



Massachusetts POST Commission

100 Cambridge Street, 14th Floor, Boston, MA 02114

In the Matter of)	Case No. ED23-001-C
Martin Conway (Acadis No. 9997-2031))	Certification No. CON-R2022-452220
)	

Determination of the Executive Director

(Review of Division of Certification Decision Pursuant to 555 CMR 7.10(1))

The above-captioned matter comes before the Executive Director of the Massachusetts Peace Officer Standards and Training Commission (“Commission”), through a request for review regarding the recertification of Nathaniel Aronson (“applicant”). On December 18, 2022, the Commission Division of Police Certification notified the applicant that it declined to recertify him, stating, in relevant part:

1. You must complete an oral interview and the questionnaire.
2. Your agency has declined to attest that you are of good moral character and fit for employment in law enforcement.

On March 13, 2023, the applicant requested review by the Executive Director of that determination.

Determination

After reviewing the applicant’s application for recertification as a law enforcement officer and the relevant submissions, I find the following:

1. In the recertification packet submitted by the Billerica Police Department (“Department”) to the Commission, Department Chief Roy W. Frost declined to attest to your good moral character and fitness for employment in law enforcement.
2. Chief Frost’s decision not to attest to your character and fitness was based on the following:
 - a. A charge of a Class B misdemeanor in relation to an incident on May 13, 2022 in Laconia, New Hampshire regarding an OUI charge against the applicant for hitting a parked car and leaving without making himself known to the owner. The applicant self-reported this incident to Chief Frost.

3. In his report, Chief Frost notes that “notwithstanding this incident Lt. Conway has been a valued member of the [Billerica] department and community for over 34 years.”
4. According to the Internal Investigation Report, dated September 27, 2022 (“September 27, 2022 Report”), on September 8, 2022, Martin Conway’s Massachusetts Driver’s License was suspended due to the May 13, 2022 arrest and breath test refusal in Laconia, New Hampshire.
5. On July 20, 2022, the applicant retired from the Department.
6. The September 27, 2022 Report found the applicant in violation of the following Department rules and regulations:
 - G) Prohibited Conduct:
 - a. Conduct Unbecoming an Officer: The commission of any specific act or acts of immoral, improper, disorderly or intemperate personal conduct which reflects discredit upon the officer himself, upon his fellow officers or upon the Police Department.
 - b. Criminal Conduct: The commission of any felony or misdemeanor, or the violation of the criminal laws of the statutes of the United States or of any local jurisdiction.
7. Chief Frost recommended “a ten (10) day suspension be placed in his personnel file and the matter be closed.”

Regulation 555 CMR 7.05 describes the standards for “Determination of Good Character and Fitness for Employment.” In particular, 555 CMR 7.05(4) states, in part, that

unless there have been allegations that an officer has engaged in multiple instances of similar or related misconduct or protocols adopted by the commission provide otherwise, neither the employing agency nor the division of certification shall consider an allegation of a particular instance of misconduct [in rendering a determination regarding an officer’s good character and fitness for employment] where... (c) [t]he officer has complied or is in the process of complying, with any disciplinary action...in relation to the alleged misconduct, and the officer has not engaged in any similar conduct since the discipline or decision...

According to information in the record, although the applicant resigned at the time, the applicant was given a 10-day suspension. This suspension is in and will remain in the applicant’s disciplinary record. I have determined that 555 CMR 7.05(4)(c) applies to the applicant’s suspension following the sustained findings of the internal investigation. I find that the applicant has complied with the disciplinary action imposed in relation to the incident of 2022. I further find that the one incident described above does not constitute multiple instances of similar or related misconduct, and protocols adopted by the Commission do not provide for a different result.

Thus, the underlying instance of misconduct, which was investigated and acted upon, do not give rise to a finding that the applicant lacks good moral character and fitness for employment in law enforcement. Moreover, Chief Frost notes that “notwithstanding this incident Lt. Conway has been a valued member of the [Billerica] department and community for over 34 years.”

Based on my review of the applicant's petition, I hereby **remand this matter to the Division of Certification with an instruction to issue the applicant a full recertification.**

The applicant must remain in compliance with the requirements of Chapter 6E of the Massachusetts General Laws and all regulations promulgated by the Commission for the duration of the applicant's employment as a law enforcement officer.

The Commission reserves the ability to revisit the matter of the applicant's certification if it receives new information that paints a materially different picture of the facts, in accordance with 555 CMR 7.09.



Enrique Zuniga
Executive Director

March 24, 2023

Date