

**COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, SS.

**CIVIL SERVICE COMMISSION**

One Ashburton Place: Room 503  
Boston, MA 02108  
(617) 727-2293

RICHARD CENTOLA,  
Appellant

v.

G1-06-178

BOSTON POLICE DEPARTMENT,  
Respondent

Appellant's Attorney:

*Pro Se*  
Richard E. Centola  
33 Cook Street  
Boston, MA 02129  
(617) 605-4998

Respondent's Attorney:

Tsuyoshi Fukuda, Esq.  
Boston Police Department  
Office of the Legal Advisor  
One Schroeder Plaza  
Boston, MA 02120-2014  
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Commissioner:

Christopher C. Bowman

**NOTICE OF DISMISSAL**

Pursuant to the provisions of G.L. c. 31, § 2(b), the Appellant, Richard E. Centola, (hereafter "Centola" or Appellant") appealed the decision of the Respondent, the Boston Police Department (hereafter "Appointing Authority", or "City" or "BPD"), bypassing him for original appointment to the position of full-time police officer. A pre-hearing was held on November 6, 2006 at the offices of the Civil Service Commission. Present were the Pro Se Appellant, counsel for the Boston Police Department and the state's Human Resources Division (HRD).

During the pre-hearing conference, the parties agreed upon the following undisputed facts:

1. The Appellant took the civil service examination for police officer on April 30, 2005 and received a score of 91.
2. On December 14, 2005, upon the City's request, HRD issued to the Boston Police Department certification list number 251240 for five (5) permanent full-time Cape Verdean-Speaking Police Officers. (The number was subsequently increased to 9.)
3. Based on his score, linguistic abilities and the belief that he met the City of Boston residency requirement, the Appellant was ranked 13<sup>th</sup> among those Boston residents willing to accept appointment as a police officer.
4. The City eventually selected nine (9) candidates from the certification list, five (5) of whom ranked below the Appellant.
5. The sole reason for bypassing the Appellant was based on his failure to meet the City's residency requirement.
6. According to his own assertion in his Student Officer Application, Mr. Centola resided in Brazil between December 2003 and June 2004.
7. In order to be eligible for the City of Boston's Residential Preference, Mr. Centola was required to reside exclusively within the City of Boston from April 30, 2004 to April 30, 2005, the one-year period prior to taking the civil service examination.
8. Although the Appellant was not sure of the exact day in June that he returned to Boston, he confirmed at the pre-hearing conference that it was indeed sometime in June 2004, at least 31 days outside the time period for which he was required to live in the City of Boston to receive the Residential Preference.

9. According to the Appellant's application for employment and his testimony at the pre-hearing conference, he lived in Charlestown (within the City of Boston) for 21 years, from June 1982 through July 2003. The Appellant then lived with a friend in Somerville (outside the City of Boston) from July 2003 through December 2003.
10. According to the Appellant, his pregnant wife was "stuck" in Brazil in December 2003. The Appellant went to Brazil in December 2003 to be with his wife and soon-to-be newborn child and stayed there until June 2004, when he came back to the United States and moved in with his sister's then-fiancé in Charlestown (within the City of Boston).
11. Since the Appellant took the civil service examination on April 30, 2005, he was required to live within the City of Boston from April 30, 2004 to April 30, 2005.

#### *Conclusion*

Since the Appellant did not return from Brazil and move in with his sister's then-fiancé until June 2004, he missed qualifying for Boston's Residential Preference by at least 31 days. Without the above-referenced residential preference, the Appellant's name can not be included on the certification list (on which he was ranked 13<sup>th</sup>) with other Boston residents. Since all of the candidates selected for the nine (9) appointments in this case were from the list of Boston residents, there was no bypass in this case.

Subsequent to the pre-hearing in this case, counsel for the Boston Police Department made a good faith effort to determine if there was any flexibility within the Residential Preference requirements to allow for exceptions. This due diligence was exercised at the request of this Commissioner, who found the Appellant, currently an employee of the Suffolk County Sheriff's Department, to be a principled, straightforward individual who

would have been a valuable addition to the Boston Police Department had it not been for his admirable decision to be with his wife and child for six (6) months while they were stuck in Brazil. However, counsel for the BPD was unable to find any exceptions or waivers that would be applicable in this case.

Since there was no bypass in this case, the Commission must regretfully *dismiss* the Appellant's appeal under Docket No. G-06-178.

Civil Service Commission

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Christopher C. Bowman, Commissioner

By vote of the Civil Service Commission (Bowman, Guerin, Marquis and Taylor, Commissioners[Goldblatt, Chairperson – Absent]) on November 22, 2006.

A true record. Attest:

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Commissioner

A motion for reconsideration may be filed by either Party within ten days of the receipt of a Commission order or decision. A motion for reconsideration shall be deemed a motion for rehearing in accordance with M.G.L. c. 30A § 14(1) for the purpose of tolling the time for appeal.

Any party aggrieved by a final decision or order of the Commission may initiate proceedings for judicial review under section 14 of chapter 30A in the superior court within thirty (30) days after receipt of such order or decision. Commencement of such proceeding shall not, unless specifically ordered by the court, operate as a stay of the commission's order or decision.

Notice:  
Richard Centola  
Tsuyoshi Fukuda, Esq.  
Martha O'Connor, Esq. (HRD)