COMMONWEALTH OF MASSACHUSETTS
PEACE OFFICER STANDARDS AND TRAINING COMMISSION

IN THE MATTER OF SCOTT SAUNDERS	))	Case No. 2023-016

FINAL 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 pursuant to M.G.L. c. 30A, § 10(2), 801 CMR 1.01(7)(a), and 555 CMR 1.10(4). Scott Saunders ("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"). After careful review and consideration, the Commission voted to grant a Motion for Default and Final Decision ("Motion") filed by the Division. See 555 CMR 1.10(4).

II. Procedural History

1. The Division served the Respondent with an OTSC by United States Postal Service ("USPS") Priority Mail on October 20, 2025, addressed to the Respondent's last known home address. Attach. 1; see Attach 3. The record indicated that the OTSC was delivered on October 23, 2025. Attach. 2.

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

3. When the Division received no response to the OTSC, it served the Motion on the Respondent by USPS Priority Mail on November 21, 2025, to the same last known address. Attachs. 3 and 4. The Commission takes 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 law enforcement officer in Massachusetts pursuant to St. 2020, c. 253, § 102, an Act Relative to Justice, Equity, and Accountability in Law Enforcement in the Commonwealth.

2. The Commission suspended the Respondent's law enforcement certification on August 4 24, 2023.

3. On September 7, 2023, the Commission directed the Division to open a preliminary inquiry to investigate the allegation that the Respondent [redacted]

4. On August 26, 2025, in [redacted] The Respondent [redacted]

[redacted]

IV. Attachments

In ruling on this matter, the Commission considered the following attachments:

Attachment 1: OTSC with a certificate of service, dated October 20, 2025.

Attachment 2: OTSC USPS Priority Mail tracking, indicating delivery on October 23, 2025.

Attachment 3: Motion, dated November 21, 2025.

Attachment 4: Motion USPS Priority Mail tracking, dated November 24, 2025.

The Commission takes administrative notice of all papers filed in this case, as well as chapter 6E of the Massachusetts General Laws 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 commission 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]; [and]
> (24) conduct adjudicatory proceedings in accordance with chapter 30A; . . . .

2. Pursuant to M.G.L. c. 6E, [redacted], "[t]he commission shall, after a hearing, revoke an officer's certification if the commission finds by clear and convincing evidence that . . . [redacted]

3. Pursuant to M.G.L. c. 6E, § 10(g), "[t]he commission shall publish any revocation order and findings" and "shall provide all revocation information to the national decertification index" ("NDI").

4. 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.

5. Pursuant to M.G.L. c. 30A, § 10, "[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."

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 timely manner, the Commission could enter a final decision 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 the 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. Mass. Comm'n Against Discrimination, 396 Mass. 533, 539 (1986) (holding that the default provisions at issue did not violate due process, as they "afford[ed] the respondent reasonable procedural safeguards for notice and an 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 November 21, 2025, 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 as indicated by a CLEAR search conducted by the Division. Attach. 3.

The Division 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"). The Commission 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 the agency "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 the 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 the agency's decision to do so was not shown to be improper, where the party failed to appear after the first day of hearing). For the above reasons, the Motion for Default and Final Decision filed by the Division 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).

In University Hospital, 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 failure to respond to interrogatories. The court concluded that the provisions of the agency rule "afford[ed] . . . reasonable procedural safeguards for notice and an opportunity to be heard," noting that the respondent was given clear notice of the consequences, and could obtain an extension of time, petition for a default to be vacated, and 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. 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.

The Commission finds, by clear and convincing evidence, that the Respondent has been [redacted] **Thus, the Respondent's certification is hereby revoked.** The Executive Director shall take the necessary steps to publish the Respondent's name in the NDI. See 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 December 18, 2025.

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: Scott Saunders, Respondent
Tara L. Chisholm, Esq., Commission Enforcement Counsel
Division of Police Standards
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Hull Police Department, Law Enforcement Agency
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