



appellant's conduct leading to his indictment violated the standard of good behavior.

Moreover, the ALJ's determinations regarding the charges were substantially based on his assessment of the credibility of the testimony of the witnesses. 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 u. 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 credibility determinations, or his findings and conclusions based on those determinations, were arbitrary, capricious or unreasonable.

In recommending upholding the removal, the ALJ stated the following:

[T]he credible evidence reflects that appellant does not have a disciplinary record; however, the credible evidence established that the appellant received money from Horizon for services billed by Kaufman for visits the appellant never attended, and that the appellant deposited these monies in his Wells Fargo account and used the proceeds for his personal expenses, and that the appellant knew or should have known that he was not entitled to the reimbursements from Horizon. In addition, the credible evidence established that the appellant was untruthful during his internal affairs interview. These are serious violations, and the penalty should reflect the same.

Accordingly, I **CONCLUDE** that the sustained charges are sufficiently egregious to warrant the termination of appellant from his position as a Middlesex County Sheriff's Officer.

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).

In the instant matter, it is undisputed that the appellant was indicted on charges of theft by deception, which were dismissed as part of plea agreement, in which the appellant pled guilty to a petty disorderly offense of disorderly conduct. Moreover, the ALJ specifically found the appellant's testimony not credible and that he was untruthful during his internal affairs investigation interview. 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 charges as sustained by the ALJ are upheld, and the penalty of removal is 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, affirms that action and dismisses the appeal of Miguel Figueroa.

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



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

**INITIAL DECISION**

OAL DKT. NO. CSR 06352-23

AGENCY DKT. NO. N/A

**IN THE MATTER OF MIGUEL FIGUEROA,  
MIDDLESEX COUNTY  
SHERIFF OFFICE (CORRECTIONS).**

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**Peter Paris**, Esq., for appellant Miguel Figueroa (Beckett & Paris, LLC,  
attorneys)

**Robert Merryman**, Esq., for respondent Middlesex County **SHERIFF OFFICE  
(CORRECTIONS)**. (Apruzzese, McDermott, Mastro & Murphy, PC,  
attorneys)

Record Closed: January 5, 2026

Decided: February 20, 2026

BEFORE **WILLIAM T. COOPER III**, ALJ:

**STATEMENT OF THE CASE**

Miguel Figueroa (Figueroa or appellant) challenges his removal from his position as a Middlesex County Sheriff's Officer for violations of the Middlesex County Corrections Department Rules and Regulations due to his arrest and subsequent indictment in January 2019, for a violation of Theft by Deception (N.J.S.A. 2C:20-4, a crime of the third degree) and Insurance Fraud (N.J.S.A. 2C:21-4.6(a), a crime of the third degree), by the Somerset County Prosecutor's Office. These offenses were resolved through a plea agreement wherein the appellant pled guilty to a single

violation of Disorderly Conduct – Improper Behavior (N.J.S.A. 2C:33-2(a)(1), a petty disorderly offense). The appellant argues that the plea agreement and his subsequent plea prove he was not involved in the Theft and Insurance Fraud violations, and, because his conviction only involved a petty disorderly offense, he should not be terminated. The respondent argues that the comprehensive investigation by the Somerset County Prosecutor's Office (SCPO) established the appellant's involvement by a preponderance of the evidence and together with his subsequent plea to the petty disorderly offense justify his termination.

### **PROCEDURAL HISTORY**

On December 7, 2022, the Middlesex County Department of Corrections (Department) served upon appellant a Preliminary Notice of Disciplinary Action (PNDA) charging him with violations of the County Police Manual and conduct unbecoming a public employee. A departmental hearing was held on March 22, 2023. On June 7, 2023, the respondent served upon appellant a Final Notice of Disciplinary Action (FNDA) sustaining the charges and removing him from respondent's employment effective December 7, 2022. The sustained charges were as follows:

- N.J.A.C. 4A:2-2.3(a)(6)—Conduct unbecoming a public employee, and
- N.J.A.C. 4A:2-2.3(a)(12)—Other sufficient cause,
- Department Rules & Regulations:
  - 3:1.1 Standards of Conduct
  - 3:12.5 Truthfulness

The specifications in support of the charges noted that:

Between January 2014 and November 2017, Sheriff Officer Figueroa received money from his insurance company for visits to his chiropractor that he never attended. He deposited money from his insurance company into his personal account and used the proceeds on personal expenses. He knew or should have known that he was not entitled to the excessive reimbursements from his insurance company, which amounts to fraudulent conduct.

