

**COMMONWEALTH OF MASSACHUSETTS**

**CIVIL SERVICE COMMISSION**

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

**CARLOS VEGA,**  
*Appellant*

v.

D-23-019

**CITY OF CHELSEA,**  
*Respondent*

Appearance for Appellant:

James E. Horgan, Esq.  
Hanley Law Offices, LLC  
308 Victory Rd., 3<sup>rd</sup> Floor  
Quincy, MA 02171

Appearance for Respondent:

Strephon Treadway, Esq.  
Assistant City Solicitor  
City of Chelsea Law Department  
500 Broadway St., Room 307  
Chelsea, MA 02150

Commissioner:

Angela C. McConney<sup>1</sup>

**SUMMARY OF DECISION**

The Commission allowed in part the appeal of the Appellant, a Chelsea Police Officer, reducing the 10-day suspension to a five-day suspension. Although the City had just cause to discipline the Appellant for failing to follow the instructions of a State Trooper, the 10-day suspension was inconsistent with progressive discipline and was greater than the five-day suspensions issued to two other officers who engaged in arguably more serious misconduct as part of the same underlying event.

**DECISION**

The Appellant, Carlos Vega (Appellant or Officer Vega), acting pursuant to G.L. c. 31,

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<sup>1</sup> The Commission acknowledges the assistance of Law Clerk Daniel Taylor with the preparation of this decision.

§§ 41 and 43, timely appealed to the Civil Service Commission (Commission) contesting the decision of the City of Chelsea (City) to impose a ten-day unpaid suspension.

The City conducted a Section 41 hearing on February 1, 2023, and issued a decision on February 10, 2023. Officer Vega filed his appeal to the Commission on February 13, 2023.

The Commission held a pre-hearing conference on March 21, 2023 via videoconference. On June 27, 2023, I conducted an in-person full evidentiary hearing at the offices of the Commission, located at 100 Cambridge Street, Boston, MA.<sup>2</sup> Upon application by the City, I issued a subpoena for Massachusetts State Police Trooper Shayne Cambria's testimony on July 18, 2023. On July 18, 2023, I conducted the second day of the full evidentiary hearing remotely via the Webex platform.

I recorded both days of hearing via the Webex platform, and a copy of the recording was provided to both parties via electronic mail.<sup>3</sup> The parties submitted post-hearing briefs on August 25, 2023.

#### FINDINGS OF FACT:

I marked the City's Pre-hearing Memorandum as "A" for identification, and the Appellant's Pre-hearing Memorandum as "B" for identification. I admitted six (6) joint exhibits into evidence. Based on the documents submitted and the testimony of the following witnesses:

*Called by the City:*

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<sup>2</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>3</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.

- Lieutenant Brian Dunn, Chelsea Police Department
- Trooper Shayne Cambria, Massachusetts State Police

*Called by the Appellant:*

- Officer Carlos Vega, Appellant

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:

*Appellant's Background*

1. Officer Vega has been employed as a full-time police officer for the Chelsea Police Department (Department) since April 6, 2020. (Stipulated Facts)

2. At the time of discipline, Officer Vega was a tenured civil service employee, held the position of Patrol Officer and had no history of discipline. (Stipulated Facts)

*December 4, 2022, Incident*

3. On December 4, 2022, three police officers (Officers B, N and S) and a Department dispatcher (Ms. A) spent the afternoon eating and drinking alcoholic beverages at a Lynn, Massachusetts restaurant. (Exhibit 2; Testimony of Cambria)

4. The group separated into two groups and left the restaurant with plans to meet Mr. Vega at a second restaurant in Somerville, Massachusetts. Officers B and N traveled in the first vehicle, while Ms. A drove herself and Officer S in the second vehicle. A short time later, Ms. A crashed her vehicle near a car dealership in Lynn, Massachusetts. The Lynn Fire Department and the Massachusetts State Police (State Police) responded to the scene. (Exhibit 2; Testimony of Cambria)

