

**COMMONWEALTH OF MASSACHUSETTS
CIVIL SERVICE COMMISSION**

One Ashburton Place: Room 503
Boston, MA 02108
(617) 979-1900

RAMAN SOLANKI,
Appellant

G1-22-114

v.

CITY OF CAMBRIDGE,
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 and the parties had thirty 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, thus making this the Final Decision of the Commission.

The Appellant's appeal is hereby *denied*.

Civil Service Commission

/s/ Christopher C. Bowman
Christopher C. Bowman
Chair

By vote of the Civil Service Commission (Bowman, Chair; Dooley, McConney and Tivnan, Commissioners [Stein – Absent]) on February 9, 2023.

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)(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:

Raman Solanki (Appellant)

Kate Kleimola, Esq. (for Respondent)

COMMONWEALTH OF MASSACHUSETTS

Division of Administrative Law Appeals

Raman Solanki,
Appellant,

No. CS-22-363 (G1-22-114)

Dated: December 17, 2022

v.

City of Cambridge,
Respondent.

Appearance for Appellant:

Raman Solanki (pro se)
Cambridge, MA 02139

Appearance for Respondent:

Kate M. Kleimola, Esq.
Cambridge, MA 02139

Administrative Magistrate:

Yakov Malkiel

SUMMARY OF TENTATIVE DECISION

The appellant applied for an original appointment as a municipal police officer. At an employment interview, the appellant's statements about his history of traffic stops raised concerns about his candor and forthrightness. The appellant also did not have any history of employment in a rigorous, hierarchical environment. There was therefore no error in the city's decision to bypass the appellant in favor of lower-ranked candidates.

TENTATIVE DECISION

The City of Cambridge bypassed appellant Raman Solanki for an original appointment to a police officer position. Mr. Solanki appealed to the Civil Service Commission, which referred the appeal to DALA. An evidentiary hearing took place on December 8, 2022. Mr. Solanki testified on his own behalf. The city called police department employees Manisha Tibrewal, Sergeant Ashley Kmiec, and Jamie Matthews. I admitted into evidence exhibits marked A1-A2 and R1-R13. I now add into evidence a spreadsheet compiling the parties' stipulations.

Findings of Fact

I find the following facts.

1. Mr. Solanki moved to the United States from India in 2016. He resides in Cambridge. He holds a bachelor's degree from Liberty University and has nearly completed a master's program at Indiana University. He has taken the LSAT and plans to enroll in law school. He is intelligent, well-spoken, and personable. (Exhibits 2, 9; Solanki.¹)

2. Mr. Solanki's husband is Dr. Jeffrey Lant, an academic and author. Dr. Lant operated a business devoted primarily to selling his books. Mr. Solanki began working for the business in November 2018. As employment arrangements go, this one was informal. Mr. Solanki's work hours varied. He received some supervision from a family friend. He did not receive pay stubs or tax forms. Dr. Lant's business organization, "Dr. Jeffrey Lant Associates," dissolved in March 2021. For some time thereafter, Mr. Solanki's working arrangement remained essentially unchanged. (Exhibits 2, 9, 12; Solanki.)

3. For four months beginning in September 2019, Mr. Solanki worked for Harvard University's IT department. His job title was "delivery coordinator specialist." His responsibilities centered around delivering equipment from one location to another. He performed twelve hours of work per week. Mr. Solanki ultimately resigned, citing discomfort about driving a delivery van in winter conditions. (Exhibits 2, 9, 10; Kmiec; Solanki.)

4. Mr. Solanki provided part-time, unpaid service to several non-profit organizations. Among other things, during two summers, he taught two-week technology programs to schoolchildren. He has been a board member of the Trans Club of New England, a

¹ The testimony, which has not been transcribed, is cited by witness name.

volunteer for Boston Cares, and an “ambassador” of World Education Services. He has contributed articles to several publications. He is well-traveled, both within the United States and abroad. (Exhibits 2, 9; Solanki.)

5. During the fall of 2021, the City of Cambridge sought to fill twenty-five police officer vacancies in its police department. The Human Resources Department certified a ranked list of eligible candidates on September 29, 2021. Mr. Solanki was ranked thirteenth, tied with another individual. (Stipulations; Tibrewal.)

6. As part of the police department’s screening process, each applicant attended an “intake night” and completed an application form there. The applicants were instructed by email to bring hard copies of their prior employers’ contact information to the intake night. Mr. Solanki did not do so. In response to a prompt demanding “NO LESS THAN 150 WORDS FOR EACH ANSWER,” Mr. Solanki wrote an essay approximately fifty-five words long. He misstated the date of one of his prior traffic citations. He also described his “present” employer as “Dr. Jeffrey Lant Associates,” even though the business organization had formally dissolved several months earlier. (Exhibits 2, 5, 9, 12; Kmiec; Matthews; Solanki.)