By engaging in the above conduct, you were indicted and criminally charged with Theft by Deception (N.J.S.A. 2C:20-4- a crime of the third degree) and Insurance Fraud (N.J.S.A. 2C:21-4.6 (a)- a crime of the third degree) by the Somerset County Prosecutor's Office. On September 27, 2018, you were placed on indefinite suspension without pay, pending the resolution of the criminal charges. On May 23, 2022, pursuant to a plea agreement with the Somerset County Prosecutor's Office, you pled guilty to Disorderly Conduct-Improper Behavior Fighting/Threatening/Etc. (N.J.S.A. 2C:33-2(a)(1)). This criminal conviction is conduct unbecoming a public employee. Further, the act of confronting Dr. Kaufman, yelling profanities in the presence of his employees and the public, is also unbecoming and a violation of the standard of conduct. You acknowledged during your plea allocation that you accepted \$4,950 from Horizon Blue Cross and Blue Shield for services that were not rendered to you.

You were untruthful in your internal affairs interview when you provided details relating to your plea agreement and basis for the charges to which you pled guilty. During the internal affairs interview, you reported that you went to Dr. Kaufman's Office to confront him but only yelled in the lobby where other employees and members of the public were present. You indicated that Dr. Kaufman never came out to the front of the office. The facts conveyed during your internal affairs interview differed from the account you provided during your allocation at the sentencing hearing.

On June 7, 2023, an FNDA issued sustaining the violations and Figueroa's termination. On July 11, 2023, the appellant filed a timely appeal of the FNDA with the Office of Administrative Law (OAL), where it was filed as a contested case. N.J.S.A. 52:14B-1 to -15; N.J.S.A. 52:14F-1 to -23.

On September 7, 2023, the appellant waived his rights under N.J.S.A. 40A:14-201 to a final determination within 180 days.

Hearings were conducted on June 25, 2025, July 24, 2025, and August 14, 2025. The record remained open for the parties to submit closing statements and closed on January 5, 2026.

## **FACTUAL DISCUSSION AND FINDINGS**

### **Credibility of Witnesses**

For testimony to be believed, it must not only come from the mouth of a credible witness, but it also must be credible. It must elicit evidence that is from such common experience and observation that it can be approved as proper under the circumstances. See Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961). A credibility determination requires an overall assessment of the witness's story in light of its rationality or internal consistency and the manner in which it "hangs together" with the other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963). Also, "the interest, motive, bias, or prejudice of a witness may affect his credibility and justify the [trier of fact], whose province it is to pass upon the credibility of an interested witness, in disbelieving his testimony." State v. Salimone, 19 N.J. Super. 600, 608 (App. Div.), certif. denied, 10 N.J. 316 (1952) (citation omitted).

A trier of fact may reject testimony because it is inherently incredible, or because it is inconsistent with other testimony or with common experience, or because it is overborne by other testimony. Congleton v. Pura-Tex Stone Corp., 53 N.J. Super. 282, 287 (App. Div. 1958).

Here, there was testimony from four witnesses: Sergeant Matthew Michals (Michals) of the Middlesex County Sheriff's Office; Agent Trevor Oldenburg (Oldenburg) of the SCPO; the appellant, Miguel Figueroa; and appellant's spouse, Jennifer Figueroa.

**Matthew Michals** was assigned to complete an internal affairs investigation of the appellant due to the appellant's arrest for theft and insurance fraud charges. Michals explained that he reviewed investigation reports of the SCPO, reports from the Federal Bureau of Investigation (FBI), and Horizon Blue Cross and Blue Shield (Horizon) claims information, and conducted an interview of the appellant. The SCPO investigation was centered upon Stewart Kaufman (Kaufman), an acupuncturist who was billing Horizon for services never rendered to certain patients who were employees of the State, counties, or municipal entities and had Horizon health

insurance. These patients allegedly received services from Kaufman, and since he was not on the Horizon network, the employees would receive the payment and then were responsible for paying the provider. Here, it was alleged that the patients would cash the checks and then split the proceeds with Kaufman. Figueroa was one of these patients.

