

The Commonwealth of Massachusetts  
Commission Against Discrimination  
One Ashburton Place, Boston, MA 02108  
Phone: (617) 994-6000 Fax: (617) 994-6024

- DISMISSAL and NOTIFICATION of RIGHTS -

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To: William D. Green c/o Walter H. Jacobs, Esq, Alexandria A. Jacobs, Esq. Attorneys at Law 795 Turnpike Road North Andover, MA 01845	Case: William Green v. City of Lawrence, Lawrence Police Department, James Fitzpatrick, Daniel Fleming, Steven Scheffen, Lieutenant, Maurice Aguiler, Scott McNamara, Roy Vasque, Denis Pierce, Emil Defusco MCAD Docket Number: 14BEM02060 EEOC Number: 16C-2014-02186 Investigator: Emily Miller
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Your complaint has been dismissed for the following reasons:

- The facts alleged fail to state a claim under any of the statutes the Commission enforces.
- Respondent employs less than the required number of employees.
- Your complaint was not timely filed with the Commission, i.e. you waited too long after the date(s) of the alleged discrimination to file. Because it was filed outside the time limit prescribed by law, the Commission cannot investigate your allegations.
- You failed to provide requested information, failed or refused to appear or to be available for necessary interviews/conference, or otherwise refused to cooperate to the extent that the Commission has been unable to resolve your complaint. You have had more than 30 days in which to respond to our written request.
- The Commission's efforts to locate you have been unsuccessful. You have had at least 30 days in which to respond to a notice sent to your last known address.
- The Respondent has made a reasonable settlement, offering full relief for the harm you alleged. 30 days have expired since you received actual notice of this settlement offer.
- The Commission issues the following determination. Based upon the Commission's investigation, the Commission is unable to conclude that the information obtained establishes a violation of the statutes. This does not certify that the Respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this complaint.
- Other (briefly state)

- NOTICE of APPEAL -

If you wish to appeal the dismissal of your complaint and believe that the above stated reason for dismissal is incorrect, you may appeal to this Commission within 10 days after receipt of this notice. You or your attorney must make your appeal of the dismissal in writing to the appeals clerk of this Commission. **Attention: Nancy To.**

All employment complaints, where applicable, were filed by the MCAD with the Equal Employment Opportunity Commission. Our finding, which will be forwarded to its area office, JFK Federal Building, Boston, MA will be given substantial weight provided that such findings are in accordance with the requirements of Title VII of the Civil Rights Act of 1964, the ADEA, and/or the ADA, as amended.

  
Sheila A. Hubbard  
Investigating Commissioner

4/21/17  
Date

Cc:

Andrew J. Gambaccini, Esq.  
Reardon, Joyce & Akerson, P.C.  
4 Lancaster Terrace  
Worcester, MA 01609

City of Lawrence  
Director of Human Resources  
Lawrence City Hall  
200 Commons Street  
Lawrence, MA 01840

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Daniel J. Fleming  
c/o Lawrence Police Department  
90 Lowell Street  
Lawrence, MA 01840

Denis J. Pierce  
c/o Lawrence Police Department  
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James J. Fitzpatrick  
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Scott D. McNamara  
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## INVESTIGATIVE DISPOSITION

Case Name: William Green v. City of Lawrence, Lawrence Police Department, James Fitzpatrick, Daniel Fleming, Steven Scheffen, Maurice Aguiler, Scott McNamara, Roy Vasque, Denis Pierce, Emil Defusco

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MCAD Docket No.: 14BEM02060

EEOC Docket No.: 16C-2014-02186

No. of Employees: 25+

Investigator: Emily Miller, Enforcement Intern

Recommendation: **Lack of Probable Cause**

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### Introduction

On July 22, 2014, Complainant filed a Complaint against Respondents City of Lawrence, Lawrence Police Department, James Fitzpatrick, Daniel Fleming, Steven Scheffen, and Maurice Aguiler alleging discrimination based on national origin and race/color, and retaliation in violation of M.G.L. c. 151B Section 4, Paragraphs 1, 4, 4A, 5, and Title VII of the Civil Rights Act of 1964, as amended. On December 22, 2014, Complainant amended his complaint to amplify and clarify the allegations in the original complaint, to add new allegations of discrimination and retaliation, and to add Scott McNamara, Roy Vasque, Denis Pierce, and Emil DeFusco as individual Respondents.