7. On October 28, 2021, Mr. Solanki attended an interview with Sergeant Kmiec and Sergeant Michael LeVecque. A substantial topic of discussion was Mr. Solanki’s driving history. He had disclosed two prior traffic citations on his application. At the interview, Mr. Solanki mentioned a more recent speeding citation issued to him in New York State. He said that he was stopped driving 65 mph in a 55 mph zone, soon after crossing out of a 75 mph zone in Connecticut. In truth, Mr. Solanki was stopped for driving 79 mph, and Connecticut has no speed limits higher than 65 mph. (Exhibits 2, 7-9; Matthews; Solanki.)

8. In response to a series of probing questions, Mr. Solanki insistently denied being “pulled over” by the police on any fourth occasion:

LeVecque: Other than these three . . . physical tickets you’ve received, the New York ticket and the two other ones in Massachusetts . . . have you ever been pulled over by the police other than that?

Solanki: No. Um, no.

LeVecque: . . . I just want to confirm, the only times you’ve been pulled over . . . was recently in New York City and the two times in Massachusetts . . .

Solanki: One warning and one speeding ticket [in Massachusetts].

LeVecque: . . . [Y]ou haven’t been pulled over other than that? . . .

Solanki: Yeah, no.

When Sergeant LeVecque began his fourth version of the question, Mr. Solanki interjected, “Like, a citation?” Sergeant LeVecque clarified: “Like, you get pulled over . . . with blue lights and sirens. . . . [E]ven if you’ve gotten . . . a warning or anything like that. . . . [N]o other incidents other than those three?” Mr. Solanki answered, “No.” (Exhibit 9.)

9. Sergeant LeVecque then inquired about a visit Mr. Solanki had made to Cape Cod in early September 2021. Mr. Solanki did not recall the name of the town he had visited. When Sergeant LeVecque suggested that the town might have been Eastham, Mr. Solanki stated: “I was definitely stopped in . . . Cape Cod . . . when I went there . . . I was stopped, not issued a citation. . . . [A] police officer did stop me. So that would be the fourth time.” Sergeant LeVecque pointed out that he had asked Mr. Solanki specifically whether he had been “pulled over” on other occasions. Mr. Solanki replied: “I do apologize for that. I hope that I was able to . . . clarify it really fast.” He added: “[T]here was no paper evidence . . . [I]t was merely [a] five-minute stop and . . . I might have missed . . . I might have forgotten.” (Exhibit 9.)

10. Mr. Solanki offers two justifications for his serial failures to disclose his fourth traffic stop to the interviewers. He says that he did not understand Sergeant LeVecque's inquiry as extending to verbal warnings. He also claims to have forgotten about being pulled over in Eastham. I find neither of these explanations to be true. This conclusion draws on my assessment of Mr. Solanki's credibility during his hearing testimony. It also is supported by other factors. Sergeant LeVecque restated his question repeatedly in clear terms. The Eastham stop occurred less than two months before the interview. Mr. Solanki's waffling between the theories of confusion and forgetfulness detracts from each theory's believability. Finally, Mr. Solanki has also repeatedly remarked that he "was not under oath" at the interview, and was not "formally invited" to that event. (The interview was scheduled by telephone.) These excuses tend to imply a recognition that Mr. Solanki was less than fully forthcoming and candid at his interview. I find that he held back from the interviewing officers, on purpose, information that he understood they were asking about. (Exhibit 9; Solanki.)

11. Sergeant Kmiec was assigned to speak to Mr. Solanki's references. A personal reference described Mr. Solanki as a good person who does a lot for his community. A supervisor at Harvard University's IT department provided a mostly positive review, but questioned Mr. Solanki's ability "to handle conflict." Sergeant Kmiec made unsuccessful efforts to reach Dr. Lant on three consecutive days, December 14, 15, and 16, 2021. On the evening of December 20, 2021, Dr. Lant called her back four times in quick succession. In his voicemails, echoing words whispered to him by another individual, he proposed to communicate with the police department by email. (Exhibits 10, 11, 13; Kmiec.)

12. The city eventually appointed eighteen candidates to police officer positions. Fifteen of the appointees were ranked lower than Mr. Solanki on the candidate list. Nine of them

were categorized by the city as minorities. On June 10, 2022, the city issued a five-page bypass letter to Mr. Solanki, citing his limited employment history, traffic violations, “untruthfulness” when interviewed about those violations, and incomplete compliance with instructions provided during the application process. Mr. Solanki timely appealed. (Exhibit 1; Stipulations; Tibrewal.)

Analysis

The overarching goal of the civil service system is “to guard against political considerations, favoritism, and bias in governmental employment decisions.” *Boston Police Dep’t v. Collins*, 48 Mass. App. Ct. 408, 412 (2000). The civil service examinations are designed to advance this goal. G.L. c. 31, §§ 16-24. They are required to test fairly for relevant “knowledge, skills and abilities which can be practically and reliably measured.” *Id.* § 16. When a position is open, candidates are ranked “in the order of their marks on the examination,” allowing for certain statutory preferences. *Id.* §§ 25, 26. The appointing authority must then justify any decision to bypass higher-ranked candidates and hire lower-ranked ones instead. *Id.* § 27. *See generally Malloch v. Town of Hanover*, 472 Mass. 783, 787-88 (2015).