Michals explained that the factual basis for the conclusions in his internal affairs investigation report was the criminal charges against Figueroa, his plea to a petty disorderly offense, and his agreeing to pay restitution to Horizon for the benefits he received to which he was not entitled, which would all meet the definition of violating the standard of conduct. Michals noted that Figueroa never disputed that he received money for medical visits he never attended. It was also confirmed that Figueroa deposited money he received from Horizon into his personal bank account and used that money for day-to-day expenses. Michals explained that the standard-of-conduct violation was also demonstrated by Figueroa's receiving money from the insurance company for visits he never attended as evidenced by agreeing to pay restitution in the amount of \$4,950 to Horizon.

Michals also concluded that the allegation of lack of truthfulness was sustained based on the difference in Figueroa's statements as to his proximity to Mr. Kaufman during the incident in Kaufman's office. Michals testified that Figueroa admitted that his conduct at Mr. Kaufman's office was improper. However, Figueroa made a statement during his internal affairs statement concerning this incident and another, while under oath, was made when he pled guilty to the petty disorderly offense. In the statement made under oath, Figueroa stated that he went to Kaufman's office, walked into the waiting room, and began to loudly yell and shout for Kaufman to come out. According to Figueroa, he got close to Kaufman during this incident and confronted him verbally while Kaufman remained behind a closed door. Figueroa said he knew that Kaufman was in the office at that time. During his interview with Michals, Figueroa later stated that he did not know if Kaufman was even present at the office during the incident.

Michals testified in a straightforward manner and easily related the steps he took in conducting the investigation. I did not detect any animus in Michals toward the appellant. I found Michals to be a credible witness.

**Trevor Oldenburg** is a retired Hillsborough Township police officer who is currently employed as an agent by the SCPO in the special investigation unit. He provided detailed testimony concerning the investigation of Kaufman and his patients. Kaufman's ex-girlfriend had made an anonymous complaint to the National Insurance Crime Bureau. The allegation was that Kaufman had approximately twenty patients for whom he submitted bills to the insurance company even though the patients never came into the office for treatment. In essence, Kaufman was billing an insurance company for a group of individuals, for medical services that were not rendered. Oldenburg explained that the FBI was also involved in the investigation and developed the strategy to focus the investigation on some of Kaufman's patients who were still actively going to see Kaufman two times per week. Figueroa was one of those patients.

Oldenburg conducted an analysis of the data that the SCPO had received as part of the investigation. This data included the Horizon run sheets, showing what the patients were being billed by Kaufman, the phone pings, the GPS tracking, and bank statements. Oldenburg confirmed from the Horizon run sheets that Kaufman had been treating Figueroa since 2014. The run sheets showed the dates of service, the type of service provided, and the charge for the service. Based upon the run sheets, GPS tracking, and phone pings, the SCPO was able to establish that Kaufman was billing Horizon for services when in fact Figueroa was not present in the office. Oldenburg confirmed from Horizon that if a "member payee" like Figueroa used an out-of-network provider, Horizon would send the check for services directly to Figueroa, who was then responsible for signing the check over to Kaufman. That did not happen here.

Figueroa provided a statement to the SCPO claiming that he would pay Kaufman at the time of the visit and then he would get reimbursed. According to Horizon, no upfront payments are required for out-of-network providers. In his interview with SCPO, Figueroa admitted that he set up a Wells Fargo account for the deposit of the Horizon checks so that they would not get commingled with his other bank account. Figueroa also had a joint Chase Bank account with his wife, and according to Oldenburg, none of the Horizon checks went into that account. Oldenburg confirmed that there were 133 Horizon checks sent to Figueroa at his home address that totaled nearly \$108,000. Forty-one of those checks were deposited into

Figueroa's Wells Fargo account. Fifty-one checks were signed and deposited into Kaufman's business account. Of the nearly \$108,000, it was determined that about \$52,000 was signed over to Kaufman while about \$55,000 was either deposited or cashed by Figueroa. Kaufman was interviewed by the SCPO, and he admitted to billing Horizon for services that were not rendered. He further admitted that both he and Figueroa each profited between fifty to sixty thousand dollars each. Oldenburg admitted that much of the information provided by Kaufman was not accurate but that Kaufman's statement that he and Figueroa split the proceeds from the checks was consistent with the evidence obtained during the investigation.

