



## STATE OF NEW JERSEY

In the Matter of Miguel Hidalgo,  
Hudson County, Sheriff's Office

CSC Docket No. 2024-2527

OAL Docket No. CSR 08277-24

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

ISSUED: APRIL 30, 2025

The appeal of Miguel Hidalgo, Sheriff's Officer, Hudson County Sheriff's Office, removal, effective May 2, 2024, on charges, was heard by Administrative Law Judge Andrea Perry Villani (ALJ), who rendered her initial decision on April 1, 2025. No exceptions were filed.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, the Civil Service Commission (Commission), at its meeting on April 30, 2025, adopted the ALJ's Findings of Facts and Conclusions of Law and her recommendation to uphold the removal.

The Commission makes the following comments. The ALJ's decision is based significantly on her assessment of the witnesses' testimony. In this regard, she explicitly found the appellant's version of the incident not credible. In this regard, the Commission acknowledges that the ALJ, who has the benefit of hearing and seeing the witnesses, is generally in a better position to determine the credibility and veracity of the witnesses. *See Matter of J.W.D.*, 149 N.J. 108 (1997). "[T]rial courts' credibility findings . . . are often influenced by matters such as observations of the character and demeanor of the witnesses and common human experience that are not transmitted by the record." *See also, In re Taylor*, 158 N.J. 644 (1999) (quoting *State v. Locurto*, 157 N.J. 463, 474 (1999)). Additionally, such credibility findings need not be explicitly enunciated if the record as a whole makes the findings clear. *Id.* at 659 (citing *Locurto, supra*). The Commission appropriately gives due deference to such determinations. However, in its *de novo* review of the record, the Commission has the authority to reverse or modify an ALJ's decision if it is not supported by sufficient credible evidence or was otherwise arbitrary. *See N.J.S.A. 52:14B-10(c); Cavalieri v. Public Employees Retirement System*, 368 N.J. Super. 527 (App. Div. 2004). The Commission finds no persuasive evidence in the record to demonstrate that the ALJ's

findings and conclusions based on those determinations were arbitrary, capricious or unreasonable.

Regarding the penalty, similar to its assessment of the charges, the Commission's review of the penalty is *de novo*. In addition to its consideration of the seriousness of the underlying incident in determining the proper penalty, the Commission also utilizes, when appropriate, the concept of progressive discipline. *West New York v. Bock*, 38 N.J. 500 (1962). In determining the propriety of the penalty, several factors must be considered, including the nature of the appellant's offense, the concept of progressive discipline, and the employee's prior record. *George v. North Princeton Developmental Center*, 96 N.J.A.R. 2d (CSV) 463. However, it is well established that where the underlying conduct is of an egregious nature, the imposition of a penalty up to and including removal is appropriate, regardless of an individual's disciplinary history. *See Henry v. Rahway State Prison*, 81 N.J. 571 (1980). It is settled that the theory of progressive discipline is not a "fixed and immutable rule to be followed without question." Rather, it is recognized that some disciplinary infractions are so serious that removal is appropriate notwithstanding a largely unblemished prior record. *See Carter v. Bordentown*, 191 N.J. 474 (2007). Even when a law enforcement officer does not possess a prior disciplinary record after many unblemished years of employment, the seriousness of an offense may nevertheless warrant the penalty of removal where it is likely to undermine the public trust. In this regard, the Commission emphasizes that a law enforcement officer is held to a higher standard than a civilian public employee. *See Moorestown v. Armstrong*, 89 N.J. Super. 560 (App. Div. 1965), *cert. denied*, 47 N.J. 80 (1966). *See also, In re Phillips*, 117 N.J. 567 (1990).

Here, it is clear that as a law enforcement employee, the appellant's misconduct was egregious and cannot be minimized. Such misconduct is inimical to what the public expects from a law enforcement officer, who is held to a higher standard. As such, a penalty less than removal would serve to undermine the public trust. Accordingly, the Commission finds the penalty of removal neither disproportionate to the offense nor shocking to the conscious.

