COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT
C.A. NO. 23-0023G

COMMONWEALTH OF MASSACHUSETTS,

Plaintiff,

v.

MATTHEW SHEEHAN,

Defendant.

COMPLAINT

I. INTRODUCTION

1. The Commonwealth of Massachusetts, through the Attorney General and the Inspector General (the "Commonwealth"), brings this action pursuant to G.L. c. 12, § 5, against Matthew Sheehan (the "Defendant") for money he received for overtime shifts he falsely reported working as a Massachusetts State Police trooper.

II. JURISDICTION AND VENUE

2. The Commonwealth is authorized to bring this action pursuant to G.L. c. 12, §§ 5 and 10.

3. This Court has jurisdiction over the person and subject matter of this action pursuant to G.L. c. 223A, § 3.

4. Venue in Suffolk County is proper pursuant to G.L. c. 223, § 5.

III. THE PARTIES

5. The Plaintiff, the Commonwealth of Massachusetts, is represented by the Attorney General acting in conjunction with the Inspector General pursuant to G.L. c. 12A, § 11.

6. The Massachusetts State Police ("MSP") is an agency within the Executive Office of Public Safety and Security.

7. The Defendant is a resident of Medford, Massachusetts.

IV. FACTS

8. At all times relevant to this Complaint, the Defendant was an employee of the Massachusetts State Police and was assigned to Troop E as a trooper. Troop E patrolled and protected the Massachusetts Turnpike and vehicular tunnels in Boston.

9. The MSP assigned certain Troop E troopers to overtime shifts for proactive patrols and traffic enforcement to reduce accidents and injuries.

10. In 2016 and 2017, the MSP assigned the Defendant to overtime Radar patrols.

11. Radar patrols increased troopers' physical presence on the road by creating extra four- or six-hour overtime shifts. Troopers on Radar patrols conducted zero-tolerance and high-visibility traffic enforcement.

12. A critical function of Radar patrols was high-visibility enforcement and proactive patrols through troopers' presence on the Massachusetts Turnpike and in Boston vehicular tunnels.

13. In 2017, the MSP conducted an administrative audit of the 2016 overtime Accident Injury Reduction Effort patrols of troopers assigned to Troop E of the MSP.

14. The MSP determined by comparing payroll records with traffic citations and usage logs from the Criminal Justice Information Services ("CJIS") system, as well as other administrative records, that multiple troopers had failed to work overtime shifts to which they were assigned and for which they had submitted timecards to payroll.

15. The MSP expanded the audit to include additional years and types of Troop E overtime shifts, including, without limitation, Radar patrols.

16. Through its audit, the MSP determined that multiple Troop E members had not been present for all or part of their assigned overtime shifts.

17. In 2016, the Defendant submitted timecards for pay for 66.25 hours he did not work over the course of 38 assigned overtime Radar patrols. The MSP paid the Defendant for the unworked time.

18. In 2017, the Defendant submitted timecards for pay for 4 hours he did not work over the course of 1 assigned overtime Radar patrols. The MSP paid the Defendant for the unworked time.

19. In total from 2016 to 2017, the Defendant submitted timecards for pay for 70.25 overtime work hours that he did not perform.

Count One

20. The Commonwealth re-alleges the allegations contained in Paragraphs 1–19 and incorporates them herein by reference.

21. The Defendant sought and received payment from the Commonwealth for overtime shifts to which he was assigned but did not work in full or in part.

22. The Defendant owes the Commonwealth compensation he received for unworked time on account of money had and received.

PRAYERS FOR RELIEF

WHEREFORE, the Commonwealth requests that this Count:

a. Order the Defendant to pay the Commonwealth the money he received for overtime shifts he did not work that remains recoverable within the statute of limitations, plus costs and interest; and

b. Award the Commonwealth such other relief as the Court deems appropriate.

The Commonwealth requests a jury trial on all claims so triable.

Dated: January 5, 2023

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS,

By its attorneys,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was e-filed and sent via e-mail to Attorney Daniel Moynihan and Assistant Attorney General Amy Crafts.

Dated: January 5, 2023

William J. Durkin
Director and Senior Counsel
Civil Recovery Unit
Office of the Inspector General