Oldenburg also testified in straightforward fashion and easily recounted the steps the SCPO completed in this investigation. The investigation involved both SCPO and FBI officials and obtained credible evidence regarding the insurance fraud scheme employed by Kaufman and others. I did not detect any animus in Oldenburg toward the appellant. I found Oldenburg to be a credible witness.

**Miguel Figueroa** testified that he did not act in concert with Kaufman but rather was unwittingly duped into fraudulent activity. He testified that he met Kaufman through his chiropractor Dr. Karam (Karam). Figueroa stated that Kaufman made him pay a \$50 co-pay for each visit, and if he didn't have it, Kaufman would tell him to not worry about it and pay when he could. Figueroa also stated that he opened a Wells Fargo account a few years after he began receiving treatment from Kaufman. He also asserted that it was Kaufman who asked him to cash the Horizon checks and bring him cash. According to Figueroa, Wells Fargo bank would only cash a check if he had a Wells Fargo account, so he opened an account to cash the Horizon checks.

Figueroa admitted that each check had an explanation of benefits (EOB) attached, but he never looked at them. He also claimed that he never kept track of the money he was giving to Kaufman, or received a statement of his account, or ever received a receipt for the co-pays he made. When asked about the plea agreement and the condition that he pay restitution to Horizon, Figueroa admitted that he knew that restitution meant he had to pay money back to Horizon. He also admitted that during his plea colloquy in Superior Court the prosecutor explained that the restitution amount of \$4,950 to Horizon was for money he received from Horizon for services that were never rendered.

Figueroa testified in a calm and polite manner; however, his claim that he was unaware of what Kaufman was doing rang false. Figueroa saw Kaufman over a long period of time; his claim that he never reviewed his EOB or requested clarification from Kaufman as to his account balance made no sense. Similarly, Figueroa claimed that Kaufman requested that he pay in cash, yet he never questioned this request. Figueroa claimed that Kaufman wanted a co-pay for each visit, but if Figueroa did not have it, he was told to not worry and pay when he could, yet Figueroa never requested his account balance or obtained a receipt when a payment was made. Figueroa received checks for services rendered by Kaufman while Figueroa was on National Guard duty and never questioned Kaufman as to why he billed for those dates. There were obvious signs that something was amiss in the way that Kaufman ran his business that the appellant should have been aware of.

The claim that the appellant was duped by a sophisticated scam artist is unconvincing because: the appellant opened a Wells Fargo account for the purpose of cashing Horizon checks so as to be able to bring cash to Kaufman; the appellant never bothered to review his EOBs to verify that the information as to the services was accurate; and the appellant agreed to pay restitution to Horizon in the amount of \$4,950. The credible evidence established that the appellant wasn't complacent but that he was complicit in the scheme to defraud Horizon.

**Jennifer Figueroa** is married to Miguel Figueroa, and she is employed as a physician assistant for two medical offices. She was aware of Kaufman through her husband. She sought chiropractic treatment from Dr. Karam and was offered acupuncture services with Kaufman. She saw Kaufman once but was unimpressed with him. According to Mrs. Figueroa, Kaufman was not attentive, and he never asked where her pain or problem areas were. Mrs. Figueroa believed that Kaufman was just randomly sticking her with needles in her hand. She saw him once and never came back. Mrs. Figueroa was credible, but her testimony was of limited value.

Specifically, as to these charges, I **FIND** that the appellant received money from Horizon for services billed by Kaufman for visits the appellant never attended. I **FIND** that the appellant deposited these monies in his Wells Fargo account and used the proceeds for his personal expenses. I **FIND** that that the appellant knew or should

have known that he was not entitled to the reimbursements from Horizon. I **FIND** that the appellant was untruthful during his internal affairs interview.