5. At approximately 7:20 p.m., the State Police arrested Ms. A for operating a

vehicle under the influence of alcohol (OUI), and possession of a firearm while intoxicated. Ms. A was transported to the state police barracks in Revere, Massachusetts. (Exhibit 2; Testimony of Cambria)

6. While Officer Vega was en route to the Somerville restaurant, Ms. A called him to let him know that she had been arrested and needed bailing out. Mr. Vega agreed to post her bail. (Exhibit 2; Testimony of Appellant)

7. At 9:00 p.m., Officer Vega arrived at the State Police Barracks in Revere, Massachusetts. (Testimony of Appellant)

8. Upon entering the barracks, Officer Vega ran into Mr. C, an acquaintance and the father of Ms. A's children. Mr. C had learned of the OUI and arrest from social media. (Testimony of Dunn)

9. When Mr. C asked Officer Vega what he was doing there, he responded that he was there to post Ms. A's bail. Mr. C became agitated, and asked whether Officer Vega was in a relationship with Ms. A. When Officer Vega responded that he was not, Mr. C asked him to leave. Mr. C's father also arrived at the barracks. (Exhibit 2; Testimony of Appellant)

10. Having witnessed this interaction, a state trooper asked Officer Vega if everything were all right, and whether he needed anything. Officer Vega responded that he needed nothing and that he was leaving. Exhibit 2; Testimony of Appellant)

11. Officers B and N arrived as Mr. Vega was leaving the barracks. Both appeared to be under the influence of alcohol. (Exhibit 2; Testimony of Appellant)

12. At approximately 9:12 p.m., state troopers exited the barracks to speak with Officers Vega, B and N. The troopers explained the details of Ms. A's OUI and her ensuing arrest. The troopers further informed the three police officers that Mr. C would be handling Ms.

A's bail, and that the three of them should leave. Instead of leaving, the Chelsea police officers remained outside the barracks, speaking on their cell phones. (Exhibits 2 and 6; Testimony of Appellant, Testimony of Cambria)

13. At approximately 9:21 p.m., Mr. C overheard his name multiple times in conversation by one of the police officers outside the barracks. He and his father exited the barracks and asked the three officers to leave. (Exhibits 2 and 6; Testimony of Appellant)

14. The discussion among Mr. C, Mr. C's father, and the three officers grew heated. At first, Officer Vega attempted to restrain Officers B and N, but then he became agitated and joined in with the other men as they became agitated and used vulgarities. Mr. C's father expressed a desire to fight the police officers. (Exhibits 2 and 6; Testimony of Appellant)

15. At approximately 9:25 p.m., Trooper Shayne Cambria and two other troopers came outside the barracks and separated Mr. C and his father from the three police officers. The troopers again advised the three officers to leave, explaining that their presence was unnecessary. Officer Vega apologized and agreed to leave. The three officers crossed the street to the seawall but remained in the area. (Exhibits 2 and 6; Testimony of Appellant)

16. Approximately 20 minutes later, a state trooper approached the three officers and asked for their names and badge numbers before asking them to leave for a third time. The trooper informed them that their conduct would be reported to their officer in charge. (Exhibit 2; Testimony of Appellant)

17. Mr. Vega then left in his own vehicle. Officers B and N left together in a separate vehicle. (Exhibit 2; Testimony of Appellant)

18. By this time, forty-five minutes had elapsed since Officer Vega's arrival at the barracks, and thirty minutes since the troopers had issued their first request to leave. (Testimony

of Dunn)

*City of Chelsea Disciplinary Process*

19. Lieutenant Brian Dunn has been the Department's head of Internal Affairs for 23 years. (Testimony of Dunn)

20. On December 4, 2022, Lt. Dunn received several calls that Ms. A had been arrested and taken to the state police barracks in Revere. (Testimony of Dunn)