### Complainant's Allegations

Complainant alleges the following. Complainant is an African-American police officer who has been employed with Respondent Lawrence Police Department ("LPD" or "the Department") since August 2005.

On or about December 12, 2012, Complainant, while responding to a call, shot an individual who was striking a civilian with a baseball bat. Complainant sustained Post Traumatic Stress Disorder ("PTSD") from the incident.

In or around January 2014, Complainant was disciplined for conduct in connection with working paid details at night clubs in 2013. When club owners pay cash for details, officers are supposed to purchase money orders and submit them to the LPD so the Department can take their administrative fee and then pay the officer. Throughout his detail work in 2013, Complainant did not obtain money orders for all details for which he was paid in cash. The City held a hearing on the issue and Complainant was suspended from February 18, 2014 to May 18, 2014. Complainant ultimately turned in all money orders by February 2014.

William Green v. City of Lawrence, Lawrence Police Department, James Fitzpatrick, Daniel Fleming, Steven Scheffen, Maurice Aguiler, Scott McNamara, Roy Vasque, Denis Pierce, Emil Defusco

In December 2013, Complainant reported that Respondent Sergeant Aguiler conducted an illegal search by entering a home without a warrant and directed Complainant to write a false report about this incident. The Massachusetts Attorney General investigated Complainant's allegations and found Aguiler had not violated the law.

On December 31, 2013, Complainant was under considerable stress from the 2012 shooting and told his supervisor he could not function properly due to the stress. On February 10, 2014, Complainant submitted a doctor's note diagnosing Complainant with PTSD from the shooting. After Complainant reported this stress, Respondent Fitzpatrick seized Complainant's weapons but initially told Complainant that he would not have his license to carry suspended. Subsequently, Complainant posted a photo on his private Instagram account stating that the LPD drug unit consisted of only White officers. After that posting was made, Fitzpatrick suspended Complainant's license to carry.

On April 15, 2014, Complainant attended a City Council meeting and publicly described Respondents' discriminatory practices, telling the Council that there were no minority police officers in the drug unit and only two minority officers in the day shift detective division. Following Complainant's statements, Chief James Fitzpatrick asked the Massachusetts Attorney General to investigate Complainant's allegations. The next day, two coworkers made Facebook posts mocking Complainant's statements before the City Council. Complainant filed a complaint with the City about the Facebook posts.

On May 14, 2014, Respondents informed Complainant that he needed to undergo a fitness for duty examination, scheduled for May 23. This meant he was not able to return to work on May 19 as scheduled, and he was not put on administrative pay pending his evaluation. Complainant was seen by a doctor, who determined that Complainant was fit for duty.

On June 16, 2014, Respondents placed Complainant on administrative leave based on findings made by the Attorney General and notified him that he may be terminated.

On June 20, 2014, the LPD arrested Complainant in connection with 911 calls containing profanity and threats to police officers made to the LPD throughout June of 2014. Officers who heard the 911 calls believed the voice on the calls sounded like Complainant's. These officers worked on a different shift than Complainant and thus had a limited opportunity to know Complainant's voice. Before arresting Complainant, the LPD made no attempt to interview him or determine his whereabouts at the time the phone calls were made.

After Complainant's arrest, Respondents determined that Complainant was not the caller, and Complainant was released. Lawrence Mayor Rivera issued a public apology to Complainant and his family. On June 24, 2014, Complainant was asked to sign a waiver of claims against the City or be fired. Complainant did not sign the waiver.

On June 25, 2014, Complainant was called back to work. On June 27, 2014, Complainant sent an email to Respondent Fleming, police supervisors, and the union, asking about the

basis for making shift assignments. The following day, Complainant asked that he be given assignments in writing to avoid confusion. Respondent Fleming responded that he would continue to make shift assignments as he always had, and ordered Complainant not to talk to anyone outside of the chain of command. Complainant subsequently spoke with Mayor Rivera about his arrest and discrimination by Respondents. On July 10, 2014, Respondents Driscoll and Vasque called Complainant to ask if he had spoken with the Mayor and reprimand him for going outside of his chain of command. Complainant stated he would not contact the Mayor in the future. On July 18, 2014, Respondents issued Complainant a written reprimand for violating the chain of command. Complainant was unaware of any rules relating to chain of command.

On July 12, 2014, Complainant was the only officer guarding a prisoner at a hospital. Complainant left the prisoner, who was handcuffed to a stretcher, to go to the restroom, and the prisoner escaped. The LPD located the prisoner within an hour.

