

New Massachusetts Law Requires Registry as Safeguard Against Caretaker Abuse

Michael P. Norton, State House News Service

A state commission will assemble a confidential registry to protect individuals with intellectual and developmental disabilities from abusive caregivers, under a bill Gov. Charlie Baker signed Thursday.

The new law is often referred to by supporters as “Nicky’s Law,” a reference to a young, non-verbal man with autism who was abused by someone who was supposed to be caring for him. The legislation gained momentum in recent months following a sharp surge in abuse allegations made to the state.

Under the new law, which carries an effective date of Jan. 31, 2021, the Disabled Persons Protection Commission will establish and maintain a registry of care providers against whom the commission has made a “substantiated finding of registrable abuse.”

The law includes language outlining the ability of accused abusers to appeal and also requires the commission to notify the Department of Developmental Services, the last known employers of the care provider, and the victim of the abuse and their guardian of any finding of abuse, any appeal challenging an abuse determination, or any petition to remove a care provider from the registry.

It also requires the department and employers contracting with care providers to determine whether an individual is listed on the registry before hiring them. If the applicant is listed,

their hiring would be prohibited. The bill is set up to require that the names of abusers stay on the registry for a minimum of five years.

“Our community is grateful that Nicky’s law has completed its journey and is now law in the Commonwealth!” Leo Sarkissian, executive director of The Arc of Massachusetts, said Friday. “Persons with disabilities served through the Department of Developmental Services will be assured that individuals who have abused in the past won’t be able to hurt others again. We look forward to the full implementation of the registry with the awareness that it has the full support of the Administration and Legislature.”

Students who attend Massachusetts Association of Approved Private Schools member schools may be non-verbal and are “medically fragile,” the association said last month, applauding the bill’s advancement.

“Educating and caring for our students in a safe, supportive, and healthy environment is our top priority,” association board president Rita Gardner, who is also president and CEO of Melmark, said. “The Massachusetts Legislature has time and time again shown its support for our most vulnerable populations.”

There was a 30 percent increase in abuse allegations called into the commission’s hotline between 2013 and 2018, and a nearly 20 percent increase in allegations of sexual abuse against people with intellectual or developmental disabilities, commission director Nancy Alterio said in 2018.

During fiscal 2017, the commission screened 11,395 cases and determined that 2,571 of the cases warranted a complete investigation, according to the Arc of Massachusetts. The organization said 1,478 abuse reports were referred to the local district attorney’s office in 2017, and that 102 of the referrals resulted in criminal charges.

Boston Police Officers respond to two separate disturbances involving same group of juveniles

INCIDENT #1: At about 3:43 PM on Wednesday, February 12, 2020, officers assigned to District A-1 (Downtown) responded to a radio call for a group of unruly juveniles that were destroying property inside of Macy's located at 450 Washington Street in Boston. While employees were escorting the group of individuals out of the store, one of the female juveniles swiped a shelf full of perfume onto the floor causing them to shatter. The estimated damage was approximately \$1000.00. The suspect will be summonsed into Boston Juvenile Court and was released to her parent.

A few minutes later officers were called to the basement area of the same store where they observed approximately 15 juveniles gathered around the escalator causing a disturbance and damaging store furniture. Officers were informed that the juveniles were sitting on the furniture for extended periods of time and have caused damage to fabric with knives and burn holes from marijuana.

The group of juveniles were asked to leave the store again and exited at about 4:15 PM.

INCIDENT #2: At about 4:45 PM on Wednesday, February 12, 2020, officers assigned to District A-1 (Downtown) Drug Control Unit, responded to a radio call for the same group of juveniles that were trespassing and causing a disturbance inside of Macy's located at 450 Washington Street, Boston.

Upon arrival, officers observed about 8 – 10 juveniles in the passageway of the store. The juveniles were placing ski masks over their faces while one juvenile was observed removing what appeared to be a stun gun and mace from a backpack. Officer approached the group of juveniles and recovered the stun gun from the backpack.