21. Lt. Dunn reached out to the Revere barracks. While he was speaking to Trooper Cambria, the trooper had to get off the line and ask the Chelsea police officers to disperse. As a result of their failure to disperse, Lt. Dunn learned that Sgt. Edward Troy from the state police would be arriving at the Department to file a complaint based on the Chelsea police officers' misconduct. (Testimony of Dunn)

22. After Sgt. Troy filed the report, the Department opened two Internal Affairs investigations. The first investigation examined the conduct of Officer S at the Lynn, Massachusetts accident scene; the second examined the conduct of Officers Vega, B and N at the Revere barracks. (Exhibit 2; Testimony of Dunn)

23. Officers Vega, B, and N were each charged with one count of violating Department Rule 4.1 *Conduct Unbecoming an Officer*:

CPD Rule 4.1 *Conduct Unbecoming an Officer* provides:

All sworn and unsworn personnel shall not commit any specific act or acts of immoral, improper, unlawful, disorderly, or intemperate conduct whether on or off duty, which reflects discredit or reflects unfavorably upon the officer himself, upon his fellow employees or upon the Police Department. All personnel shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department and its members. Conduct unbecoming an employee shall include that which tends to indicate that the employee 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. Conduct unbecoming an employee shall also include off-duty conduct

where there is a *nexus* or connection between the act or acts committed by the employee and his continued fitness or ability to effectively perform his required duties and responsibilities and/or the impact or adverse effect said conduct may have on the operation, morale, integrity, reputation or effectiveness of the Department and the ability of the employee(s) not involved in said act to effectively perform their required duties and responsibilities.

(Exhibit 4)

24. As part of the Internal Affairs investigation, Lt. Dunn interviewed Mr. C, Officers Vega, B and N, and state police troopers Cambria and Ramasci. Lt. Dunn also observed state police video taken from the outside of the barracks. The witnesses' testimony was substantially consistent. (Exhibit 2; Testimony of Appellant)

25. At the conclusion of his investigation, Lt. Dunn issued a January 6, 2023 memorandum, recommending that the charges against all three officers be sustained. (Exhibits 2 and 5; Testimony of Appellant)

#### *Section 41 Hearing*

26. Chief Keith Houghton accepted Lt. Dunn's recommendation. He informed Officers Vega, B and N that he would request a ten-day (10) day suspensions from the Appointing Authority for each of them, but would halve the suspensions to five (5) days if they agreed that they were wrong and assented to the penalty. Officers B and N accepted the chief's offer. (Testimony of Dunn)

27. Officer Vega did not accept the chief's offer. Chief Houghton issued a January 11, 2023 notice of disciplinary action informing Mr. Vega that he had been suspended for five days without pay, with the suspension to be served January 18, 19, 20, 23 and 24, 2023. The notice enclosed Mr. Vega's right to a hearing before the Appointing Authority. G. L. c. 31, §§ 41-45. Within the notice, Chief Houghton also recommended that the City Manager, Thomas Ambrosino, suspend Officer Vega for an additional five days, for a total of ten days' suspension

without pay. (Exhibit 3)

28. Acting City Manager Edward Keefe presided over the February 1, 2023 Section 41 hearing. Mr. Keefe reviewed the Internal Affairs report, the state police video, and heard testimony from Officer Vega and Lt. Dunn. (Exhibit 1.)

29. Mr. Keefe issued a February 10, 2023, decision, finding that Officer Vega’s “better judgment failed him,” and that he was “party to discrediting personal behavior” violative of Rule 4.1. Mr. Keefe concluded that there was just cause to sustain the discipline requested, a ten-day suspension based on violation of Department 4.1 *Conduct Unbecoming an Officer*. (Exhibit 1)

30. Mr. Keefe noted with particularity that among the three police officers, Officer Vega was the “sole officer with direct knowledge of Mr. C’s volatile and vulnerable condition” based on his earlier contact with him inside the barracks. Unlike Officers B and N, he had consumed no alcohol. Officer Vega also acknowledged that the C family incident was “ugly,” that the state police directive to leave the barracks was clear and that he had no purpose there. (Exhibit 1)

