

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT
SUCV2010-02061-E

Notice Sent
05-02-11

Tcf

DWOD et al

RLQ jr

AAG

Fjm
(md)

TOWN OF RANDOLPH,
Plaintiff

v.

MASSACHUSETTS CIVIL SERVICE COMMISSION and DARREN WOOLF,
Defendants

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OFFICE OF THE ATTORNEY GENERAL
ADMINISTRATIVE LAW DIVISION

**MEMORANDUM AND ORDER ON THE PLAINTIFF'S
MOTION FOR JUDGMENT ON THE PLEADINGS**

Before the Court is the plaintiff Town of Randolph's (the "Town's") motion on its appeal of the order of the defendant Massachusetts Civil Service Commission (the "Commission") invalidating the Town's bypass of the defendant Darren Woolf ("Woolf") on the Civil Service list for appointment as a police officer. An administrative magistrate had earlier affirmed the Town's decision, and thus the Commission's order was in the nature of a reversal of the magistrate. The Court ALLOWS the Town's motion.

The Court has reviewed the administrative record, with particular attention to the Commission's written decision and to the testimony (direct and cross examination) of Lt. Arthur Sullivan ("Sullivan"). Sullivan was in charge of the background investigation of candidates for appointment, and his recommendation was the basis of the Town's decision to bypass.

It is clear to the Court that Sullivan's reasons for recommending that Woolf not be hired were because of Sullivan's substantiated concerns as to Woolf's truthfulness and candor. The latter are character features material to the fitness of a police officer. The issue arose in connection with Woolf's having been criminally prosecuted in 1990 for violating an abuse prevention order issued pursuant to G.L. c. 209A. The substance of the violation was an assault and battery on the mother of Woolf's child. Woolf was not forthcoming when interviewed on the incident.¹

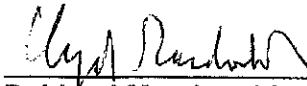
The Town's judgment on Woolf's fitness falls squarely within its lawful discretionary authority and was supported by substantial evidence. Absent arbitrariness, bias or evidence of improper political influence—which are the core

¹ According to Sullivan, after Woolf was confronted with a police report and court record that contradicted his initial account of the incident, he said to Sullivan, "I guess, I'm screwed, aren't I." Record, Volume 2 at 28.

concerns of the Commission's appellate function—an agency's judgment on matters such as that before the Court cannot be invalidated. See *Cambridge v. Civil Service Commission*, 43 Mass. App. Ct. 300, 304 (1997) and *Police Department of Boston v. Collins*, 48 Mass. App. Ct. 408, 411-413 (2000).

The Commission improperly substituted its judgment as to Woolf's fitness for that of the Town's. Woolf's military record and other achievements documented in the record are impressive. However, the principled exercise of judgment by the Town as to a police officer candidate's fitness—based on sound and sufficient reasons and supported by substantial evidence—must be respected by the Commission. *Town of Falmouth v. Civil Service Commission*, 61 Mass. App. Ct. 796, 800 (2004). It was not. Accordingly, the decision of the Commission is vacated and judgment shall enter for the Town.

SO ORDERED.



D. Lloyd Macdonald
Justice of the Superior Court

April 28, 2011

Notice Sent
05.02.11
(mdj)