A 15-year-old juvenile male of Mattapan was arrested and charged with Delinquent to wit: Dangerous Weapons Unlawfully Carried (Stun Gun). He is expected to be arraigned in Boston Juvenile Court.



Dominican National Sentenced for Stealing over \$17,500 in MassHealth Benefits

A Dominican national formerly residing in Lawrence was sentenced Tuesday in federal court in Boston for Social Security and benefit fraud.

Ismael Robles Tejeda, 30, was sentenced by U.S. District Court Judge Patti B. Saris to 18 months in prison and ordered to pay \$17,520 in restitution. Judge Saris signed a stipulated judicial order of removal thereby expediting the defendant's removal proceedings to the Dominican Republic following his incarceration. In October 2019, Robles Tejeda pleaded guilty to one count of false representation of a Security number and one count of false statements in matters relating to health care.

On Aug. 3, 2015, Robles Tejeda applied for a Massachusetts identification card using the name, date of birth and Social Security number of a Puerto Rican citizen. In October 2015, Robles Tejeda used that Massachusetts identification card to apply for and receive over \$17,500 worth of MassHealth benefits in the Puerto Rican citizen's name. When Robles Tejeda was arrested in April 2019, he had in his pocket a Massachusetts driver's license issued to him in the identity of the Puerto Rican citizen. Robles Tejeda was identified, among other things, from a fingerprint match with a Dominican Republic identification document issued to him and bearing his photo. The defendant obtained the Massachusetts identification card in a fraudulent identity less than one month after he provided his true identity and was arrested for selling heroin

in Lawrence, posted bail, and failed to appear at his Lawrence District Court arraignment date.

United States Attorney Andrew E. Lelling; Jason Molina, Acting Special Agent in Charge of Homeland Security Investigations in Boston; Scott Antolik, Special Agent in Charge of the Social Security Administration, Office of Inspector General, Office of Investigations, Boston Field Division; and Phillip Coyne, Special Agent in Charge of Department of Health and Human Services, Office of Inspector General, Office of Investigations, Boston Field Division made the announcement today. Assistants U.S. Attorney Lindsey E. Weinstein and Kenneth G. Shine of Lelling's Criminal Division prosecuted the case.

New Bedford man pleads guilty to possession and intent to distribute heroin, Fentanyl, and marijuana in federal court in Boston

Davaun Oswald, 23, pleaded guilty to one count of possession with intent to distribute heroin, fentanyl, and marijuana before U.S. District Court Judge Nathaniel M. Gorton, who scheduled sentencing for June 17, 2020. Oswald has been in state custody since his arrest on Jan. 31, 2019, and was recently transferred to federal custody.

On Jan. 31, 2019, after an investigation into drug distribution in and around New Bedford, law enforcement

officers executed a search warrant at Oswald's apartment, where Oswald was found in possession of approximately 15 grams of a mixture of heroin and fentanyl, as well as over 450 grams of marijuana. Oswald has prior felony convictions for criminal possession of a firearm, and possession with the intent to distribute a controlled substance.

The charge of distribution of a controlled substance provides for a sentence of up to 30 years in prison, up to a lifetime of supervised release, and a fine of up to \$2 million. Sentences are imposed by a federal district court judge based upon the U.S. Sentencing Guidelines and other statutory factors.

United States Attorney Andrew E. Lelling; Joseph R. Bonavolonta, Special Agent in Charge of the Federal Bureau of Investigation, Boston Field Division; Bristol County District Attorney Thomas M. Quinn III; and New Bedford Police Chief Joseph C. Cordeiro made the announcement today. Assistant U.S. Attorney Nicholas Soivilien of Lelling's Organized Crime and Gang Unit is prosecuting the case.

This prosecution is part of Project Safe Neighborhoods (PSN), a program bringing together all levels of law enforcement and the communities they serve to reduce violent crime and make our neighborhoods safer for everyone. The Department of Justice reinvigorated PSN in 2017 as part of the Department's renewed focus on targeting violent criminals, directing all U.S. Attorney's Offices to work in partnership with federal, state, local, and tribal law enforcement and the local community to develop effective, locally-based strategies to reduce violent crime.

