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COMMONWEALTH OF MASSACHUSETTS

IN RE: CMVI
MASSACHUSETTS ENVIRONMENTAL POLICE
V.
MICHAEL J. BARIL

TRANSCRIPTION OF CD

BEFORE: Clerk Magistrate Elizabeth M. Maunsell
TAKEN AT: East Brookfield District Court
544 East Main Street
East Brookfield, MA 01515
TAKEN ON: Tuesday, May 19, 2009

* * * * *

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P R O C E E D I N G S

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3 CLERK MAGISTRATE MAUNSELL: Your
4 name, sir.

5 MR. MILLIGAN: Attorney Milligan.
6 I can file that.

7 CLERK MAGISTRATE MAUNSELL: No.
8 No. I remember you from I think it was a case in
9 Westborough.

10 MR. MILLIGAN: Oh, yes. That's
11 correct.

12 CLERK MAGISTRATE MAUNSELL: Okay.
13 That's fine. Raise your right hands.

14
15 WITNESSES, SWORN

16
17 CLERK MAGISTRATE MAUNSELL: Mr.
18 Baril, you're here for a motor vehicle hearing
19 with Attorney Milligan representing you. We'll
20 hear from the officer first and when finished
21 your lawyer will have an opportunity to present
22 whatever evidence you'd like me to consider.
23 Okay?

24 MR. BARIL: Okay. What's your

1 name? I'm sorry.

2 CLERK MAGISTRATE MAUNSELL: I think
3 you're all set.

4 MR. BARIL: Oh, I'm sorry.

5 MR. MILLIGAN: We're all set.

6 MR. RAMSEY: All set?

7 CLERK MAGISTRATE MAUNSELL: Yes.

8 MR. RAMSEY: Thank you very much.

9 On behalf of Officer Loos, I'm Officer Ramsey
10 representing the environmental police.

11 On 12/1/07, December first, '07 at
12 approximately 1600, 4:00, on Coy Hill in the Town
13 of Warren during the deer season, Officer Loos,
14 myself and Lieutenant Pajak were on patrol in the
15 area. At that time Officer Loos and Lieutenant
16 Pajak being in the upper top of the Coy Hill area
17 encountered a white Explorer and at that time it
18 displayed red lights in the grille and inside the
19 vehicle. Officer Loos and Lieutenant Pajak were
20 aware that the vehicle did fit a description that
21 I believe the environmental police had been
22 involved with prior to this.

23 At that time Lieutenant Pajak and
24 Officer Loos had conversation with the individual

1 here this morning, Michael Baril, and Officer
2 Loos did check into the issuance of a permit for
3 red lights to be displayed on the vehicle as an
4 emergency vehicle. In checking with that, a
5 computer check was found that Mr. Baril did not
6 have in his possession at that time and was --
7 and Officer Loos was told at the time that the
8 red light permit light had been revoked.

9 And also upon inspection of the
10 vehicle with the infrared lights, it was noted
11 that there was no vehicle inspection. The
12 vehicle inspection sticker was not there. And it
13 was also noted that at that time the vehicle
14 inspection sticker should have been in place
15 because the disaster plates had been removed from
16 the vehicle by the Registry of Motor Vehicles
17 which at that time the vehicle would have to meet
18 the standards set as an inspected vehicle. A
19 citation was issued.

20 CLERK MAGISTRATE MAUNSELL: Okay.
21 Attorney Milligan.

22 MR. MILLIGAN: If I can just -- and
23 I'll show it to the police officer. The vehicles
24 were registered to the Central Massachusetts

1 Public Safety Association, not Mr. Baril as an
2 individual. CMPSA is a charitable organization,
3 has filed the appropriate paperwork with the
4 Attorney General's office.

5 The environmental police officer is
6 correct in that this plate --

7 CLERK MAGISTRATE MAUNSELL: What
8 was the charity? I'm sorry.

9 MR. MILLIGAN: It's the Central
10 Massachusetts Public Safety Association. It goes
11 by CMPSA.

12 This was an ongoing issue with
13 these emergency disaster relief plates. And not
14 that this is particularly relevant, but it is in
15 that it took them some time to go through the
16 Registry to find out whether or not these plates
17 were revoked legitimately.

18 There was an investigation into it.
19 Eventually we recently wound up at the Board of
20 Appeals. And the Board of Appeals found that the
21 emergency disaster relief plates were revoked --
22 it was basically invalid. I have a copy of the
23 Board's reversal of that.

24 So under Mass. General Laws,

1 Chapter 7I, it's my understanding -- and I do
2 have a copy of that section for you -- that as
3 long as the vehicle is registered to a charitable
4 organization, and the definition of charitable
5 organization as defined by the Attorney General's
6 office, that a vehicle can display red lights.

7 Now, it's true that the disaster
8 relief plates on this particular vehicle were
9 recently revoked in time with this, and that has
10 to do with the previous information the officer
11 was speaking about. This was an ongoing issue
12 with the State police and the environmental
13 police with this organization.

14 Long short of this is, the plates
15 were revoked. We went through this whole process
16 of getting them back. They are now going to be
17 reinstated because they were validly issued and
18 the revocation of those plates was basically in
19 error by the Registry.