### **LEGAL ANALYSIS AND CONCLUSIONS**

Civil-service employees' rights and duties are governed by the Civil Service Act and regulations promulgated pursuant thereto. N.J.S.A. 11A:1-1 to 11A:12-6; N.J.A.C. 4A:1-1.1. The Act is an important inducement to attract qualified people to public service and is to be liberally applied toward merit appointment and tenure protection. Mastrobattista v. Essex Cnty. Park Comm'n, 46 N.J. 138, 147 (1965). However, consistent with public policy and civil-service law, a public entity should not be burdened with an employee who fails to perform his or her duties satisfactorily or who engages in misconduct related to his or her duties. N.J.S.A. 11A:1-2(a), (c). A civil-service employee who commits a wrongful act related to his or her duties, or gives other just cause, may be subject to major discipline, including removal. N.J.S.A. 11A:2-6; N.J.S.A. 11A:2-20; N.J.A.C. 4A:2-2.2. The general causes for such discipline are set forth in N.J.A.C. 4A:2-2.3(a).

This matter involves a major disciplinary action brought by the respondent against the appellant. An appeal to the Civil Service Commission requires the OAL to conduct a hearing de novo to determine the appellant's guilt or innocence as well as the appropriate penalty if the charges are sustained. In re Morrison, 216 N.J. Super. 143 (App. Div. 1987). Respondent has the burden of proof and must establish by a fair preponderance of the credible evidence that appellant was guilty of the charges. Atkinson v. Parsekian, 37 N.J. 143 (1962). Evidence is found to preponderate if it establishes the reasonable probability of the fact alleged and generates a reliable belief that the tendered hypothesis, in all human likelihood, is true. See Loew v. Union Beach, 56 N.J. Super. 93, 104 (App. Div. 1959), overruled on other grounds, Dwyer v. Ford Motor Co., 36 N.J. 487 (1962).

This case is particularly sensitive because it involves a law-enforcement official.

[A] police officer is a special kind of public employee. His primary duty is to enforce and uphold the law. He carries a service revolver on his person and is constantly called upon to exercise tact, restraint, and good judgment in his

relationship with the public. He represents law and order to the citizenry and must present an image of personal integrity and dependability in order to have the respect of the public . . . .

[Moorestown v. Armstrong, 89 N.J. Super. 560, 566 (App. Div. 1965), certif. denied, 47 N.J. 80 (1966).]

Based upon his conduct, the appellant has been charged with violations of N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee; and N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause. Appellant has additionally been charged with violations of the Department's Rules and Regulations as follows: 3:1.1 Standards of Conduct, 3:12.5 Truthfulness.

**1. N.J.A.C. 4A:2-2.3(a)(6) Conduct Unbecoming a Public Employee**

Pursuant to 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" is an elastic phrase which encompasses conduct that adversely affects the morale or efficiency of a governmental unit or that has a tendency to destroy public respect 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, 156 A.2d 821, 825 (1959)). Such misconduct need not necessarily "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 which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct." Hartmann v. Police Dep't of Ridgewood, 258 N.J. Super. 32, 40 (App. Div. 1992) (quoting Emmons, 63 N.J. Super. at 140 (citing Asbury Park v. Dep't of Civil Serv., 17 N.J. 419, 429 (1955))). Suspension or removal may be justified where the misconduct occurred while the employee was off-duty. Emmons, 63 N.J. Super. at 140.

Here, the credible evidence established that the appellant's actions led to an indictment in January 2019, for a violation of Theft by Deception (N.J.S.A. 2C:20-4, a

crime of the third degree) and Insurance Fraud (N.J.S.A. 2C:21-4.6(a), a crime of the third degree), by the Somerset County Prosecutor's Office. Although the criminal charges in the indictment were dismissed through a plea agreement wherein the appellant pled guilty to the petty disorderly offense of Disorderly Conduct – Improper Behavior, Fighting/Threatening/Etc. (N.J.S.A. 2C:33-2(a)(1)), the appellant's conduct leading to his indictment violated the standard of good behavior. In addition, the appellant was untruthful during his internal affairs investigation interview.