On appeal from a bypass decision to the commission, the appointing authority bears the “burden of proving, by a preponderance of the evidence, that there was reasonable justification for [its] action.” *Brackett v. Civil Serv. Comm’n*, 447 Mass. 233, 241 (2006). A reasonable justification means “adequate reasons sufficiently supported by credible evidence, when weighed by an unprejudiced mind, guided by common sense and by correct rules of law.” *Id.* (quoting *Selectmen of Wakefield v. Judge of First Dist. Ct. of E. Middlesex*, 262 Mass. 477, 482 (1928)). The commission is tasked with finding the pertinent facts based on a de novo hearing of all available, material evidence. It must then determine whether those facts give rise to a reasonable justification for the appointing authority’s decision. *Leominster v. Stratton*, 58 Mass. App. Ct. 726, 727-28 (2003); *Alband v. Department of Corr.*, 24 MCSR 56, 59 (2011).

Police officers are held to standards of behavior exceeding those that apply to other individuals. *See McIsaac v. Civil Serv. Comm'n*, 38 Mass. App. Ct. 473, 474 (1995). Officers are specifically required to remain scrupulously truthful and forthright. Absent this stringent demand, police departments would struggle to preserve their public legitimacy. In addition, day-to-day police work “frequently calls upon officers to speak the truth,” *Falmouth v. Civil Service Comm'n*, 61 Mass. App. Ct. 796, 801 (2004), both on the witness stand and elsewhere. And an officer’s history of untruthfulness may undermine prosecutions connected to his or her work. *See Gallo v. City of Lynn*, 23 MCSR 348, 353-54 (2010). For all of these reasons, legitimate concerns about a candidate’s “candor and forthrightness” may reasonably justify a decision to bypass that candidate. *Feliciano v. Springfield Police Dep’t*, 30 MCSR 156, 160 (2017); *Barbosa v. N. Bedford Police Dep’t*, 29 MCSR 495, 501 (2016); *Minoie v. Town of Braintree*, 27 MCSR 216, 219 (2014); *Fraumeni v. City of Cambridge*, 26 MCSR 412, 422 (2013).

Such concerns were present here. Mr. Solanki understood that the officers who interviewed him were asking for information about *any* time he had been stopped by the police. He withheld the existence of his fourth stop, in Eastham. He also provided incorrect information about his third stop, in New York. He did not act mistakenly or accidentally in either instance. Both times, he presented a factual portrait more helpful to his candidacy than the true facts.

An interview with two police officers may be a stressful encounter.² But it is reasonable for a police department to confine its membership to officers who can be trusted to tell the whole truth even when doing so is difficult and frightening. *See City of Cambridge v. Civil Service Comm'n*, 43 Mass. App. Ct. 300, 303-05 (1997). Risks inhere in hiring an officer who has

² Mr. Solanki testified that the officers repeatedly touched their service weapons during the interview. I make no findings about whether this occurred.

exhibited the potential to obscure inconvenient details under pressure. An appointing authority uninterested in taking such risks is ordinarily within its rights. *Cf. Beverly v. Civil Serv. Comm'n*, 78 Mass. App. Ct. 182, 190-91 (2010); *Hardnett v. Town of Ludlow*, 25 MCSR 286, 291 (2012).

Mr. Solanki's slender history of paid, full-time employment presented another substantial basis for the city's dissatisfaction with his candidacy. Mr. Solanki spent the years leading up to his application studying, writing, volunteering, and traveling. These were meritorious pursuits. But it also is reasonable for a police department to view past success in a hierarchical setting as an important predictor of suitability for police work. Mr. Solanki lacks that credential. His short-lived, part-time stint at Harvard left his supervisor doubting Mr. Solanki's ability to handle conflict. His role in his spouse's business was informal. Mr. Solanki did not have the type of rigorous work experience that strong candidates for police positions typically are able to offer. *Cf. Hardnett*, 25 MCSR at 291; *Duarte v. Department of Corr.*, 34 MCSR 293 (2021).

The other issues identified in the city's bypass letter carry less weight. Mr. Solanki's departures from procedural instructions were not egregious. *Cf. Barbosa*, 29 MCSR at 500. And the city did not represent that his history of moving violations (setting aside his statements about them) was more serious than those of candidates commonly appointed as officers. Further, the Supreme Judicial Court has acknowledged as fact that "police stop drivers of color disproportionately more often than Caucasian drivers for insignificant violations." *Commonwealth v. Long*, 485 Mass. 711, 717 (2020). An attempt to identify the number of prior traffic stops that properly triggers concern would therefore be difficult and fraught.³

³ Mr. Solanki alleges that the city treated him differently than white applicants, but offers no supporting details or other evidence.

Conclusion

Legitimate concerns about Mr. Solanki's forthrightness and work history reasonably justified the city's decision to bypass him for original appointment to a police officer position. Accordingly, subject to review by the commission, the city's decision is AFFIRMED and Mr. Solanki's appeal is DENIED.

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate