

**COMMONWEALTH OF MASSACHUSETTS
PEACE OFFICER STANDARDS AND TRAINING COMMISSION**

In the Matter of
Nicholas Hoar

)
)

Case No. PI-2023-04-13-009
(SU-2022-12-13-001)

DECERTIFICATION ORDER

The Respondent Nicholas Hoar has entered into a Voluntary Decertification Agreement (“Agreement”) under which he has agreed to the permanent revocation of his certification (also known as decertification) as a law enforcement officer in the Commonwealth of Massachusetts, beginning on the date of approval of the Agreement by the Massachusetts Peace Officer Standards and Training Commission (“Commission”), and the entry of his decertification in the National Decertification Index (“NDI”). See M.G.L. c. 6E, §§ 3(a), 10(a)(i), and 10(g); M.G.L. c. 30A, §§ 10 and 13. As further conditions of the Agreement, the Respondent has waived all rights to contest, in this or any other administrative or judicial proceeding to which the Commission is or may be a party, the factual findings, conclusions of law, terms and conditions, and other provisions contained in the Agreement.

Accordingly, it is hereby ORDERED that, for the reasons stated in the Agreement:

- (a) The Respondent’s law enforcement certification is hereby permanently revoked;
- (b) The Executive Director shall characterize this action as a “Voluntary Decertification”; and
- (c) The Executive Director shall take the necessary steps to publish the Respondent’s name in the NDI and any publicly available lists and database published by the Commission.

By vote of the Commission on September 24, 2024.

Margaret R. Hinkle

Hon. Margaret R. Hinkle (Ret.), Chair

Notice: Nicholas Hoar, Respondent
Amy C. Parker, Esq., Commission Enforcement Counsel
Fall River Police Department, Agency
Collective Bargaining Unit
Bristol County District Attorney’s Office

COMMONWEALTH OF MASSACHUSETTS
PEACE OFFICER STANDARDS AND TRAINING COMMISSION

_____))
)) Commission Adjudicatory
IN THE MATTER OF)) Case No. PI-2023-04-13-009
))
NICHOLAS HOAR))
MPTC ID: 9999-8450))
))
_____)

VOLUNTARY DECERTIFICATION AGREEMENT

In the interest of resolving the above-captioned matter and consistent with the public interest and laws and regulations governing the Massachusetts Peace Officer Standards and Training Commission (“Commission”), including M.G.L. c. 6E, §§ 3(a), 8, and 10, and 555 C.M.R. §§ 1.01-1.10, the Respondent, Nicholas Hoar, and the Commission hereby enter into this Voluntary Decertification Agreement:

Factual Findings

1. The Respondent was employed as a police officer by the Fall River Police Department for the period of approximately March 14, 2016, to February 5, 2024.

2. On July 1, 2021, the Respondent was automatically certified as a police officer in Massachusetts pursuant to St. 2020, c. 253, § 102, an Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth. The Respondent’s certification was suspended by the Commission on December 15, 2022, and the Commission declined to recertify the Respondent in a decision that was issued on January 18, 2023, with an effective date of July 1, 2022.

3. On November 29, 2022, a Federal grand jury returned indictments against the Respondent in the United States District Court for the District of Massachusetts on one count of Deprivation of Rights Under Color of Law and two counts of False Report. *See* 18 U.S.C. § 242; 18 U.S.C. § 1519; 18 U.S.C. § 3559.

4. On April 13, 2023, the Commission, pursuant to 555 C.M.R. §§ 1.02(2) and (4), authorized the Division to conduct a preliminary inquiry into the allegation that the Respondent had committed a felony.

5. On February 1, 2024, after a trial in the District Court, a jury found Hoar guilty of each indicted offense. *See United States v. Hoar*, 1:22-cr-10324-ADB (D. Mass June 3, 2024).

6. On April 24, 2024, the District Court imposed a sentence of thirty-three months' imprisonment, followed by one year of supervised release including mental health treatment and a no-contact order for the victim of the deprivation of rights offense. The District Court entered final judgment on May 22, 2024.

7. On June 13, 2024, the Division submitted its report of preliminary inquiry to the Commission. Subsequently, on June 20, 2024, the Commission voted to initiate disciplinary proceedings against the Respondent.

Conclusions of Law

8. Pursuant to M.G.L. c. 6E § 3(a):

The [C]ommission shall have all powers necessary or convenient to carry out and effectuate its purposes, including, but not limited to, the power to:

- (1) act as the primary civil enforcement agency for violations of [chapter 6E]; . . .
- (4) deny an application or limit, condition, restrict, revoke or suspend a certification, or fine a person certified for any cause that the commission deems reasonable; . . .
- (23) restrict, suspend or revoke certifications issued under [chapter 6E];
- (24) conduct adjudicatory proceedings in accordance with chapter 30A; . . .

9. Pursuant to M.G.L. c. 6E, § 1, a "conviction" includes "an adjudication of guilt."

10. Pursuant to M.G.L. c. 6E, § 10(a)(i), "[t]he [C]ommission shall, after a hearing, revoke an officer's certification if the [C]ommission finds by clear and convincing evidence that . . . the officer is convicted of a felony."

11. Pursuant to M.G.L. c. 6E, § 10(g), "[t]he [C]ommission shall publish any revocation order and findings. The [C]ommission shall provide all revocation information to the national decertification index. No officer may apply for certification after that officer's certification has been revoked pursuant to this section."

12. "Unless otherwise provided by law, agencies may . . . make informal disposition of any adjudicatory proceeding by stipulation, agreed settlement, consent order or default."
M.G.L. c. 30A, § 10.

13. The offenses of Deprivation of Rights Under Color of Law and False Report are both felonies under Federal law. *See* 18 U.S.C. § 242; 18 U.S.C. § 1519; 18 U.S.C. § 3559.

14. The Respondent's conviction of three felonies constitutes a "resolution" of the criminal charges against him pursuant to M.G.L. c. 6E § 10(h) and 555 C.M.R. § 1.10(2)(c).

Resolution

In view of the foregoing violation of M.G.L. c. 6E, § 10(a)(i), the Commission has determined that the public interest would best be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions which have been agreed to by the Respondent:

15. The Respondent admits that the facts described herein are true.

16. The Respondent hereby agrees to the permanent revocation of his law enforcement officer certification in the Commonwealth of Massachusetts, pursuant to M.G.L. c. 6E, §§ 3(a) and 10(a)(i).

17. The Respondent waives all rights to contest the factual findings, conclusions of law, terms and conditions, or other provisions contained in this Agreement, as well as any Order of the Commission contemplated by this Agreement, in any administrative or judicial forum to which the Commission is or may be a party.

18. The Respondent acknowledges that, once this Agreement is executed, the Commission will issue an Order of Decertification. Both this Agreement and the Order of Decertification will be public documents and will be published on the Commission's website pursuant to M.G.L. c. 6E, § 10(g). Furthermore, the status of the Respondent's certification will be publicly available on certain lists and databases published by the Commission.

19. The Respondent understands and acknowledges that, as required under M.G.L. c. 6E, § 10(g), the Commission will submit all revocation information, including a copy of this Agreement and any Order of Decertification, for inclusion in the National Decertification Index.

20. This Agreement shall be effective as of the date it is approved by the Commission.

26 AUG 2024
Date


Respondent

9/24/2024
Date

Margaret R. Hinkle
Margaret R. Hinkle, Chair