Applying the law to the facts of this matter, I **CONCLUDE** that appellant's actions constitute unbecoming conduct, and the charge of N.J.A.C. 4A:2-2.3(a)(6) is hereby **SUSTAINED**.

**2. N.J.A.C. 4A:2-2.3(a)(12) Other Sufficient Cause**

Pursuant to N.J.A.C. 4A:2-2.3(a)(12), an employee may be subject to discipline for other sufficient cause.

"Other sufficient cause" is essentially the catchall provision for conduct that is not specified in the eleven listed causes at N.J.A.C. 4A:2-2.3 as the reason for which an employee may be subject to discipline. Such cause has been described as other conduct, not delineated within the regulation, which would violate "the implicit standard of good behavior that devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct." *In re Boyd*, 2019 N.J. AGEN LEXIS 526 at \*120 (July 3, 2019), adopted, Comm'r, 2019 N.J. AGEN LEXIS 731 (Aug. 14, 2019).

Specifically, appellant has additionally been charged with violations of the Department rules and regulations as follows: 3:1.1 Standards of Conduct, and 3:12.5 Truthfulness.

**A. Standards of Conduct 3:1.1**

Appellant has been charged with a violation of the Department's Rules and Regulations and Standards of Conduct. Section 3:1.1 states that "Employees shall conduct their private and professional lives in such a manner as to avoid subjecting the department to disrepute." (R-27.)

Here, the credible evidence established that the appellant was indicted by a Somerset County Grand Jury for theft and insurance fraud and that the appellant was untruthful during his internal affairs investigation interview. Although the initial criminal charges in the indictment were dismissed through a plea agreement wherein the appellant pled guilty to the petty disorderly offense of Disorderly Conduct – Improper Behavior, Fighting/Threatening/Etc. (N.J.S.A. 2C:33-2(a)(1)), the appellant's conduct leading to his indictment violated the standard of good behavior.

Appellant has failed to conduct himself in such a manner as to avoid subjecting the Department to disrepute. Therefore, I **CONCLUDE** that appellant's actions constitute a violation of Section 3:1.1, Standards of Conduct, and the charge is hereby **SUSTAINED**.

**B. Truthfulness 3:12.5**

Appellant has been charged with a violation of the Department's Rules and Regulations, Truthfulness. Section 3:12.5 states as follows: "Members and employees are required to be truthful at all times whether under oath or not." (R-27).

Here, the credible evidence established that the appellant was untruthful during his internal affairs interview. Therefore, I **CONCLUDE** that appellant's actions did constitute a violation of Section 3:12.5, and the charge is hereby **SUSTAINED**.

**PENALTY**

Once it has been determined that a civil-service employee has violated a statute, regulation, or rule regarding their employment, progressive discipline is to be considered when imposing the penalty. West New York v. Bock, 38 N.J. 500 (1962); In re Stallworth, 208 N.J. 182, 195 (2011). When deciding the disciplinary penalty, the fact finder shall consider the nature of the charges sustained and the employee's past record. West New York, 38 N.J. at 523–24. The past record is said to encompass the employee's reasonably recent history of promotions or commendations on the one hand, and on the other hand, any "formally adjudicated disciplinary actions as well as instances of misconduct informally adjudicated . . . by having been previously called

to the attention of and admitted by the employee.” Id. at 524. Consideration should also be given to the timing of the most recently adjudicated disciplinary history. Ibid.

The theory of progressive discipline is not a fixed rule to be followed without question. In re Carter, 191 N.J. 474, 484 (2007). “[S]ome disciplinary infractions are so serious that removal is appropriate notwithstanding a largely unblemished prior record.” Ibid. The question for the fact finder is whether the disciplinary action is disproportionate to the offense, considering all circumstances, to shock one’s sense of fairness. Ibid. Removal has been upheld where the acts charged, with or without prior disciplinary history, have warranted imposition of the sanction. Id. at 485. Hence an employee may be removed, without regard to progressive discipline, if their conduct was egregious.

Here, respondent has brought and sustained charges of violations of N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee; and N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause. Appellant has additionally been charged with sustained violations of the Department’s Rules and Regulations as follows: 3:1.1 Standards of Conduct; and 3:12.5 Truthfulness.

