

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

IN THE MATTER OF )  
GURPREET SINGH )

Case No. 2024-001

**FINAL DECISION**

In accordance with 555 CMR 1.10(1), a Hearing Officer was assigned to conduct an adjudicatory proceeding regarding this matter on behalf of the Peace Officer Standards and Training Commission (“Commission”).

Pursuant to M.G.L. c. 30A, §§ 11(7) and (8) and 555 CMR 1.10(4)(e)(2), the Hearing Officer issued an Initial Decision and Order, and Gurpreet Singh (“Respondent”) had thirty (30) days to provide written objections to the Commission. No objections were received.

After careful review and consideration, the Commission voted to affirm and adopt the Initial Decision of the Hearing Officer.

For the above reasons, the Motion for Default and Final Decision filed by the Division of Police Standards is hereby **granted**. See 555 CMR 1.10(4). The Respondent was afforded the opportunity for a full and fair hearing. See M.G.L. c. 30A, § 10 (providing that, “[i]n conducting adjudicatory proceedings,” “agencies shall afford all parties an opportunity for full and fair hearing,” and “[u]nless otherwise provided by any law, agencies may” “place on any party the responsibility of requesting a hearing if the agency notifies [the party] in writing of [the party’s] right to a hearing and of [the party’s] responsibility to request the hearing” and “make informal disposition of any adjudicatory proceeding by” “default”), § 13 (providing that, “[e]xcept as otherwise provided in this section, no agency shall revoke or refuse to renew any license unless it has first afforded the licensee an opportunity for hearing in conformity with [ §§ 10, 11, and 12 ],” but “[t]his section shall not apply” “[w]here the agency is required by any law to revoke, suspend or refuse to renew a license, as the case may be, without exercising any discretion in the matter, on the basis of a court conviction or judgment” or “[w]here the revocation, suspension or refusal to renew is based solely upon failure of the licensee to file timely reports, schedules, or applications . . . .”), incorporated by reference in M.G.L. c. 6E, § 10(f) and 555 CMR 1.10(4).

The Commission finds, by clear and convincing evidence, that the Respondent [REDACTED], is not fit for duty as an officer, is dangerous to the public, and has repeated sustained internal affairs complaints for the same or different offenses. M.G.L. c. 6E, §§ [REDACTED], 10(a)(xvi), and 10(b)(v). Thus, the Respondent’s certification is hereby revoked.

The Executive Director shall take the necessary steps to publish the Respondent’s name in the National Decertification Index. M.G.L. c. 6E, §§ 10(g), 13(b). This is the final decision of the Commission. M.G.L. c. 30A, § 11(8); 555 CMR 1.10(4)(e).

By vote of the Commission on November 21, 2024.

In accordance with M.G.L. c. 30A, § 14 and M.G.L. c. 6E, § 10(f), the Respondent may commence an appeal to the Superior Court within thirty (30) days to the extent allowed by law. After initiating proceedings for judicial review in Superior Court, the Respondent, or the Respondent's attorney, is required to serve a copy of the summons and complaint upon the Boston office of the Attorney General of the Commonwealth, with a copy to the Commission, in the time and manner prescribed by Mass. R. Civ. P. 4(d).

*Margaret R. Hinkle*

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

Notice: Gurpreet Singh, Respondent  
Shaun Martinez, Esq., Deputy Director, Division of Police Standards  
Bolton Police Department, Agency  
Somerville Police Department, Agency  
Worcester County District Attorney's Office

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

IN THE MATTER OF  
GURPREET SINGH

)  
)

Case No. 2024-001

**INITIAL DECISION**

I. Introduction

At issue in this matter is whether this proceeding brought by the Massachusetts Peace Officer Standards and Training Commission (“Commission”) should now terminate with a default decision in the Commission’s favor, pursuant to Massachusetts General Laws Chapter 30A, § 10(2), 801 CMR 1.01(7)(a), and 555 CMR 1.10(4). Gurpreet Singh (“Respondent”) did not answer, appear, or defend the allegations of misconduct against him in the Order to Show Cause (“OTSC”). Nor did he respond to mailings delivered to him by the Division of Police Standards (“Division”). For the reasons stated below, I recommend that the Commission grant the Division’s Motion for Default and Final Decision (“Motion”), adopt this Initial Decision as its Final Decision, and determine what discipline should be imposed against the Respondent.

