief Jackson*)

Failure to Produce Medical Marijuana Card in Effect on January 16, 2018

33. After reviewing the Appellant's Post-Hearing submission of the Medical Marijuana Card (App.PHExh.7), I noted that it was an annually renewable license with an expiration date of January 29, 2019. Based on the above, I inferred that the Medical Marijuana Card produced by the Appellant was issued *after* Firefighter Piccuito's arrest on January 16, 2018. (*App.Exh.1; AppPHExh.7; Testimony of Appellant*)

34. I made multiple informal requests to the Appellant through his counsel for clarification of the Appellant's history of holding a Medical Marijuana Card and, in particular, the status of his registration with the Medical Use of Marijuana Program as of January 16, 2018 (the day of his arrest), as well as the Appellant's related testimony on that subject. After receiving no response, I issued a Procedural Order dated September 27, 2021, directing that the Appellant provide to the Commission, on or before October 4, 2021, such clarifying evidence or sufficient documentation showing that he had filed a duly executed form with the appropriate state agency for the release of that clarifying information. As of the date of this decision, the Commission has not received such clarifying information or documentation that the necessary forms have been filed authorizing the release of that information.

35. As a result of the Appellant's failure to produce evidence as specifically required by the Procedural Order verifying that he had been issued a valid medical marijuana card at the time of his arrest, and based on his failure to notify the Commission that he has taken steps to obtain such verification, I draw an adverse inference against the Appellant. Accordingly, based on that adverse inference, and taking account of the Appellant's ambiguous testimony, the production of a single Medical Marijuana Card, and the favorable disposition of his criminal case, I conclude that it is

more likely than not likely that the Appellant did not hold a valid Medical Marijuana Card at the time of his arrest. I also infer that it is more likely than not that the Appellant began using marijuana prior to his registration with the Medical Use of Marijuana Program and used marijuana prior to January 16, 2018 without being lawfully registered.

APPLICABLE CIVIL SERVICE 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).

Original and promotional 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. An appointing authority must provide specific, written reasons—positive or negative, or both—consistent with basic merit principles—for bypassing a higher ranked candidate in favor of a lower ranked one. G.L. c. 31, § 27; PAR.08(4).

A person may appeal a bypass decision under G.L. c. 31, § 2(b) for de novo review by the Commission. The Commission’s role is to determine whether the appointing authority has shown, by a preponderance of the evidence, “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 Service Comm’n, 483 Mass. 461, 474-78 (2019); Police Dep’t of Boston v. Kavaleski, 463 Mass.

680, 688-89 (2012); Beverly v. Civil Service Comm'n, 78 Mass. App. Ct. 182, 187 (2010); Leominster v. Stratton, 58 Mass. App. Ct. 726, 727-28 (2003).

“Reasonable justification . . . means ‘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.’” Brackett v. Civil Service Comm’n, 447 Mass. 233, 243 (2006); Commissioners of Civil Service v. Municipal Ct., 359 Mass. 211, 214 (1971), and cases cited. See also Mayor of Revere v. Civil Service Comm’n, 31 Mass. App. Ct. 315, 321 (1991) (bypass reasons “more probably than not sound and sufficient” and upon “failure of proof by the [appointing authority], the commission has the power to reverse the [bypass] decision.”)

The governing statute, G.L. c. 31, § 2(b), gives the Commission “broad scope to evaluate the legal basis of the appointing authority's action” and it is not necessary that the Commission find that the appointing authority acted “arbitrarily and capriciously.” City of Cambridge v. Civil Service Comm’n, 43 Mass. App. Ct. 300, 303-305, rev. den., 428 Mass. 1102 (1997). The commission “. . . cannot substitute its judgment about a *valid* exercise of *discretion based on merit or policy considerations* by an appointing authority” but, when there are “*overtones of political control or objectives unrelated to merit standards or neutrally applied public policy*,” then the occasion is appropriate for intervention by the commission.” Id. (*emphasis added*). See also Town of Brookline v. Alston, 487 Mass. 278 (2021) (analyzing broad scope of the Commission’s jurisdiction to enforce basic merit principles under civil service law).

ANALYSIS

Quincy has established by a preponderance of the evidence that Firefighter Piccuito engaged in conduct that can reasonably be construed to raise a question about his suitability to assume the responsibilities of a QFD Fire Lieutenant. Legally-authorized possession and use of a small quantity of marijuana for personal use to alleviate symptoms of PTSD and other serious medical

issues generated as a result of his injuries while serving in the Marine Corps would appear to be legitimate off-duty conduct so long as Piccuito never reported for work under the influence. See Barbuto v. Advantage Sales & Marketing LLC, 477 Mass. 456, 464 (2017) (“Under Massachusetts law, as a result of the act, the use and possession of medically prescribed marijuana by a qualifying patient is as lawful as the use and possession of any other prescribed medication.”)

Here, however, the fact that Firefighter Piccuito at no time after his arrest provided evidence that his use of marijuana was legally authorized, together with the adverse inference to the contrary that I have drawn from his failure to produce such evidence pursuant to the Commission’s Procedural Order, supports the conclusion that his unauthorized use of a controlled substance provided reasonable justification to bypass him for promotion.

The Last Chance Agreement

A “Last Chance Agreement” (LCA) is a recognized form of progressive discipline. As it stems from a voluntary contractual agreement between the appointing authority and an employee and his collective bargaining agent, the Commission ordinarily has no oversight role concerning the validity of an LCA. Thus, here, any question about the validity of the LCA entered into between Quincy, Firefighter Piccuito, and his Union (which is not a party to this appeal), lies outside the purview of the Commission. Action to invalidate, modify or rescind the LCA would lie in another forum in which all signatories to the LCA are parties.

Whether an LCA may be used as a stand-alone reason to bypass a candidate for promotion is a separate matter which may, in some circumstances, fall within the purview of the Commission’s jurisdiction. As the underlying misconduct which gave rise to the LCA—i.e., unauthorized use of a controlled substance, standing alone—provides reasonable justification for this bypass, the Commission need not further address the Appellant’s arguments regarding the validity of the LCA.

CONCLUSION

For the reasons stated herein, this appeal of the Appellant, Paul M. Piccuito, CSC Docket No. G2-20-132, is ***denied***.

Civil Service Commission

/s/Paul M. Stein

Paul M. Stein, Commissioner

By vote of the Civil Service Commission (Bowman, Chair; Camuso [absent], Ittleman, Stein and Tivnan, Commissioners) on October 7, 2021

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. 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:

Kevin R. Mullen, Esq. (for Appellant)

Janet S. Petkun, Esq. (for Respondent)

Mary B. Flaherty, Esq. (for Respondent)