

Pursuant to M.G.L. c. 6E, § 9(a)(5), “[a] suspension order of the [C]ommission issued pursuant to [Section 9(a)(4)] shall continue in effect until issuance of the final decision of the [C]ommission or until revoked by the [C]ommission.” See 555 CMR 1.08(4).

By vote of the Commission on November 16, 2023.

Notice to: Daniel Fogarty, Esq. (Respondent’s Counsel)
Timothy D. Hartnett, Esq. (Enforcement Counsel)
Peabody Police Department (Agency)
Collective Bargaining Unit

Date Issued: January 5, 2024

Notice of Right to a Suspension Hearing

You may request a hearing before:

- (1) The full Commission to revoke the suspension before the issuance of a final Commission decision. See M.G.L. c. 6E, § 9(a)(5).
 - Requests are not subject to a time limit for filing. See generally M.G.L. c. 6E; 555 CMR 1.00.
 - A suspension order shall continue in effect until issuance of the final decision of the full Commission or until revoked by the full Commission. See also 555 CMR 1.08(4).
 - Appeals of the full Commission's decision are to the Superior Court. See M.G.L. c. 30A, § 14; 555 CMR 1.10.

- (2) The Single Commissioner to stay the suspension. See M.G.L. c. 6E, § 9(d); 555 CMR 1.09(1).
 - Absent a waiver, such a hearing would be held within 15 days of the effective date of the suspension.
 - Requests must be filed no later than five days after the effective date of the suspension and may include a request for an extension of time or a waiver of the right to have the hearing heard by the Single Commissioner within 15 days. See 555 CMR 1.09(2) and (3).
 - If the Single Commissioner determines by a preponderance of the evidence that the suspension is not warranted, that commissioner shall stay the suspension. See 555 CMR 1.09(6)(a).
 - Appeals of the Single Commissioner's decision are to the Superior Court. See M.G.L. c. 30A, § 14; 555 CMR 1.09(6)(d).

If you wish to request a hearing, please email your request to POSTCReview@mass.gov, with a cc to poststandards@mass.gov, and include in the subject line your case name and number and type of hearing (full Commission or Single Commissioner). In your request, also include:

- (a) Your name;
- (b) Your employing agency as of the date of the Complaint (or Criminal Complaint/Indictment);
- (c) The head of the agency you identified in (b), above;
- (d) Your mailing and email addresses;
- (e) Your phone number;
- (f) If one has been assigned, your Commission identification number;
- (g) If applicable, your attorney/representative's name;
- (h) If applicable, your attorney/representative's email address and phone number;
- (i) A brief description of the basis for the request for the hearing; and
- (j) One of the following statements:

If this is an appeal to the Single Commissioner (stay of suspension):

- I invoke my right to a hearing within 15 days of the effective date of the suspension.
- I waive my right to a hearing within 15 days of the effective date of the suspension and consent to receiving a hearing after 15 days.

If this is an appeal to the full Commission (revocation of suspension):

- I would like to have a hearing before the full Commission at a date to be determined.

A request for a hearing is deemed filed on the date it is received by the Commission. After you have filed a timely request for a hearing, you will receive a notice from the Commission containing further information and instructions.