II. Procedural History

1. The Division served the Respondent with an OTSC by USPS Priority Mail on August 23, 2024, addressed to the Respondent’s last known home address. Attachment 1; see Att. 3 n.1.

The record indicates that the OTSC was delivered on August 14, 2024. Att. 2.

2. The OTSC contained the allegations against the Respondent and notification of the obligation to file an answer or otherwise respond to the allegations within 21 days. Att. 1. The OTSC stated that, if a responsive and timely answer was not filed, the Commission may act.

Att. 1. In particular, the Respondent was notified that if an answer to the allegations in the OTSC is not filed, the Commission may enter a Final Decision and Order that assumes the truth

of the allegations in the OTSC and that the Commission may take action against the Respondent's certification, including granting, in full, the action contemplated in the OTSC.

Att. 1.

3. The Motion was mailed by the Division to the Respondent by USPS Priority Mail on September 27, 2024, to the same last known address. Atts. 3 and 4. I take administrative notice that the OTSC was attached as an exhibit to the Motion.

4. By operation of law, the Commission may presume that the Respondent received both the OTSC and the Motion, as discussed below. The Respondent failed to respond to either the OTSC or the Motion.

### III. Allegations Contained in the OTSC

1. 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. Throughout the time of the below allegations, the Respondent was employed as an officer by the Somerville and Bolton Police Departments (respectively, "Somerville PD" and "Bolton PD"). The Respondent remained certified as a law enforcement officer until July 1, 2024, pursuant to St. 2020, c. 253, § 102(d)(iii).

2. While employed as a law enforcement officer at Somerville PD in May 2017, the Respondent submitted two pay slips for different work details, which had been scheduled for the same time. He was fully compensated for both details, despite not working the entirety of both details. Although Somerville PD began an investigation into this misconduct, the Respondent resigned from his position on June 9, 2017, prior to the investigation's completion.

3. Bolton PD hired the Respondent on October 31, 2017. Despite being asked whether he had been the subject of prior internal affairs investigations, the Respondent told members of the Bolton PD that he had never been the subject of such an investigation. After later discovering that the Respondent was previously investigated by Somerville PD for alleged timesheet falsification, as described in paragraph 2 above, the Bolton PD conducted its own internal investigation in October 2022 regarding the Respondent's failure to disclose that he was previously investigated for misconduct. Investigators sustained a finding of untruthfulness. Prior to the conclusion of the investigation, on November 8, 2022, the Respondent resigned from the Bolton PD.

4. In addition to the above-noted incidents, while employed at Bolton PD, the Respondent was investigated for an October 4, 2021, incident during which he allowed another officer to use his credentials and identification number to administer a chemical breath test on an arrestee, who was under suspicion of operating a vehicle while under the influence of alcohol. The Respondent, despite that the other officer administered the test, represented that he was the operator of the chemical testing device in subsequent reports. Investigators sustained allegations against the Respondent, and the Respondent was suspended for two days.

5. The Respondent was also the subject of a Bolton PD internal investigation for a January 11, 2019, incident in Burlington, Massachusetts, when the Respondent activated the emergency lights, which had been installed in his personal vehicle, while off-duty and driving on the highway, despite being outside of Bolton's jurisdiction and having no exigent circumstances existing at the time. Investigators sustained the allegations against the Respondent for his improper use of the emergency lights in his personal vehicle.

6. On or about December 17, 2023, the Respondent was at the Scorpion Bar on Seaport Boulevard in Boston. After bumping into an individual at the bar, the Respondent displayed a firearm, pointed it at the other individual, and stated, in substance, that he could kill the individual if he wanted to. While the Respondent was leaving the bar, he displayed his expired Bolton PD identification and claimed that he was on the job, implying that he was working as a police officer. When the police arrived after the altercation, they recovered a firearm from the Respondent's person and [REDACTED].

7. [REDACTED]  
[REDACTED]  
[REDACTED]

8. On January 23, 2024, the Commission directed the Division to open a preliminary inquiry to investigate the above-described allegations against the Respondent.

9. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

IV. Attachments

In ruling on this matter, I have considered the Motion filed by the Division and the following attachments:

Attachment 1: OTSC with a certificate of service, dated August 23, 2024.

Attachment 2: OTSC USPS Priority Mail tracking, dated August 27, 2024.