### ORDER

The Civil Service Commission finds that the action of the appointing authority in removing the appellant was justified. The Commission therefore upholds that action and dismisses the appeal of Miguel Hidalgo.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 30<sup>TH</sup> DAY OF APRIL, 2025

*Allison Chris Myers*

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Allison Chris Myers  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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Attachment



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. CSR 08277-24

AGENCY DKT. NO. N/A

2024-2527

**IN THE MATTER OF MIGUEL HIDALGO,  
HUDSON COUNTY SHERIFF'S OFFICE.**

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**David Heintjes, Esq.**, for appellant, Miguel Hidalgo (Law Offices of Nicholas J. Palma, LLC, attorneys)

**Rose Tubito, Esq.**, for respondent, Hudson County Sheriff's Office (Tubito Law Group, P.C., attorneys)

Record Closed: March 25, 2025

Decided: April 1, 2025

**BEFORE ANDREA PERRY VILLANI, ALJ:**

**STATEMENT OF THE CASE**

Miguel Hidalgo was a Hudson County sheriff's officer for nine years with no notable disciplinary history. However, on January 29, 2020, he committed egregious misconduct when he stole copper from a warehouse. Must Hidalgo be terminated from his position? Yes. When a civil servant's misconduct is egregious, the imposition of a penalty up to and including termination is appropriate, regardless of his disciplinary history. See Henry v. Rahway State Prison, 81 N.J. 571 (1980).

## **PROCEDURAL HISTORY**

On January 31, 2020, respondent, Hudson County Sheriff's Office (Hudson), served appellant, Miguel Hidalgo, with a Preliminary Notice of Disciplinary Action (PNDA). In the PNDA, Hudson charged Hidalgo with incompetency, inefficiency or failure to perform duties under N.J.A.C. 4A:2-2.3(a)(1); insubordination under N.J.A.C. 4A:2-2.3(a)(2); conduct unbecoming a public employee under N.J.A.C. 4A:2-2.3(a)(6); neglect of duty under N.J.A.C. 4A:2-2.3(a)(7); and other sufficient cause under N.J.A.C. 4A:2-2.3(a)(12). The PNDA specified that on January 29, 2020, Hidalgo was arrested for stealing copper from a warehouse complex in Warren Township, New Jersey. Hidalgo was criminally charged with burglary and theft of movable property.

On January 27, 2023, Hidalgo appeared in Somerset County Superior Court and agreed to participate in pre-trial intervention (PTI) without entering a plea to the criminal charges. The criminal charges were later dismissed upon successful completion of PTI.

On May 2, 2024, Hudson issued a Final Notice of Disciplinary Action (FNDA) sustaining the charges of inability to perform duties under N.J.A.C. 4A:2-2.3(a)(3); conduct unbecoming a public employee under N.J.A.C. 4A:2-2.3(a)(6); and other sufficient cause under N.J.A.C. 4A:2-2.3(a)(12). Hudson removed Hidalgo from his position as Sheriff's Officer effective that day, May 2, 2024.

On May 20, 2024, Hidalgo filed an appeal with the Civil Service Commission.

On June 12, 2024, the Civil Service Commission transmitted the case to the Office of Administrative Law (OAL) as a contested case under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the OAL, N.J.S.A. 52:14F-1 to -23.

On March 25, 2025, I conducted the hearing and closed the record.

### **DISCUSSION AND FINDINGS OF FACT**

On January 29, 2020, Captain Liane Markowitz, Commander of the Hudson County Sheriff's Office Internal Affairs Unit, received a phone call from Warren Township police that one of their officers, Hidalgo, had just been arrested for stealing copper from a warehouse in Warren Township, New Jersey. Markowitz assigned Lieutenant Daniel Beteta to investigate the case.

Beteta worked in the Hudson County Internal Affairs Unit from December 2018 until December 2023. He is currently a lieutenant in the Detective Bureau.

Beteta did not immediately receive reports from Warren Township police or the Somerset County Prosecutor's Office regarding Hidalgo's arrest. Indeed, due to the ongoing criminal investigation and Covid-19 pandemic, several years passed while Bateta waited for information.

In February 2023, Bateta finally obtained police reports, transcripts, search warrants, evidence logs, and videos in connection with Hidalgo's January 29, 2020 arrest.

Bateta watched the videos, which included police body camera footage of the arrest. In the body camera footage, Bateta observed Hidalgo running toward responding officers at a warehouse located at 500 Warren Corp Center Drive. Hidalgo was wearing a black mask, black jacket, gray pants, and black boots. When officers asked why he was there, Hidalgo stated that he was "training," and that he ran to the warehouse from an Exxon gas station nearby where his brother-in-law had dropped him off.

Bateta reviewed the Warren Township police reports from January 28, 2020. Among other things, the reports note that the warehouse security manager called police on January 28, 2020, at 8:15 p.m., about suspicious individuals at his loading dock. Due to previous theft of copper at the location, the security manager recently installed

interior and exterior cameras. Police responded and located Hidalgo outside of the warehouse along with a silver SUV registered to Hidalgo's wife. The SUV was filled with copper wire and contained a receipt from a scrapyard made out to Hidalgo's sister-in-law. Hidalgo had a copy of his sister-in-law's passport in his wallet. Hidalgo's brother-in-law worked at the warehouse.