In September, 2014, Complainant was issued a reprimand for unauthorized use of an LPD database. Complainant used the database to determine if Respondent Fleming had called in sick in violation of LPD policy 12 years earlier to verify Fleming's misconduct before reporting it. Complainant is unaware of rules governing access to that database.

On September 19, 2014, Complainant was suspended for two days for allowing an LPD prisoner to escape. Non-African American officers have not been disciplined for allowing prisoners to escape. Complainant has never been given a copy of the prisoner watch policy.

As a general matter, the LPD maintains racially homogenous special units, such as the Detective Division and Community Policing, by failing to use hiring standards or post openings for these units. For example, on October 22, 2014, Officer A. (White) was assigned to the special operations/community policing unit. The LPD did not post the position, denying Complainant the opportunity to apply. Additionally, a White officer was appointed to the Special Narcotics Enforcement Unit (SNEU); the LPD failed to post this position. Until Complainant filed his initial complaint, the SNEU was an all-White unit.

#### Respondents' Position

Respondents assert the following. Respondent City of Lawrence operates a police department employing 115 sworn personnel. Chief Fitzpatrick became Acting Chief of Police in 2013. At present, the Department's command structure consists of an Acting Chief of Police, an unfilled Deputy Chief of Police position, four captains, five lieutenants, over a dozen sergeants. In addition, Respondent City employs 85 patrol officers.

Over the past nine years of his employment, Complainant has consistently failed to adequately perform work and has engaged in a series of misbehavior. The LPD has repeatedly attempted to correct this behavior through counseling, reprimands, and other forms of progressive discipline.

In late 2013, Respondents learned that Complainant, for a period of four months in 2013, had been accepting cash for nightclub detail work and keeping the entire amount ("detail bypass"). These actions are inconsistent with the LPD's policy for detail payments and resulted in theft of the LPD's administrative fees. The Department's investigation revealed nineteen instances of detail bypass, with the Complainant owing almost \$4,000 to the City. Complainant did not repay funds until after the thefts were discovered.

As a result of the City's investigation, then Chief Romero recommended to the Mayor, the appointing authority for the City, that Complainant be suspended for sixty days, as only the appointing authority could impose a suspension greater than five days. Soon after, Chief Romero retired and Respondent Fitzpatrick became Acting Chief. On December 17, 2013, Fitzpatrick issued a letter suspending Complainant for five days and recommending to the Mayor that Complainant be suspended for an additional twenty five days.

At the same time, the LPD discovered that another officer, who is White, had also failed to turn over detail fees. The LPD offered Complainant and the other officer the same resolution: either accept a thirty day suspension, or risk going forward with a challenge to the discipline and risk a more severe sanction. The White officer accepted the resolution and served the thirty day suspension. Complainant elected to have a hearing. As a result of the hearing, the Mayor imposed a ninety-day suspension beginning February 18, 2014.

On December 18, 2013, Complainant was dispatched to respond to a breaking and entering call with Respondent Sergeant Aguiler. Months later, Complainant alleged that Aguiler had made an unlawful search during this encounter.

On December 31, 2013, Complainant left work early, reporting to his supervisor that he was sick. Complainant's union representative subsequently informed Respondent Lieutenant Fleming that Complainant intended to file a claim for medical leave based on "generalized stress." When Fleming followed up with Complainant, Complainant informed Fleming that he was so stressed that he could not perform his job functions.

At that point, Fleming placed Complainant on sick leave and instructed officers to retrieve any weapons at Complainant's house. Initially, Chief Fitzpatrick informed Complainant that he did not want to suspend Complainant's license to carry. However, upon further reflection and research about what had been done in the past when Officers took leave for mental health reasons, Fitzpatrick decided that the best course of action would be to suspend the Complainant's license to carry so he could not acquire another weapon while on sick leave. Captain McNamara informed Complainant that, prior to a return to duty, Complainant would need to submit medical documentation demonstrating that the stress that prevented him from performing his duties was no longer present.

On April 15, 2014, Complainant appeared before the Lawrence City Council and spoke publically about systemic racial discrimination in the Police Department. On April 16, two

officers posted photos on their Facebook pages mocking the Complainant's comments at the City Council meeting. That same day, Captain McNamara responded to these posts by sending out a memorandum on behalf of Chief Fitzpatrick that members of the department were prohibited from posting on social media while on duty and from posting on social media at any time relating to internal policies and personnel matters.

