



# Massachusetts POST Commission

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

In the Matter of	)	Case No. ED23-003-C
Kostantinos D. Agiomavritis	)	Certification No. AGI-R2022-115745
(MPTC User ID: 9997-8844)	)	

### **Determination of the Executive Director**

(Review of Division of Police 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 Kostantinos D. Agiomavritis (“applicant”). On December 18, 2022, the Commission Division of Certification notified the applicant that it declined to recertify him, stating, in relevant part:

- a. Must possess CPR/First Aid Certification;
- b. Must complete an oral interview and questionnaire;
- c. Must compete in-service training requirements for FY2022;
- d. Your agency has declined to attest that you are of good moral character and fit for employment in law enforcement.

On January 6, 2023, the applicant requested review by the Executive Director of that decision.

### **Determination**

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

1. The applicant has been employed by the Northborough Police Department (“Department”).
2. On August 28, 2019, the applicant was arrested and charged with one misdemeanor count of  
[REDACTED]
3. Following that arrest, the Department initiated disciplinary proceedings and entered into a settlement agreement with the applicant. As part of that agreement, the applicant served a 15-day suspension (from September 12 through September 26, 2019) and was placed on an unpaid leave of absence from September 27 until the pending criminal proceedings were

resolved.

4. The deadline for submitting recertification information for all officers with last names A-H were due to this office by June 15, 2022. At the time, the Department identified the applicant as being on leave pending the charges summarized herein.
5. The applicant's complete disciplinary record, submitted to the Commission by the Department pursuant to Section 99 of *An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth*, St. 2020, c. 253, included:
  - a. IA2014-03 for discourtesy that resulted in a written reprimand.
  - b. IA2017-01 for conduct unbecoming. In this incident, the applicant responded to a call for service with a strong odor of alcoholic beverage in his breath. The discipline imposed was a one-day suspension on March 29, 2018.
  - c. IA2019-01 for [REDACTED] (described herein).
6. On August 23, 2022, in Worcester District Court, the applicant agreed to a [REDACTED].
7. On December 18, 2022, the Commission Division of Certification notified the applicant that it declined to recertify him, stating, in relevant part:
  - e. Must possess CPR/First Aid Certification;
  - f. Must complete an oral interview and questionnaire;
  - g. Must complete in-service training requirements for FY2022;
  - h. Your agency has declined to attest that you are of good moral character and fit for employment in law enforcement.
8. On January 6, 2023, the applicant requested review by the Executive Director of that decision.
9. On March 16, 2023, the applicant through his attorney, further requested an extension of time to submit a response and complete the requirements listed in the Updated Notice of Denial of Recertification, given that the applicant had been on the leave of absence for the reasons summarized above.
10. On May 2, 2023, the case in Worcester District Court against the applicant was [REDACTED].
11. The settlement agreement between the applicant and the Department, includes a non-admission clause and a last chance provision that lasts for one year after the applicant's return to duty.

The Commission's enabling statute sets forth minimum certification standards, which include "being of good moral character and fit for employment in law enforcement, as determined by the [C]ommission." M.G.L. c. 6E, § 4(f)(1)(viii), (ix). The Commission's regulation 555 CMR 7.05 describes the standards for "Determination of Good Character and Fitness for Employment."

I find that the incident regarding discourtesy that resulted in a written reprimand does not impugn the applicant's good moral character. Between the other two instances of discipline reported on the applicant's disciplinary record, I find the incidents to be unrelated and not to form a pattern. Therefore, regulation 555 CMR 7.05(4) is applicable. That regulation states, in part, that

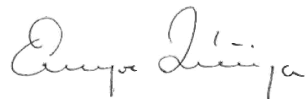
unless there have been allegations that an officer has engaged in multiple instances of similar or related misconduct or protocols adopted by the [C]ommission provide otherwise, neither the employing agency nor the [D]ivision of [C]ertification shall consider an allegation of a particular instance of 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, I have determined that 555 CMR 7.05(4)(c) applies to the Settlement Agreement executed by the Department and the applicant. I find that the applicant has complied with the disciplinary action imposed (the 15-day suspension followed by the unpaid leave of absence until resolution of the misdemeanor charge). Therefore, the underlying instances of misconduct, which were 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.

Based on my review of the applicant's petition and all the information before me, I have determined that the applicant possesses the requisite good moral character and fitness for employment in law enforcement. Therefore, I hereby **remand** this matter to the Division of Certification with an instruction to issue the applicant a full recertification as soon as the Division verifies compliance with the other requirements listed in the denial of certification letter.

The applicant must remain in compliance with the requirements of Chapter 6E of the Massachusetts General Laws and all rules and 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.



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Enrique Zuniga  
Executive Director

May 26, 2023

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Date