

# LAW OFFICES OF MATTHEW F. PAWA

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Matthew F. Pawa

Mark R. Rielly  
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January 2, 2009

*via electronic mail and facsimile*

Chief Joseph E. LaCroix  
Newton Fire Department  
1164 Centre Street  
Newton, MA 02459

Re: Richard Busa

Dear Fire Chief LaCroix:

I write on behalf of Newton Firefighter Richard Busa concerning the matter of his firefighter's helmet.

As you know, Mr. Busa, a duly appointed firefighter for the City of Newton, was previously advised by the Department that his helmet, on which he had painted the American flag, did not comply with departmental regulations. In response to this notice, Mr. Busa, at no expense to the Newton Fire Department, obtained a new helmet which meets with the department's approval. Now, it appears, Mr. Busa has received a further directive from Deputy Chief Carvelli requiring him to turn over to the Newton Fire Department the helmet painted with the American flag.

As this recent order raises legal and constitutional issues with respect to the Department's authority, I am writing to request formally that:

- (a) you confirm that, as stated by Deputy Chief Carvelli in a telephone call he had with Mr. Busa today, the directive is to turn in the helmet by Tuesday January 6, 2009;
- (b) grant Mr. Busa a two week extension of time, until January 20, 2009, to respond to this directive so that he may have time to consult with counsel as to his legal rights; and
- (c) provide Mr. Busa with written notice of the requirement to surrender his helmet,

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together with an explanation of the authority for that requirement and the consequences of his failure to comply.

As there is no urgency to this situation, a two week extension of time would seem to be an eminently reasonable accommodation to Mr. Busa's intent to explore his legal rights.

I look forward to receiving your response. Obviously, given the timing, in order to have a meaningful opportunity to protect his rights, Mr. Busa requires a response to the request for an extension of time as early in the day on Monday January 5, 2009 as possible but in any event by no later than Noon that day.

Finally, please know that I attempted to transmit the information in this letter directly to the City Law Department. However, Ms. Eileen McGettigan of the Law Department, in a telephone call with me today, refused either to become involved or to attempt to locate City Solicitor Funk and stated I should communicate directly with you.

Thank you in advance for your courtesy and cooperation.

Sincerely,

*Matthew F. Pawa*

Matthew F. Pawa

cc: Daniel M. Funk, Esq.  
Eileen McGettigan, Esq.  
Mayor David Cohen  
Board of Aldermen  
John Reinstein, Legal Director, ACLU of Massachusetts