On April 18, 2014, Complainant met with Chief Fitzpatrick and reported that Complainant had been assaulted by another officer at the police station approximately six weeks prior.

On April 22, 2014, a local newspaper published an open letter that Complainant wrote to Mayor Rivera describing systemic discrimination in the community generally and the LPD specifically. In this letter, Complainant also describes being assaulted by another officer. In response to Complainant's allegations of assault, on April 28, 2014 the Department requested that the Attorney General investigate the claims. Additionally, as a response to Complainant's remarks about the lack of minority detectives and officers in SNEU, the Complainant and all other eligible officers were notified of an opportunity to apply for additional positions. The Complainant never applied.

On May 2, 2014, as Complainant's ninety day suspension was nearing a close, Chief Fitzpatrick referred Complainant to a fitness for duty examination, as Fitzpatrick had not received information indicating that Complainant was mentally able to return to work. Complainant's examination was scheduled for May 23. On June 27, after being granted clearance, Complainant returned to work. Complainant was compensated retroactively for the time that elapsed between the end of his suspension and his return to work.

On May 21, 2014, the Attorney General's Office concluded its investigation into Complainant's assault allegations, finding that they were directly contradicted by video evidence. They similarly found that the "cover up" of a shooting and Complainant's allegations about Sergeant Aguilar were baseless. On June 2, 2014, Chief Fitzpatrick indicated that, based on Complainant's untruthful conduct in making these allegations, he would be seeking a disciplinary hearing for a sanction "up to and including termination."

Also in June 2014, the Department began receiving a number of threatening and harassing 911 calls. Officers who reviewed these calls identified the voice as Complainant's. The Department obtained an arrest warrant and arrested Complainant on June 20, 2014. As Complainant was being processed, the Department received new information and identified the caller as another individual. Complainant was then released.

On June 24, 2014, Complainant appeared for a disciplinary hearing regarding his fabricated allegations of criminal conduct by other officers. Considering that he had just been erroneously arrested by the LPD, the City offered Complainant a "clean slate" and declined to discipline Complainant. Complainant did not sign a waiver.



On June 27, 2014, Complainant's returned to work. That day, he emailed Respondent Lieutenant Fleming asking how officers would be assigned to posts. Fleming responded in a meeting with Complainant and his union representative that same day. The next day, Complainant emailed Fleming again asking about the basic procedures for making assignments. Fleming responded on July 4, 2014, instructing Complainant to follow the chain of command and direct questions to his Sergeant. In violation of this directive, Complainant emailed Captain McNamara regarding his assignment. Complainant was reprimanded in writing. On July 9, 2014, Complainant emailed Lieutenant Fleming, Captain Driscoll, and Captain McNamara regarding the procedure for making assignments and alleging favoritism in assigning officers. On July 14, Captain McNamara again issued Complainant a written reprimand for violating the chain of command.

On July 17, 2014, Complainant accessed an LPD database without authorization to obtain information about Fleming taking sick leave 12 years prior. On July 18, Fleming sent Complainant a series of questions regarding this activity in writing. After Complainant refused to answer his questions, Fleming recommended to Fitzpatrick that Complainant be suspended for a day. Instead, Respondents issued Complainant a written reprimand.

Also in July 2014, Complainant was assigned to watch a prisoner and allowed the prisoner to escape. When Respondents recaptured and interviewed the prisoner, he said that Complainant told the prisoner that he did not "give a fuck," had sued the LPD for discrimination and could not wait to leave the job. Complainant then uncuffed the prisoner and left the room. In response, the Department suspended Complainant for two days.

#### Summary of Investigation and Analysis

##### *Disparate Treatment*

To establish a prima facie case for disparate treatment based on race, color, and national origin, Complainant must establish that he is a member of the protected class and that he was treated differently from similarly situated individuals not of his protected class with respect to a term or condition of employment, or circumstances give rise to a reasonable inference of discrimination based on his protected class. If Complainant establishes a prima facie case, Respondents may show either that Complainant was not being treated differently than others, or that there are legitimate, non-discriminatory reasons for the different treatment that Complainant received. If Respondents succeed in offering such reasons, Complainant must then show that Respondents' reasons are pretextual.