Massachusetts State police charge Chicopee man with numerous firearm and narcotics offenses

Just before 5 p.m. last evening, Trooper Robert Berrena assigned to the Troop B Community Action Team (CAT) stopped a black Honda Accord in the area of Sycamore Street and Hampshire Street for failing to use a turn signal. The vehicle was occupied by two men.

As Trooper Berrena approached the vehicle he observed the passenger, later identified as PEDRO TORRES, 27, of Chicopee, not wearing a seatbelt and moving around in his seat suspiciously. In fear that there may have been weapons on the men, or in the vehicle, Trooper Berrena removed the two occupants.

As a result of a search, the Trooper located approximately 120 wax baggies containing a brown powdery substance believed to be Heroin/Fentanyl and a black Glock 29 10mm firearm containing 15 rounds of .40 caliber ammunition in the magazine in the glove box. TORRES was placed under arrest and found to be wearing a dark blue bulletproof vest with two armor plates under his winter jacket. TORRES does not legally possess a Massachusetts license to carry a firearm.

TORRES was transported to the Northampton Barracks where he was booked. A bail commissioner was contacted and set a bail amount of \$100,000 for TORRES. He was held at the Hampshire County House of Correction pending his arraignment today in Holyoke District Court on the following offenses:

1. Possession of Class A, 2nd Offense;
2. Possession of Class B, 2nd Offense;

3. Possession of a Large Capacity Weapon or Feeding Device;
 4. Carrying a Loaded Firearm;
 5. Possession of a Firearm without an FID Card;
 6. Possession of Ammunition without an FID Card; and
 7. Firearm Violation by a Person with Two Prior Violent/Drug Crimes.
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Massachusetts AG Healey sues JUUL for allegedly “...creating youth vaping epidemic”

Attorney General Maura Healey announced today that her office has sued JUUL Labs Inc. for what she feels created a youth vaping epidemic by intentionally marketing and selling its e-cigarettes to young people. Based on multiple depositions and hundreds of thousands of pages of company documents, AG Healey’s lawsuit reveals new facts that have not previously been made public about JUUL’s youth-oriented advertising campaign in 2015.

In a lawsuit filed in Suffolk Superior Court today against JUUL Labs Inc. and its predecessor entity Pax Labs Inc. (together, “JUUL”), the AG’s Office alleges that the company illegally advertised and sold nicotine products to underage youth and created an epidemic of nicotine addiction among young people. The lawsuit demands that JUUL pay for the costs associated with combating this public health crisis affecting young people across Massachusetts.

“JUUL is responsible for the millions of young people nationwide who are addicted to e-cigarettes, reversing decades of progress in combatting underage tobacco and nicotine use,”

said AG Healey. "Our lawsuit sheds new light on the company's intent to target young people, and we are going to make them pay for the public health crisis they caused in Massachusetts."

AG Healey was the first attorney general to announce an investigation into JUUL in July 2018. Today's lawsuit provides the first real window into JUUL's original marketing plan, and shows that, according to Healey, JUUL intentionally chose models and images that appealed to young people, that the company advertised its products on websites geared toward kids, and that JUUL shipped e-cigarettes to underage youth who ordered them directly from JUUL online.

Here is a list of Healey's findings according to a release.

The AG's investigation focused on the launch of JUUL's e-cigarette in 2015, when the company created an advertising and marketing campaign that explicitly identified its target audience as young people who were fashionable, urban, and social. According to the AG's lawsuit, JUUL rejected an initial marketing proposal to present itself as a technology company with a target audience of adult smokers already addicted to nicotine and instead chose the "Vaporized" advertising campaign developed by JUUL's artistic director and inspired by sexually provocative images of young models and celebrities. According to the AG's lawsuit, even though JUUL employees and its board of directors were concerned that models photographed for the campaign appeared too young, they used them anyway.