Attachment 3: Motion for Default and Final Decision, dated September 27, 2024.

Attachment 4: Motion for Default USPS Priority Mail tracking, dated September 30, 2024.

I take administrative notice of all papers filed in this case, as well as chapter 6E and Commission regulations. See M.G.L. c. 30A, § 11(5).

V. Legal Basis for Commission Disciplinary Action

1. 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; . . .

2. [REDACTED]

3. [REDACTED]

4. [REDACTED]

5. Pursuant to M.G.L. c. 6E, § 10(a)(xvi), “[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 not fit for duty as an officer and the officer is dangerous to the public, as determined by the [C]ommission.”

6. Pursuant to 6E § 10(b)(v), “[t]he [C]ommission may . . . suspend or revoke an officer’s certification if the [C]ommission finds by clear and convincing evidence that the officer . . . has repeated sustained internal affairs complaints, for the same or different offenses.”

7. Pursuant to M.G.L. c. 6E, § 10(g), the Commission shall publish any revocation order and findings and shall provide all revocation information to the National Decertification Index (“NDI”).

8. Pursuant to M.G.L. c. 6E, § 10(h), the Commission may institute a disciplinary hearing after an officer’s appointing agency has issued a final disposition on the alleged misconduct.

9. Pursuant to M.G.L. c. 6E, § 4(g), “[n]o agency shall appoint or employ a person as a law enforcement officer unless the person is certified by the [C]ommission.”

#### VI. Notice

The Respondent was notified at his last known address by the OTSC that if he did not file an answer or otherwise respond to the allegations in the OTSC in a responsive and timely manner, the Commission could enter a Final Decision and Order that assumes the truth of the allegations in the OTSC. In addition, the notice informed him that the Commission may take particular action against his certification, including granting in full the relief contemplated in the OTSC. These advisories were sufficient to place him on notice of the consequences of any default. See Lawless v. Bd. of Registration in Pharmacy, 466 Mass. 1010, 1010 n.1, 1011 (2013) (concluding that pharmacist had “ample notice,” where he was informed that “failure to appear at any hearing would result in entry of default and that, in the event of default, the board could enter a final decision accepting as true the allegations contained in the show cause order”); Univ.



Hosp., Inc. v. Massachusetts Comm’n Against Discrimination, 396 Mass. 533, 539 (1986) (holding that default provision did not violate due process, as it “afford[ed] the [R]espondent reasonable procedural safeguards for notice and opportunity to be heard”). Despite being afforded the opportunity to do so, the Respondent has failed to file an answer, request an adjudicatory hearing, or otherwise respond.

On September 27, 2024, the Division moved for a default judgment and final decision and served the Motion, with the OTSC and OTSC tracking information attached as exhibits, by USPS Priority Mail with tracking information to the Respondent’s last known address. Att. 3 n.1.

The Commission provided sufficient notice by delivering the OTSC and the Motion using USPS Priority Mail. Under Massachusetts case law, there is a presumption that the addressee receives properly deposited mail. See Espinal’s Case, 98 Mass. App. Ct. 152, 152-53, 156 (2020) (citing Eveland v. Lawson, 240 Mass. 99, 103 (1921) (“The depositing of a letter in the post office, properly addressed, postage prepaid, to a person at his place of business or residence, is prima facie evidence that it was received in the ordinary course of mails.”)); see also Commonwealth v. Crosscup, 369 Mass. 228, 239 (1975) (“Proper mailing of a letter is ‘prima facie evidence’ in civil cases of its receipt by the addressee.”). Further, nothing in chapter 6E required the Division to take any additional steps. Nor is the Division prohibited from relying on the certification that it mailed the Motion via USPS Priority Mail delivery. See Espinal’s Case, 98 Mass. App. Ct. at 157 (stating that “on other occasions when the Legislature intended to impose a requirement for notice by certified mail, return receipt requested, it has done so explicitly”). I may presume that the Respondent received the Motion that was sent through USPS Priority Mail at his last known address.