The credible testimony reflects that appellant does not have a disciplinary record; however, the credible evidence established that the appellant received money from Horizon for services billed by Kaufman for visits the appellant never attended, and that the appellant deposited these monies in his Wells Fargo account and used the proceeds for his personal expenses, and that the appellant knew or should have known that he was not entitled to the reimbursements from Horizon. In addition, the credible evidence established that the appellant was untruthful during his internal affairs interview. These are serious violations, and the penalty should reflect the same.

Accordingly, I **CONCLUDE** that the sustained charges are sufficiently egregious to warrant the termination of appellant from his position as a Middlesex County Sheriff’s Officer.

**ORDER**

It is hereby **ORDERED** that the charges of violations of N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee; and N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause; and the charges of violations of Departmental Rules and Regulations as follows: 3:1.1 Standards of Conduct, 3:12.5 Truthfulness, are **SUSTAINED**.

It is hereby further **ORDERED** that the Middlesex County Sheriff's Office's removal of appellant from his public employment is **AFFIRMED**.

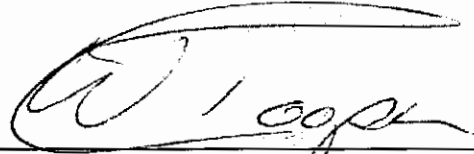
I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified, or rejected by the **CIVIL SERVICE COMMISSION**, which by law is authorized to make a final decision on 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. 40A:14-204.

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, DIVISION OF APPEALS AND REGULATORY AFFAIRS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, PO 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.

February 20, 2026

DATE



**WILLIAM T. COOPER III, ALJ**

Date Received at Agency:

February 20, 2026

Date Mailed to Parties:

February 20, 2026

WTC/am

**APPENDIX****Witnesses****For Appellant:**

Miguel Figueroa  
Jennifer Figueroa

**For respondent:**

Sergeant Matthew Michals of the Middlesex County Sheriff's Office  
Agent Trevor Oldenburg of the SCPO

**Exhibits****For Tribunal:**

- J-1 Written summation from appellant
- J-2 Written summation from respondent

**For Respondent:**

R-1	Final Notice of Disciplinary Action	
R-2	Email to Web Tips, August 31, 2015 (MCSO 037-038)	P-2
R-3	Supplemental Report, SCPO, 09/28/2015, Interview of Jennifer Mitchell (MCSO 0165-0166)	P-3
R-4	FBI Interview with Stewart M. Kaufman, Summary, dated 06/12/2018 (FIG 00034-0042)	P-21
R-5	Supplemental Report, SCPO, 08/23/2017, Review of Horizon BCBS Claims List, Health Care Administration Forms, Explanation of Benefits, GPS Reports, Phone Ping Reports, Surveillance Reports and Bank Records (FIG 0018-0022)	P-6
R-6	Supplemental Report, SCPO, 01/05/2018, Bank Records of Miguel Figueroa (FIG 0027-0030)	P-12
R-7	SCPO Summary Reports of Horizon Checks Endorsed to Kaufman (FIG 00110 - 00169)	P-31
R-8	SCPO Summary Reports of Horizon Checks Cashed as "Counter Cash" (FIG 00170-00203)	P-32