JUUL placed their advertisements on millions of websites, in mobile applications, in physical retail stores, in print, and on social media platforms used by young people, like Instagram, Facebook and YouTube. The company also used the images and videos of these models in an electronic billboard installation in Times Square in New York City. The company supplemented these images with pictures of the young people it

recruited to attend its launch party in 2015.

The AG's lawsuit also makes new allegations that JUUL purchased advertising space for its Vaporized Campaign images on websites whose primary audiences are underage consumers, some even as young as children in elementary school, such as Nickelodeon, Nick Jr., The Cartoon Network, and Seventeen Magazine. JUUL also purchased advertisements on a range of other websites designed for kids, including websites to help middle school and high school students develop their mathematics and social studies skills, including coolmath-games.com and socialstudiesforkids.com.

JUUL attempted to recruit celebrities and social media influencers with large numbers of underage followers, such as celebrities like Miley Cyrus, Cara Delevingne, Kristen Stewart, and social media influencers Luka Sabbat and Tavi Gevinson. JUUL gave out hundreds of free e-cigarettes to celebrities and social media influencers to promote awareness of the JUUL brand and e-cigarette products. JUUL targeted influencers who were fashion bloggers, stylists, celebrities, and affiliated with certain television programs, networks, or movies filmed or produced in New York City and Los Angeles. JUUL also inspired competitors like Eonsmoke, who AG Healey also sued, to launch their own copycat JUUL products, using hashtags and catchphrases to sell e-cigarettes in an array of sweet flavors with ever-increasing concentrations of nicotine. JUUL sold its own flavors that were particularly appealing to young people such as mango, crème brûlée, coco mint and cool cucumber, and JUUL's advertisements often made no mention of nicotine.

From the outset of the Vaporized Campaign, JUUL collected the email addresses of visitors to its website for its email marketing list, through which it promoted JUUL products and offered specials and discounts. The AG's investigation revealed that JUUL sent these emails to addresses associated with consumers who had failed or didn't complete JUUL's age

verification process. According to an analysis commissioned by JUUL in the summer of 2017, approximately 40,000 email addresses on its email marketing list were associated with records of individuals who had failed JUUL's own age verification process and 83 percent of the approximately 420,000 email addresses on JUUL's marketing list couldn't be matched with the record of an individual at least 18 years old. JUUL nevertheless continued to send marketing emails to this list for a full year, until August 2018.

Shipping E-cigarettes to Underage Consumers

The AG's investigation of JUUL also revealed that the company illegally sold e-cigarettes to underage consumers through its website without proper age verification as required by regulations issued by AG Healey in 2015. JUUL sold e-cigarettes to consumers who supplied dates of birth that established they were younger than the minimum legal sales age and made more than 10,000 shipments of e-cigarettes to recipients and addresses in Massachusetts that JUUL made no attempt to age verify.

The company shipped e-cigarettes to underage high school students and recent graduates across the state including students from Brookline High School, Hanover High School, Longmeadow High School, Weston High School, and the Bridgewater-Raynham School District High School. JUUL allowed more than 1,200 accounts to be established for Massachusetts consumers using school email addresses, including email addresses associated with high schools in Beverly, Malden, and Braintree and shipped its products to recipients with obviously fabricated names, like "PodGod." The company made thousands of shipments of e-cigarettes to Massachusetts without requiring an adult signature at receipt and JUUL's customer service representatives even provided consumers with advice on how to evade minimum legal sales restriction requirements. There were no limits on how many products someone could buy, and they could be shipped anywhere and to

anyone.

The lawsuit also alleges that JUUL got hundreds of Massachusetts stores to sell its products, including approximately 850 stores it knew the FDA had cited for attempting to sell tobacco products to underage teens. The company even ran its own “secret shopper inspection” of Massachusetts retailers, caught them attempting to sell products to teens, and continued to work with those stores.