## VII. Discussion

Pursuant to 801 CMR 1.01(7)(a), a party may request through a motion that a Hearing Officer “issue any order or take any action not inconsistent with [the] law or 801 CMR 1.00.” One such action is recommending the entry of a final judgment of default where a respondent has failed to appear. Under M.G.L. c. 30A, § 10(2), an agency is specifically authorized to “make informal disposition of any adjudicatory proceeding by . . . default.” Lawless, 466 Mass. at 1011-12 (affirming that agency “ha[d] authority, in an appropriate circumstance, to dispose of an adjudicatory proceeding by default,” citing M.G.L. c. 30A, § 10; and concluding that agency’s decision to do so was not shown to be improper, where the party failed to appear after the first day of hearing). That step is warranted here. The Commission has afforded the Respondent an opportunity for a full and fair hearing as required by M.G.L. c. 30A, §§ 10, 11(1) and 801 CMR 1.01(4)(c).

In University Hosp., 396 Mass. at 538-39, the Supreme Judicial Court rejected the notion that due process standards were violated by an agency rule that provided sanctions for a party’s default upon receiving interrogatories. The court concluded that the provisions of the agency rule “afford . . . reasonable procedural safeguards for notice and an opportunity to be heard,” noting that a respondent is given clear notice of the consequences, and has opportunities to object, to obtain an extension of time, to petition for a default to be vacated, and to seek judicial review of the entire proceedings. Id. at 539. In the case before the Commission, the OTSC and the Motion (both sent by USPS with tracking) provided the Respondent with notice of the consequences of a failure to appear or defend in this matter, as well as an opportunity to object. Atts. 1 and 3. The Respondent could have sought more time to respond under 801 CMR

1.01(4)(e), (7)(a), and (7)(d). Therefore, the entry of a default judgment by the Commission is both legal and proper.

By reason of the Respondent's default, and upon consideration of the Division's Motion, I recommend that the Commission grant the Motion. See Lawless, 466 Mass. at 1010-12 & n.1; Univ. Hosp., 396 Mass. at 538-39; Productora e Importadora de Papel, S.A. de C.V. v. Fleming, 376 Mass. 826, 833-35 (1978) (recognizing that a default establishes the truth of factual allegations). In addition, I recommend that the Commission find that the allegations in the OTSC and the violations of the statutes and regulations stated therein are deemed admitted and established. See Lawless, 466 Mass. at 1010-12 & n.1; Univ. Hosp., 396 Mass. at 534, 538-39; Productora e Importadora de Papel, 376 Mass. at 833-35.

I now briefly address the ability of the Commission to decertify the Respondent even though he is not presently certified. In January 2024, the Commission, through the Executive Director, had begun a disciplinary proceeding against the Respondent and issued an immediate suspension of the Respondent's certification. This was several months prior to the expiration of the Respondent's certification in July 2024. Regardless of the status of his certification, the language of the Commission's enabling statute makes it clear that the Commission is to hold officers accountable for misconduct, and to prevent decertified persons from being employed as officers in the future.

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:

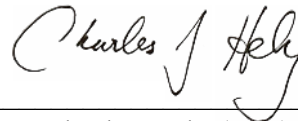
- (1) act as the primary civil enforcement agency for violations of [chapter 6E]; . . .
- (4) deny an application or limit, condition, restrict, revoke or suspend a certification, or fine a person certified for any cause that the commission deems reasonable; . . .
- (23) restrict, suspend or revoke certifications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

Allowing an officer to resign to avoid the consequences of the statute for prior actions would frustrate a main goal of the statute. See eVineyard Retail Sales Massachusetts, Inc. v. Alcoholic Beverages Control Commission, 450 Mass. 825, 829 (2008) (“The suspension of a license does not merely impact the actual license held by the licensee; it impacts the licensee’s right to hold a license.”). To hold otherwise would permit an officer to simply allow their certification to expire in lieu of discipline, and then later apply for recertification.

VIII. Conclusion

The Division’s Motion should be granted for the reasons stated above. I recommend that the Commission find the allegations to be supported, make this Initial Decision final, and proceed to determine what discipline is appropriate. In accordance with the provisions of 555 CMR 1.10(4)(e)(2)(b), the officer has 30 days to file written objections to the Initial Decision with the Commission.

SO ORDERED.



Hon. Charles Hely (Ret.)  
Hearing Officer

Date: October 16, 2024

Notice: Gurpreet Singh, Respondent  
Shaun Martinez, Esq., Deputy Director, Division of Police Standards  
Bolton Police Department, Agency  
Somerville Police Department, Agency  
Worcester County District Attorney’s Office