It is not disputed that Complainant is a member of the protected classes. Complainant alleges the following adverse actions were taken against him on the basis of his race, color, and national origin: his suspension for failure to turn over fees, the suspension of his license to carry, loss of pay resulting from a delay in scheduling a fitness for duty evaluation, discipline for violating the chain of command, his arrest, the reprimand for unauthorized database access, and his suspension for allowing a prisoner to escape.

With regard to his ninety-day suspension for failure to turn over detail fees, Complainant identifies a White officer who was suspended for only thirty days for taking substantially similar actions. However, investigation reveals that the LPD offered both Complainant and the White officer the same deal: either to accept a thirty day suspension, or challenge the discipline and risk a longer suspension. The White officer accepted the thirty days, while Complainant elected to go to a hearing. As Complainant was treated identically to an individual outside of his protected category, Complainant fails to make out a prima facie case that his ninety day suspension was the result of disparate treatment.

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As to the suspension of Complainant's license to carry, investigation reveals that, in the relevant time period, only one other officer, who was White, had his license to carry suspended due to mental health concerns. Even assuming Complainant makes out a prima facie case, the LPD presents a legitimate, non-discriminatory reason for this action: Complainant informed Respondents that he was having mental health problems so severe that they prevented him from working. Thus, Complainant cannot demonstrate that Respondents acted with discriminatory purpose in suspending his license to carry.

Complainant alleges that he lost two week's pay because Respondents purposefully delayed scheduling his fitness for duty evaluation. However, investigation reveals that the LPD compensated Complainant retroactively for this time period. Thus, Complainant cannot make out a prima facie case that he was subjected to an adverse action.

Complainant also alleges that he was subject to disparate treatment when he was given two written reprimands for violating the chain of command. Investigation reveals no other officer was disciplined for this type of violation during Chief Fitzpatrick's tenure. Assuming that Complainant makes out a prima facie case for disparate treatment, the City provides a legitimate, non-discriminatory reason for the discipline: that Complainant was told to reach out to his direct supervisors with questions regarding assignments, and Complainant violated this directive on multiple occasions. Although Complainant claims that he was unaware of the policy for chain of command, by his own admission he continued to contact people outside of his chain of command, including the Mayor, after Respondents explained the chain of command policy to him.

Next, Complainant alleges that he was subjected to an adverse action when he was mistakenly arrested by the LPD. Respondents argue that many officers identified Complainant, by voice, as the person making the 911 calls. While attempting to respond quickly to a potential threat to officers, the LPD mistakenly arrested Complainant. While the events related to the arrest were unfortunate, the subsequent actions of the LPD indicate that this was not an intentional attempt to harass Complainant because of his race, color, or national origin. Specifically, Complainant was released immediately after the actual caller was identified, and the Mayor issued a public apology to Complainant and his family.

Complainant also challenges the reprimand he received for unauthorized access of an LPD database as discriminatory. Respondents argue that they had a legitimate business reason for imposing discipline: that Complainant was attempting to access personnel information without authorization and that he was insubordinate and refused to answer questions. Complainant, who admits to these actions, is unable to demonstrate that these reasons are pretextual. Further, investigation reveals that officers outside of Complainant's protected categories were consistently punished for insubordination under Chief Fitzpatrick.

Finally, Complainant alleges that he was treated differently from similarly situated coworkers when he was disciplined for allowing a prisoner to escape. Respondents argue that his conduct here amounted to dereliction of duty and thus they had a legitimate business reason for imposing a two-day suspension. Complainant admits that the prisoner did escape on his watch, and is unable to demonstrate pretext. Investigation reveals that only one other officer allowed a prisoner to escape during Respondent Fitzpatrick's tenure as Chief. That officer, who was also Black, was not disciplined.

In sum, investigation revealed that the disciplinary actions which Complainant challenges were imposed as a result of legitimate business reasons and not because of Respondents' discriminatory animus. Thus, a lack of probable cause is recommended.

#### *Failure to Promote*

In order to establish a prima facie case for failure to promote, Complainant must show: (1) he is a member of a protected class; (2) he applied for a position for which the employer was seeking applicants; (3) Complainant was minimally qualified for the position; and (4) Complainant was rejected for the position and Respondents promoted someone not in Complainant's protected class, or continued to seek to promote individuals with qualifications similar to Complainant's. If Complainant establishes the prima facie case, Respondents may show that there was a legitimate non-discriminatory reason for the failure to promote Complainant. If Respondents succeed in offering such reasons, Complainant must then show that the proffered reason is a pretext for discrimination.