E-cigarette use is now an epidemic among adolescents. In Massachusetts, more than 50 percent of high school students have tried e-cigarettes, and more than 30 percent have used e-cigarettes in the past 30 days. JUUL, meanwhile, made approximately \$3.3 billion in U.S. retail sales between September 2018 and August 2019 and controls approximately three quarters of the e-cigarette market. Adolescents are substantially more susceptible to nicotine addiction than adults, and nicotine poses particular risks to their cognitive development. JUUL nevertheless engaged in an advertising campaign that appealed to these consumers, even though JUUL’s e-cigarettes are both legally prohibited and particularly unsafe for adolescents.

According to the lawsuit, JUUL’s misconduct has created a public health crisis and an epidemic of nicotine addiction among underage consumers, which the AG’s Office alleges constitutes a public nuisance for which JUUL is liable to the state. The AG’s Office seeks restitution, damages, and penalties for JUUL’s illegal conduct and an order requiring JUUL to abate the harm it has caused in Massachusetts.

This matter is being handled by Assistant Attorneys General Samantha Shusterman and Elizabeth Cho and Division Chief Max Weinstein, all of the AG’s Consumer Protection Division, Director Angela Brooks of the AG’s Child and Youth Protection Unit, Paralegals David Birch and Matthew Johnson of the AG’s Consumer Protection Division, and Investigator Ciara Tran, of

the AG's Civil Investigations Division.

Dartmouth Police request hearing for “Fantastic Nails” employee from Fall River

The following was posted on the Dartmouth Police Department's Facebook page:

“As a result of evidence gathered by Dartmouth Police and State Police detectives in connection with a complaint filed last month by a female patron alleging that she had been secretly videotaped by an employee while using the restroom at Fantastic Nails, the Dartmouth Police Department has requested that a hearing be scheduled with a Clerk Magistrate for the alleged suspect, Nam TRANG, 31, of Fall River.”

Man who used woman on first date as bank robbery getaway driver sentenced to three years

A 33-year-old Chepachet, RI man who robbed a North Attleboro bank while on a first date with a woman he had just met, was sentenced last week to spend three years in state prison

followed by another two years in the Bristol County House of Corrections, Bristol County District Attorney Thomas M. Quinn III announced.

Christopher Castillo pleaded guilty in Fall River Superior Court to indictments charging him with armed robbery and three counts of assault and battery on a police officer.

On December 5, 2016, the defendant entered the Bristol County Savings Bank in North Attleboro. The defendant showed the bank teller a gun that was in his jacket and demanded \$1,000 while stating that he is really hurting and needs the money. After being given the \$1,000, the defendant ran out of the bank and entered into a Nissan Maxima. When police arrived in the area, they observed the Nissan Maxima exiting Mason Field and pulling into a Dunkin Donuts parking lot. When police entered the parking lot, they observed the female driver of the Maxima walking away from the car. The defendant, however, was ducking down in the car. Police pulled Castillo out of the car, at which point he began to violently struggle with the officers. During the struggle, the defendant spit on the police, continued to struggle with them and said, "The gun isn't even loaded." After eventually subduing and handcuffing the defendant, police located a .44 caliber gun in the car, along with sunglasses and a hat that matched the items the robber was wearing. Also found in the defendant's wallet was the \$1,000 in cash.

The female driver of the Maxima gave a statement to police that she had met the defendant through an online dating app and had just met him in person for the first time that day. She picked him up at his parent's house in Rhode Island and they drove to North Attleboro while he was drinking wine in the passenger seat. Once near the bank, he asked her to stop the car. He then exited the car, left for a few minutes and then came running back, sweating and carrying the hat, sunglasses, a gun, and cash. The defendant told her to "F*cking go." She panicked and drove off, but when she saw the

blue lights of the police cruisers, she immediately pulled into the parking lot and got away from the car. She was not charged in relation to this incident.

The gun turned out to be an antique owned by the defendant's step-father. An indictment initially charging the defendant with carrying an illegal firearm was dropped as a result.

The case was prosecuted by Assistant District Attorney Daniel Walsh. Judge Raffi Yessayan sentenced the defendant to serve three years in state prison for the armed robbery, to be followed by two years in the house of corrections for the three assault and battery on a police officer indictments.