31. Moreover, Mr. Keefe found that Officer Vega was “party to discrediting personal behavior,” dismissive of the instruction from the state police, and chose to “passively accompany” his inebriated fellow officers. (Exhibit 1)

### ***Applicable Law***

A tenured civil service employee may be disciplined or discharged for “just cause” after due notice and hearing upon written decision “which shall state fully and specifically the reasons therefore.” G.L. c. 31, § 41. An employee aggrieved by the decision may appeal to the Commission. G.L. c. 31, § 43. Under section 43, the appointing authority carries the burden to



prove to the Commission by a “preponderance of the evidence” that there was “just cause” for the action taken. *Id. See, e.g., Falmouth v. Civil Serv. Comm’n*, 447 Mass. 814, 823 (2006); *Police Dep’t of Boston v. Collins*, 48 Mass. App. Ct. 411, *rev. den.*, 726 N.E.2d 417 (2000). In performing its function:

...the commission does not view a snapshot of what was before the appointing authority...the commission hears evidence and finds facts anew...[after] a hearing de novo upon all material evidence and...not merely for a review of the previous hearing held before the appointing officer. There is no limitation of the evidence to that which was before the appointing officer... For the commission, the question is . . . “whether, on the facts found by the commission, there was reasonable justification for the action taken by the appointing authority in the circumstances found by the commission to have existed when the appointing authority made its decision.”

*Leominster v. Stratton*, 58 Mass. App. Ct. 726, 727-28 (2003) (quoting *Watertown v. Arria*, 16 Mass. App. Ct. 331, 334 (1983) (emphasis added)). *See also Falmouth v. Civil Serv. Comm’n*, 447 Mass. at 823; *Cambridge v. Civil Serv. Comm’n*, 43 Mass. App. Ct. 300, 303-05, *rev. den.*, 428 Mass. 1102 (1997).

An action is “justified” if it is “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.” *Commissioners of Civil Service v. Municipal Ct. of Boston*, 359 Mass. 211, 214 (1971); *Cambridge v. Civil Service Comm’n*, 43 Mass. App. Ct. 300, 304, *rev. den.*, 426 Mass. 1102 (1997); *Selectmen of Wakefield v. Judge of First Dist. Ct.*, 262 Mass. 477, 482 (1928). The Commission must take account of all credible evidence in the entire administrative record, including whatever would fairly detract from the weight of any particular supporting evidence. *See, e.g., Massachusetts Ass’n of Minority Law Enforcement Officers v. Abban*, 434 Mass. 256, 264-65 (2001). It is the purview of the hearing officer to determine credibility of testimony presented to the Commission. “[T]he assessing of the credibility of witnesses is a preserve of the [commission] upon which a court conducting judicial review treads with great

reluctance.” *Leominster v. Stratton*, 58 Mass. App. Ct. at 729. *See Embers of Salisbury, Inc. v. Alcoholic Beverages Control Comm’n*, 401 Mass. 526, 529 (1988); *Doherty v. Retirement Bd. of Medford*, 425 Mass. 130, 141 (1997).

The Commission has consistently held police officer to a high standard of conduct even in the absence of indictable conduct or a criminal conviction. For example, in *Zorzi v. Town of Norwood*, 29 MCSR 189 (2016), the Commission noted:

“An officer of the law carries the burden of being expected to comport himself or herself in an exemplary fashion.” *McIsaac v. Civil Service Comm’n*, 38 Mass. App. Ct. 473, 475 (1995) (negligent off-duty handling of firearm). When it comes to police officers, the law teaches that there is a special ‘trust reposed in [a police officer] by reason of his employment . . . . Police officers must comport themselves in accordance with the laws that they are sworn to enforce and behave in a manner that brings honor and respect for rather than public distrust of law enforcement personnel. They are required to do more than refrain from indictable conduct. Police officers are not drafted into public service; rather they compete for their positions. In accepting employment by the public, they implicitly agree that they will not engage in conduct which calls into question their ability and fitness to perform their official responsibilities.’ *Police Comm’r v. Civil Service Comm’n*, 22 Mass. App. Ct. 364, 371, *rev. den.*, 398 Mass. 1103 (1986).”