In March 2023, Beteta visited the warehouse. It is located in a complex of numerous warehouses, which appeared to be under construction at the time, about a mile off the main road. Bateta also visited the Exxon gas station where Hidalgo was allegedly dropped off. It is over a mile away from the warehouse complex. For Hidalgo to reach the complex from the gas station, he would have to cross a bridge. The bridge is for vehicles only and does not have sidewalks. Similarly, there are no sidewalks on the road leading the warehouse complex.

Hidalgo testified about the night of January 28, 2020, as follows. He was picked up by his brother-in-law at his stepfather's home in Union City. His brother-in-law told him they were going to a sports bar to meet girls. Hidalgo thought they were staying local for drinks, but he had second thoughts when his brother-in-law kept driving. When his brother-in-law turned off the highway, Hidalgo asked to be dropped off. He got out at a gas station. He told his brother-in-law to pick him up when he was done. Hidalgo did not call a cab or an Uber. Instead, he started walking to clear his head. He said he was walking and jogging. He saw a complex, headed that way, and ended up in front of the warehouse. He was about to turn back when he saw a car coming toward him with a spotlight. It was the police.

Hidalgo maintained at the hearing that he didn't know anything about the stolen copper. He denied knowing what his brother-in-law was doing, or even that his brother-in-law worked at the warehouse, thereby suggesting his presence at the crime scene was purely coincidental.

Hidalgo was a Sheriff's Officer for nine years, and he became very emotional when testifying about losing his job and disappointing his three children. Hidalgo stated

that he wished he had just stayed home with his children that night; and, at that moment, I believe he was telling the truth.

Nevertheless, I **FIND** that most of Hidalgo's testimony was not credible. His explanation of the events of January 28, 2020 was confusing and illogical. There is a simpler, more logical explanation and, as such, I **FIND** that Hidalgo went with his brother-in-law to the warehouse on January 28, 2020; he filled his wife's car with copper, which he intended to sell for scrap using his sister-in-law's ID; but he was caught by the newly installed security cameras and, ultimately, the police. Accordingly, I **FIND** that Hidalgo committed theft on the night of January 28, 2020.

### **CONCLUSIONS OF LAW**

Public employees' rights and duties are governed and protected by the provisions of the Civil Service Act, N.J.S.A. 11A:1-1 to 12-6, and the regulations promulgated under the Act, N.J.A.C. 4A:1-1.1 to 4A:2-6.2. Public employees may be disciplined for a variety of offenses involving their employment, including the general causes for discipline as set forth in N.J.A.C. 4A:2-2.3(a). Major discipline may include removal of the public employee from his position. N.J.A.C. 4A:2-2.2(a).

In appeals concerning major disciplinary action, the appointing authority bears the burden of proof. N.J.A.C. 4A:2-1.4(a). The burden of proof is by a preponderance of the evidence, In re Phillips, 117 N.J. 567, 575 (1990), and the hearing is de novo, Henry v. Rahway State Prison, 81 N.J. 571, 579 (1980). The evidence must be such as leading a reasonably cautious mind to a given conclusion. Bornstein v. Metro. Bottling Co., 26 N.J. 263 (1958). One can describe preponderance as the greater weight of credible evidence in the case, not necessarily dependent on the number of witnesses, but having the greater convincing power. State v. Lewis, 67 N.J. 47 (1975).

#### **Charge 1 – Inability to Perform Duties**

Under N.J.A.C. 4A:2-2.3(a)(3), an employee may be subject to discipline for inability to perform their duties. In this case, Hudson did not explain if or how Hidalgo is



unable to perform his duties as a sheriff's officer. Therefore, I **CONCLUDE** that a preponderance of the evidence does not exist that Hidalgo is unable to perform his duties in violation of N.J.A.C. 4A:2-2.3(a)(3).

#### Charge 2 - Conduct Unbecoming a Public Employee

Under N.J.A.C. 4A:2-2.3(a)(6), an employee may be subject to discipline for conduct unbecoming a public employee. Conduct unbecoming a public employee has been interpreted broadly as conduct that adversely affects the morale or efficiency of a governmental unit or that tends to destroy public respect for governmental employees and confidence in the delivery of governmental services. Karins v. City of Atl. City, 152 N.J. 532, 554 (1998); see also In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960). It is sufficient that the complained-of conduct and its attending circumstances "be such as to offend publicly accepted standards of decency." Karins, 152 N.J. at 555 (quoting, In re Zeber, 398 Pa. 35, 43 (1959)). Such misconduct need not "be predicated upon the violation of any particular rule or regulation but may be based merely upon the violation of the implicit standard of good behavior." Hartmann v. Police Dep't of Ridgewood, 258 N.J. Super. 32, 40 (App. Div. 1992) (quoting Asbury Park v. Dep't of Civil Serv., 17 N.J. 419, 429 (1955)).