20 As far as the inspection sticker,
21 there are some photographs -- and I'll provide
22 them to you -- that the inspection sticker was
23 for the emergency disaster relief plate that was
24 recently revoked at the time of this. However,

1 the vehicle was registered. I have the
2 registration with the new plate. So the
3 inspection sticker -- there's a picture in there
4 with the plate number of EMR274 which is the
5 emergency disaster relief plate. There's another
6 picture of the actual commercial plate that was
7 there. So I would just submit --

8 CLERK MAGISTRATE MAUNSELL: So what
9 was he doing with that vehicle?

10 MR. MILLIGAN: The vehicle was
11 registered to the charitable organization and he
12 was driving it in his capacity as an employee of
13 that organization. So there are very fine rules
14 as far as when you can or cannot use these
15 vehicles. They have to be used in conjunction
16 with the organization. They cannot be used as a
17 personal motor vehicle or anything along those
18 lines.

19 CLERK MAGISTRATE MAUNSELL: So what
20 was he doing at the time the police pulled him
21 over?

22 MR. MILLIGAN: What were you doing
23 at the time the police were pulling you over?

24 MR. BARIL: I was driving down a

1 public roadway and I was flagged down by --
2 actually, not Mr. Ramsey here but Officer Loos
3 who basically asked me questions and from there
4 they -- so I wouldn't really say it was a motor
5 vehicle stop at the lights. It was just they
6 blocked the road and blocked me. I was driving
7 down a public roadway.

8 MR. MILLIGAN: But the question was
9 were you using the vehicle in your capacity
10 associated with Central Mass. Public Safety?

11 MR. BARIL: Oh, absolutely. Yes.

12 CLERK MAGISTRATE MAUNSELL: What is
13 it that you do?

14 MR. BARIL: Central Mass. Public
15 Safety Association, Incorporated, CMPSA, is a
16 nonprofit disaster relief organization, similar
17 to the Red Cross, Salvation Army, and we provide
18 emergency communications to police, fire and also
19 public and private organizations as well in times
20 of disasters.

21 MR. MILLIGAN: For instance, during
22 forest fires. They provide communications and
23 have in the past provided communications with the
24 National Park Service. So they provide a unified

1 frequency with which all volunteers would have
2 you communicate on the same frequency.

3 And so that's the type of
4 organization that it -- and not to go back. This
5 was the whole issue with the revocation of the
6 plates. They did serve a public service within
7 the statute, and everything that they alleged in
8 revocation of the plates the Board said no, they
9 do qualify for these plates and, in fact, they're
10 going to get these plates back.

11 MR. RAMSEY: If I may have a
12 minute?

13 CLERK MAGISTRATE MAUNSELL: Sure.

14 MR. RAMSEY: Michael Fielding
15 (phonetic), as Mr. Baril said, he was on patrol
16 and he gave a description of what the vehicle was
17 used for and his services. There was not a
18 disaster on Coy Hill. It was during hunting
19 season. Okay. And in speaking with the
20 environmental police, we were in the area during
21 hunting season.

22 What I'm shown here is a citation
23 was written on 12/1/07. I'm shown a registration
24 which expired on 11/07. Okay. At the time it

1 was a month after the expiration. The attorney
2 provided me with a re-registration or a new
3 registration which started on 1/1/08. So that's
4 four months -- that's three months -- excuse
5 me -- a month, give or take a couple of days,
6 after the fact. So was the vehicle unregistered
7 at the time? Obviously.

8 MR. MILLIGAN: No. It (inaudible).

9 MR. RAMSEY: Well, again, the
10 inspection sticker was not visible at the time
11 because it had gone from -- as I said earlier,
12 Officer Loos and I had a conversation about -- it
13 had gone from a disaster vehicle which now puts
14 it back as a regular motor vehicle, disaster
15 vehicles, and the red light permit is the issue.
16 There was no red light permit issued at the time
17 for that vehicle.

18 CLERK MAGISTRATE MAUNSELL: You
19 realize, Officer Milligan, up here we've had some
20 issues where young men driving around with these
21 and I imagine everywhere in the Commonwealth
22 trying to look like one of the cops. That's not
23 the issue here, right?

24 MR. MILLIGAN: No, that's not.

1 CLERK MAGISTRATE MAUNSELL: He's
2 not using it improperly or inappropriately or
3 anything like that?

4 MR. MILLIGAN: No. They were not
5 activated at the time. And I think the other
6 issue is the inspection sticker was --

7 CLERK MAGISTRATE MAUNSELL: Is
8 everything corrected now?

9 MR. MILLIGAN: Everything is --

10 MR. RAMSEY: If it's corrected now
11 and the paperwork is fine, that's great.

12 CLERK MAGISTRATE MAUNSELL: I
13 appreciate the fact that he's here with a lawyer.
14 So he's taking it seriously. And I just want to
15 make sure the lights weren't being used
16 improperly, not a situation like that.

17 That being the case, I'm going to
18 find you not responsible, sir. Hold on to that
19 for your records. Thank you.

20 (Whereupon, the hearing concluded.)

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

I, Donna M. DiCarlo, Registered Professional Reporter, do hereby certify that the foregoing Pages 1 - 11 to be a true, complete and accurate transcript of hearing RE: Massachusetts Environmental Police V Michael J. Baril, held at the time and place hereinbefore set forth, to the best of my knowledge, skill and ability.



Registered Professional Reporter