Section 43 of G.L. c. 31 also vests the Commission with the authority to affirm, vacate or modify a penalty imposed by the appointing authority. The Commission is delegated “considerable discretion” in this regard, albeit “not without bounds” so long as the Commission provides a rational explanation for how it has arrived at its decision to do so. *See, e.g., Police Comm’r v. Civil Service Comm’n*, 39 Mass. App. Ct. 594, 600 (1996) and cases cited; *Falmouth v. Civil Service Comm’n*, 61 Mass. App. Ct. 796, 800 (2004); *Faria v. Third Bristol Div.*, 14 Mass. App. Ct. 985, 987 (1982) (remanded for findings to support modification). However, the Supreme Judicial Court has added that, in the absence of “political considerations, favoritism, or bias,” the same penalty is warranted “unless the commission’s findings of fact differ significantly from those reported by the town or interpret the relevant law in a substantially different way.” *Falmouth v. Civil Service Comm’n*, 447 Mass. at 824.

## *Analysis*

The City has established by a preponderance of the evidence that it had just cause to discipline Officer Vega for his conduct on December 4, 2022. The undisputed evidence establishes a clear timeline of that evening's events, which are sufficient for conduct violative of CPD Rule 4.1 as excerpted below:

All sworn and unsworn personnel shall not commit any specific act or acts of immoral, improper, unlawful, disorderly, or intemperate conduct whether on or off duty, which reflects discredit or reflects unfavorably upon the officer himself, upon his fellow employees or upon the Police Department. All personnel shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably on the Department and its members. Conduct unbecoming an employee shall include that which tends to indicate that the employee 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. Conduct unbecoming an employee shall also include off-duty conduct where there is a *nexus* or connection between the act or acts committed by the employee and his continued fitness or ability to effectively perform his required duties and responsibilities and/or the impact or adverse effect said conduct may have on the operation, morale, integrity, reputation or effectiveness of the Department and the ability of the employee(s) not involved in said act to effectively perform their required duties and responsibilities.

Officer Vega first arrived at the Revere barracks around 9:00 p.m. after receiving Ms. A's call for assistance. When he arrived to post her bail, Officer Vega was met by Mr. C, who objected to his presence and accused him of being in an inappropriate relationship with his children's mother. After this brief altercation, Officer Vega informed a concerned state trooper that everything was fine, and that he would be leaving.

Officers B and N arrived together shortly thereafter, both appearing to be intoxicated. At approximately 9:12 p.m., state troopers came out of the barracks to inform the three police officers about Ms. A's arrest, and to let them know that Mr. C would be posting her bail. Officers Vega, B and N then received their first instruction from the state police to leave the area. But

instead of complying, the three police officers remained outside the barracks, speaking on their phones in a manner audible to those inside the building.

Several minutes later, Mr. C overheard his name being spoken by one or more of the police officers in conversation. Mr. C and his father then exited the barracks and asked the police officers to leave. This second altercation quickly became heated, rising to shouting and the use of obscenities. Officer Vega first attempted to restrain his fellow officers, but then participated in the unbecoming exchange. Three state troopers came out of the barracks and physically separated the two groups. At this time, the troopers issued a second instruction to Officers Vega, B and N to leave the area. Officer Vega apologized to the state troopers and agreed to leave.

Instead of leaving, however, the three police officers crossed the street and remained in proximity to the barracks, along a nearby seawall, for an additional 20 minutes. Only after a state trooper approached them, took down their names and badge numbers, and instructed them to leave a third time did Officer Vega and his colleagues return to their vehicles and depart. All told, 45 minutes had passed since Officer Vega's arrival, and 30 minutes since state troopers first instructed the three police officers to leave the scene.