In this case, Hidalgo didn't just engage in bad behavior; he committed a crime. As a Sheriff's Officer who represents law and order to the public, Hidalgo's criminal acts threaten the public's trust in other officers. Therefore, I **CONCLUDE** that Hidalgo engaged in conduct unbecoming a public employee in violation of N.J.A.C. 4A:2-2.3(a)(6) and is subject to discipline.

#### Charge 3 - Other Sufficient Cause

N.J.A.C. 4A:2-2.3(a)(12) holds that an employee may be subject to discipline for other sufficient cause. Other sufficient cause is typically considered a catchall category that addresses violations of department rules and policies. See In re Hairston, No. A-3758-17T4 (App. Div. March 26, 2019) (slip op. at 13).

Rule 1.2 of the Rules Governing Conduct of the Hudson County Sheriff's Office states: "All personnel are required to conduct themselves, both on and off duty, in such a manner as to reflect favorably on the Sheriff's Office. Conduct unbecoming an employee shall include that which brings the Sheriff's Office into disrepute, reflects discredit upon the employee as a member of the Sheriff's Office, or which impairs the operation or efficiency of the Sheriff's Office or the employee."

Hidalgo violated Rule 1.2. His criminal activities on January 28, 2020 brought disrepute upon him as a law enforcement official and the Hudson County Sheriff's Office. Therefore, I **CONCLUDE** that Hidalgo violated Rule 1.2 in violation of N.J.A.C. 4A:2-2.3(a)(12) and is subject to discipline.

#### Penalty

Once a determination is made that an employee has violated a statute, regulation or rule concerning his employment, the concept of progressive discipline must be considered. W. New York v. Bock, 38 N.J. 500 (1962). However, where the underlying conduct is of an egregious nature, the imposition of a penalty up to and including removal is appropriate, regardless of an individual's disciplinary history. See Henry, 81 N.J. at 580. Indeed, progressive discipline may be bypassed when the misconduct is severe, when it renders the employee unsuitable for continuation in the position, or when the application of progressive discipline would be contrary to the public interest. In re Herrmann, 192 N.J. 19, 33 (2007).

Moreover, the Civil Service Commission has emphasized that a Sheriff's Officer, like a Municipal Police Officer, is held to a higher standard than a civilian public employee. See, In the matter of Joseph Campolattaro, CSR 06536-24, Initial Decision (January 14, 2025), modified, Comm'r (February 26, 2025), <<http://njlaw.rutgers.edu/collections/oal/>>. Even where a law enforcement officer does not possess a prior disciplinary record after many unblemished years of employment, the seriousness of an offense may nevertheless warrant the penalty of removal where it is likely to undermine the public trust. Id.

In this case, Hudson County did not submit any evidence of prior disciplinary history; however, Hidalgo's misconduct was egregious. He broke the law and therefore can no longer be trusted to enforce the law. As such, I **CONCLUDE** that Hidalgo must be terminated from his position as Sheriff's Officer.

**ORDER**

Given my findings of fact and conclusions of law, I **ORDER** that Hidalgo is **TERMINATED** from his position as Sheriff's Officer and that this case is **DISMISSED**.

I hereby **FILE** my Initial Decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, which by law is authorized to make a final decision in this matter. If the Civil Service Commission does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **DIRECTOR, MERIT SYSTEM PRACTICES AND LABOR RELATIONS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, P.O. Box 312, Trenton, New Jersey 08625-0312**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.



April 1, 2025

DATE

\_\_\_\_\_  
**ANDREA PERRY VILLANI, ALJ**

Date Received at Agency:

April 1, 2025

Date Mailed to Parties:

April 1, 2025

sej

**APPENDIX**

**WITNESSES**

**For Petitioner:**

Miguel Hidalgo

**For Respondent:**

Lt. Daniel Beteta

**EXHIBITS**

**Joint:**

J-1 Preliminary Notice of Disciplinary Action

J-2 Final Notice of Disciplinary Action

**For Petitioner:**

None

**For Respondent:**

R-1 Hudson County Sheriff's Office Internal Affairs Report dated June 15, 2023

R-2 Warren Township Police Reports dated January 29, 2020