"I am pleased the defendant was held accountable for this violent robbery and for spitting at the police officers. This type of lawless behavior is simply not acceptable," District Attorney Quinn said.

Massachusetts State Police charge one man and two teens for throwing rocks at cars in Billerica, injuring one

Following reports of two vehicles struck by rocks on Route 3 in Billerica, Massachusetts State Police Troopers, assisted by Billerica Police, located three people believed to have thrown the rocks into traffic from the side of the road.

According to Dave Procopio of the Massachusetts State Police, Troopers will summons the three males to court on various

charges related to the rock-throwing incidents. They are a 19-year-old male from Wilmington, a 17-year-old male from Billerica, and a 17-year-old male from Burlington.

The investigation that led Troopers to the three males began at 8:12 p.m. Sunday when a motorist reported to State Police-Concord that the windshield of his commercial vehicle was struck by a rock apparently thrown from the side of Route 3 northbound in Billerica near Exit 27. The motorist suffered minor injuries from flying glass and was transported to Lahey Clinic, according to Procopio.

A second motorist subsequently reported that his vehicle was also struck by a rock apparently thrown from the same area. The second motorist was not injured.

Troopers subsequently located the adult male and two juveniles in the area where the rocks had been thrown. A subsequent investigation revealed probable cause to believe that the three were responsible for throwing rocks at passing cars.

Man who escaped from prison in Puerto Rico in 1994, sentenced for fraud in Massachusetts

A Worcester man was sentenced Friday in federal court in Worcester for Social Security fraud and aggravated identity theft.

Jose Lopez Rosado, 51, was sentenced by U.S. District Court

Judge Timothy S. Hillman to six months in prison to be served concurrent to his current state sentence of 9-10 years for possession with intent to distribute fentanyl, plus two years in prison to be served consecutive to his state sentence, and two years of supervised release. In August 2019, Lopez Rosado pleaded guilty to one count of false representation of a Social Security number and one count of aggravated identity theft. Lopez Rosado was arrested and charged in a July 2018 federal law enforcement sweep of 25 individuals accused of document and benefit fraud.

On Feb. 9, 2016, Lopez Rosado applied for a duplicate Massachusetts driver's license using the name and Social Security number of another U.S. citizen. Based on the application, Lopez Rosado was issued a duplicate driver's license in the name of the other U.S. citizen. Lopez Rosado also used that name and Social Security number to receive MassHealth benefits.

According to court documents, the defendant escaped from prison in Puerto Rico in 1994 while serving a 30-year sentence for second-degree murder. His true identity was not known until he was arrested in July 2018.

Dubbed "Double Trouble," the July 2018 investigation was conducted by Homeland Security Investigation's Document and Benefit Fraud Task Force (DBFTF), comprised of local, state and federal agencies with expertise in detecting, deterring and disrupting organizations and individuals involved in various types of document, identity and benefit fraud schemes.

United States Attorney Andrew E. Lelling; Jason Molina, Acting Special Agent in Charge of Homeland Security Investigations in Boston; Phillip Coyne, Special Agent in Charge of the U.S. Department of Health and Human Services, Office of the Inspector General; Scott Antolik, Special Agent in Charge of the Social Security Administration, Office of Inspector General, Office of Investigations, Boston Field Division;

Christina Scaringi, Special Agent in Charge of the U.S. Department of Housing and Urban Development, Office of Inspector General, Northeast Regional Office; Michael Mikulka, Special Agent in Charge of the U.S. Department of Labor, Office of Inspector General, Office of Investigations; William B. Gannon, Special Agent in Charge of the U.S. Department of State, Diplomatic Security Service, Boston Field Office; Joseph W. Cronin, Inspector in Charge of the U.S. Postal Inspection Service; Colonel Christopher Mason, Superintendent of the Massachusetts State Police; and Massachusetts State Auditor Suzanne M. Bump made the announcement. Special Assistant U.S. Attorney Karen Burzycki of Lelling's Major Crimes Unit prosecuted the case.