R-9	SCPO Summary Reports of Horizon Checks deposited in Wells Fargo Accounts (FIG000204-00236)	P-33
R-10	Supplemental Report, SCPO, 06/23/2017, Warrant for GPS Unit and Communication Data Warrant for Figueroa (MCSO 0044)	
R-11	Supplemental Report, SCPO, 01/09/2018, Interview of Miguel Figueroa (FIG 0024-0025)	P-11
R-12	Supplemental Report, SCPO, 05/05/2019, Interview of Stewart Kaufman (MCSO 0057-0058)	P-27
R-13	Spreadsheet - Dates of Treatment, billing and Checks for Figueroa, January 2, 2014 - September 7, 2017	
R-14	SCPO Spreadsheet - Billing/OPS Data, 04/6/2017 - 06/01/2017 (FIG 00621-00626)	P-30
R-15	Records of Check Deposits, Wells Fargo Account-2014	
R-16	Records of Check Deposits, Wells Fargo Account- 2015	
R-17	Records of Check Deposits, Wells Fargo Account- 2016	
R-18	Records of Check Deposits, Wells Fargo Account-2017	
R-19	SCPO Packet - T-Mobile Phone Track, GPS Data, Horizon BCBS Checks, Horizon Explanation of Benefits, Horizon Explanation of Payments, Horizon Claim Forms, April 2017 - June 2017	
R-20	Transcript of Interview with Miguel Figueroa October 17, 2017	
R-21	Indictment No. 19-01-00013-1, Somerset County Grand Jury, January 10, 2019 (MCSO 0033-0034)	
R-22	Complaint Summons, S-2018-00213, (MCSO 0155-0163)	
R-23	New Jersey Judiciary Plea Form- 19-01-13-1 (MCSO 00146-00151)	
R-24	Transcript of Plea and Sentencing Hearing (MCSO 0115-0135)	
R-25	Judgment of Conviction (MCSO 0030 - 0032)	
R-26	Internal Affairs Investigation Report (MCSO 0016 - 0029)	
R-27	Excerpts of Middlesex County Sheriff's Office Manual (MCSO 0111 -0112)	
R-28	Records of Military Leave, August 2015	
R-29	Records of Military Leave, August 2017	
R-30	Recording of Internal Affairs Interview of Miguel Figueroa	

For Appellant:**EXHIBITS - Without R Duplicates**

P-1	Sample Check from Horizon to Figueroa (Dated 5/02/2017)	
P-4	03/15/16 - 8/18/17 Various SCPO Investigation Reports Chronicling Investigative Steps	
P-5	Affidavit of SCPO Det. Sgt. Michael Schutta (for GPS Installation and Cell Phone Records of Potential Subjects)	
P-7	08/29/2017 - SCPO Investigation Report re: Kaufman away on Vacation while billing	
P-8	10/13/2017- SCPO Investigation Report re: Kaufman Search Warrant and Initial Interview	
P-9	10/13/2017- SCPO Investigation Report re: Report and Interview of Ann and Kathleen McCarthy	
P-10	10/16/2017- SCPO Investigation Report re: Report and Interview of William Tanajauskas and Maureen Pitonzo	
P-13	10/17/2017- SCPO Investigation Report re: Report and Interview of Tvmia Ellison	
P-14	10/17/2017- SCPO Investigation Report re: Report and Interview of Paul and Raymonda Baradhi	
P-15	10/23/2017- SCPO Investigation Report re: Report and Interview of Chiropractor Faoud Karam	
P-16	10/25/2017- SCPO Investigation Report re: Report and Interview of Denise Knighton	
P-17	12/6/2017- SCPO Investigation Report re: Report and Interview of Vincent and Joanne Patti	
P-18	12/14/2017 - Criminal Complaints for Ann and Kathleen McCarthy, Maureen Pitonzo and William Tanajauskas	
P-19	12/22/17 - Kaufman's Motion to Judge to be absent from Court as he is living out of state, vehicle seized, surrender of his acupuncture license, and living in New York	
P-20	3/20/18 and 4/20/18 - Criminal Accusations against Kathleen McCarthy and Maureen Pitonzo	
P-22	8/6/2018 - Kaufman's Criminal Accusation, Waiver of Indictment, Guilty Plea Fonn and Guilty Plea Colloquy	

P-23	Various Dates from 2005 through 2015 - Police reports of domestic violence incidents involving Kaufman	
P-24	9/27/18 - Preliminary Notice of Disciplinary Action and Immediate Suspension without Pay to Miguel Figueroa	
P-25	9/27/18 - SCPO Report re: Subpoena for Figueroa medical records from Sheriff's Department with records produced	
P-26	1/10/19 - Grand Jury Transcript of Testimony of Det. Darren Herrling	
P-28	4/30/19 - video of SCPO Interview of Stewart Kaufman re: . Miguel Figueroa's involvement in the Insurance Fraud Scheme, and 10/17/17 Audio of SCPO interview with Stewart Kaufman	
P-29	Undated - "Horizon Treatment Records" spreadsheet created by SCPO	
P-34	Records from JPMorgan Chase Bank Account of Miguel and Jennifer Figueroa	