Complainant alleges that Respondents only promote White officers to the detective and SNEU divisions. However, Complainant does not dispute that he never applied for any position in these divisions. Instead, Complainant alleges, citing two examples, that he was never notified of open positions. Investigation reveals that position given to Officer A. was not a generally available position but one made available in order to keep Officer A. in the force after his position lost grant funding. Because Complainant does not allege that he was similarly situated to that officer, in that that he needed to transfer, he cannot establish that the failure to offer him this position was discriminatory. Investigation further reveals that Respondents did post an opening in SNEU on April 23, 2014, and Complainant never applied. Thus, Complainant fails to establish a prima facie case for failure to promote.

### *Retaliation*

To establish a prima facie case for retaliation, Complainant must show that he engaged in a protected activity of which Respondents were aware, that Respondents subjected him to an adverse employment action, and that a causal connection exists between the protected activity and the adverse action. If Complainant establishes the prima facie case, Respondents may show that legitimate, nondiscriminatory reasons exist for the adverse action. If Respondents succeed in offering such reasons, Complainant must then show that Respondents' reasons are pretextual.

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Complainant alleges that his license to carry was suspended in retaliation for an Instagram post he made regarding the racial makeup of the LPD. It is unclear that this is protected activity of which Respondents were aware, as Complainant specifies that this post was made on a private account. However, one can infer a causal connection between the post and Fitzpatrick's conduct, given that Fitzpatrick changed his initial decision not to suspend Complainant's license to carry after the post was made. Assuming Complainant makes out the prima facie case, Respondents argue a legitimate, non-discriminatory reason for this decision, as described above. Additionally, Fitzpatrick's reversal of his initial decision can be explained by the fact that Fitzpatrick was new to the position and needed time to research what had been done in similar cases in the past.

Next, Complainant alleges that he was subject to retaliation when his coworker posted on Facebook, mocking comments Complainant made at a City Council meeting about systematic discrimination in the LPD. However, the Facebook post was made by a coworker of Complainant, and within several hours Respondent Fitzpatrick issued a written notice to the LPD directing officers that they were prohibited from making such posts on social media. Thus, Respondent acted promptly to address Complainant's concerns, negating an inference that Respondent acted with retaliatory animus.

Finally, Complainant was subjected to two instances of discipline after engaging in protected activity by filing a complaint with the MCAD: the reprimand he received for unauthorized access of an employee database and the suspension he received for allowing a prisoner to escape. Although Complainant makes out a prima facie case for retaliation, as described above, Respondents provide legitimate, non-discriminatory reasons for disciplining Complainant. Complainant provides insufficient evidence to show pretext. For these reasons, a finding of lack of probable cause is recommended.

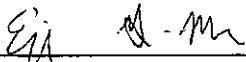
### *Individual Liability*

Individual liability requires that the person named either engaged in discriminatory harassment, or had the authority or duty to act on behalf of the employer and acted in deliberate disregard of the Complainant's rights allowing the inference of intent to discriminate. Investigation reveals insufficient evidence that Respondents James Fitzpatrick, Daniel Fleming, Steven Scheffen, Maurice Aguiler, Scott McNamara, Roy Vasque, Denis Pierce, and Emil DeFusco acted in deliberate disregard for Complainant's rights protected by M.G.L. c. 151B.

Conclusion

A finding of Lack of Probable Cause is recommended for Complainant's claims of discrimination based on race, color, national origin, and retaliation against Respondents City of Lawrence, Lawrence Police Department, James Fitzpatrick, Daniel Fleming, Steven Scheffen, Maurice Aguiler, Scott McNamara, Roy Vasque, Denis Pierce, and Emil DeFusco.

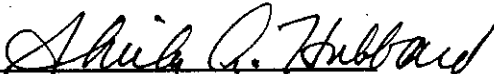
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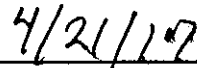
  
\_\_\_\_\_  
Emily Miller  
Enforcement Intern

  
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Corey Moscatelli  
Enforcement Advisor

Disposition

Pursuant to section 5 of M.G.L. c. 151B of the Massachusetts General Laws, and in conformity with the foregoing findings, I have this day determined that a **Lack of Probable Cause** is being rendered on this case. Complainant will be afforded the opportunity to appeal this decision.

  
\_\_\_\_\_  
Sheila A. Hubbard  
Investigating Commissioner

  
\_\_\_\_\_  
Date