In the Commonwealth, law enforcement officers are expected to behave in a manner that increases public trust and respect for their profession, rather than endangering it. In his first interaction with Mr. C, Officer Vega appears to have remained calm and removed himself from a volatile situation. However, in the second altercation involving Officers B and N, Officer Vega displayed less than admirable judgment, and allowed himself to be drawn into a protracted, increasingly hostile argument. Engaging in a shouting match with a civilian falls well within the description of "intemperate conduct" as outlined in Department Rule 4.1. This misconduct reflects unfavorably upon Officer Vega, and by extension, to the Department itself.

State troopers instructed Officer Vega to leave the vicinity of the state police barracks three separate times. First, the state troopers explained to him, Officers B and N the circumstances surrounding Ms. A's arrest, and that Mr. C's agreement to post bail rendered their presence unnecessary. They were asked to leave. Second, the state troopers were forced to intervene when Mr. C and his father got into a profanity-laced altercation with the three police officers. Once again, they were asked to leave. Finally, after half an hour of disregarding the instructions of the state police, having to submit their names and badge numbers, and upon threat of a complaint to the Department, the police officers left the scene.

That Officer Vega at times encouraged Officers B and N to leave the area prior to this third instruction, does not significantly diminish the adverse effect of the incident on the Department's reputation or its future ability to collaborate productively with the State Police. That Mr. Vega's misbehavior did not sink to the level of Officers B and N is of no consequence. Their joint misconduct presented a low bar due to the officers' intoxication and unreasonable behavior.

The fact that Officer Vega and Officers B and N caused such a disturbance that a sergeant from the state police was dispatched to the Department to report their actions is an embarrassment to themselves and to the Department.

I find that the City has proven by a preponderance of the evidence that it had just cause to find that Officer Vega's December 4, 2022 conduct reflected unfavorably on himself as well as the Department, in violation of Department Rule 4.1.

#### *Modification of Discipline*

I next address the issue of whether the Commission should modify the ten-day (10) suspension without pay. It is the Appellant's position that a suspension of ten (10) days is overly

harsh given the numerous mitigating circumstances present in this case. First, Officer Vega had an unblemished tenure with the Department, and was never disciplined throughout four years of service. Second, he did attempt to restrain Officers B and N when they first attempted to get physical with Mr. C and his father. This is documented on the state police video. It is indeed unfortunate that he was not successful in persuading Officers B and N to leave the Revere barrack when the state troopers first instructed them to depart.

Officers B and N, who were intoxicated throughout the December 4, 2022 incident, and who apparently remained in that condition when they operated a motor vehicle upon their departure from the state police barracks, received five-day (5) suspensions. It appears that the hearing officer assigned greater blame to Officer Vega due to his sobriety rather than his conduct, and that the Appointing Authority meted out a longer suspension because he exercised his appeal rights. This is not in accordance with due process.

#### CONCLUSION

Accordingly, the appeal of Carlos Vega filed under Docket No. D-23-019 is hereby *allowed in part*.

The Commission hereby orders that the Appointing Authority reduce the ten-day (10) suspension to one of five (5) days, the same suspension as meted out to Officers B and N. The City of Chelsea is hereby ordered to restore to Officer Carlos Vega all compensation and associated rights lost with respect to imposition of the additional five (5) days of suspension.

G.L. c. 31, § 43.

Civil Service Commission  
/s/ *Angela C. McConney*  
Angela C. McConney  
Commissioner

By vote of the Civil Service Commission (Bowman, Chair; Dooley, McConney, Stein, and Tivnan, Commissioners) on November 30, 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 C.M.R § 1.01(7)(1), the motion must identify a clerical or mechanical error in the 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:

James E. Horgan, Esq. (for Appellant)

Strephon Treadway, Esq. (for Respondent)