

**COMMONWEALTH OF MASSACHUSETTS
PEACE OFFICER STANDARDS AND TRAINING COMMISSION**

IN THE MATTER OF
MICHAEL VILLANUEVA

)
)

Case No. 2025-038
(MPTC ID 9999-9335)

FINAL DECISION

Pursuant to 555 CMR 1.10(1), a Hearing Officer was assigned to conduct an adjudicatory proceeding regarding this matter on behalf of the Massachusetts Peace Officer Standards and Training Commission (“Commission”).

In accordance with M.G.L. c. 30A, § 11(7)-(8) and 555 CMR 1.10(4)(e)2., the Hearing Officer issued an Initial Decision and Order, and Michael Villanueva (“Respondent”) had thirty (30) days to provide the Commission with written objections. No objections were received.

After careful review and consideration, the Commission voted to affirm and adopt the Initial Decision of the Hearing Officer.

For the above reasons, the Motion for Default and Final Decision filed by the Division of Police Standards is hereby **granted**. See 555 CMR 1.10(4). The Respondent was afforded the opportunity for a full and fair hearing. See M.G.L. c. 30A, § 10 (providing that, “[i]n conducting adjudicatory proceedings,” “agencies shall afford all parties an opportunity for full and fair hearing,” and “[u]nless otherwise provided by any law, agencies may” “place on any party the responsibility of requesting a hearing if the agency notifies [the party] in writing of [the party’s] right to a hearing and of [the party’s] responsibility to request the hearing” and “make informal disposition of any adjudicatory proceeding by” “default”), § 13 (providing that, “[e]xcept as otherwise provided in this section, no agency shall revoke or refuse to renew any license unless it has first afforded the licensee an opportunity for hearing in conformity with [§§ 10, 11, and 12],” but “[t]his section shall not apply” “[w]here the revocation, suspension or refusal to renew is based solely upon failure of the licensee to file timely reports, schedules, or applications . . .”), incorporated by reference in M.G.L. c. 6E, § 10(f) and 555 CMR 1.10(4).

The Commission finds, by clear and convincing evidence, that the Respondent has a pattern of unprofessional police conduct that may escalate; has repeated sustained internal affairs complaints, for the same or different offenses; and was suspended by their appointing agency for disciplinary reasons, and any appeal of said suspension is completed. See M.G.L. c. 6E, § 10(b)(iii), 10(b)(v), and 10(b)(iv).

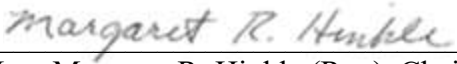
Thus, the Respondent’s certification is hereby revoked.

The Executive Director shall take the necessary steps to publish the Respondent’s name in the National Decertification Index. See M.G.L. c. 6E, §§ 10(g), 13(b).

This is the **final decision** of the Commission. M.G.L. c. 30A, § 11(8); 555 CMR 1.10(4)(e).

By vote of the Commission on August 20, 2026.

In accordance with M.G.L. c. 30A, § 14 and M.G.L. c. 6E, § 10(f), the Respondent may commence an appeal to the Superior Court within thirty (30) days to the extent allowed by law. After initiating proceedings for judicial review in Superior Court, the Respondent, or the Respondent's attorney, must serve a copy of the summons and complaint upon the Boston office of the Attorney General of the Commonwealth, with a copy to the Commission, in the time and manner prescribed by Mass. R. Civ. P. 4(d).


Hon. Margaret R. Hinkle (Ret.), Chair

Notice: Michael Villanueva, Respondent
Amy C. Parker, Esq., Commission Enforcement Counsel
Division of Police Standards
Shaun Martinez, Esq., Deputy Director, Division of Police Standards
Chelsea Police Department, Law Enforcement Agency
Suffolk County District Attorney's Office
Collective Bargaining Unit

**COMMONWEALTH OF MASSACHUSETTS
PEACE OFFICER STANDARDS AND TRAINING COMMISSION**

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Case No. 2025-038
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INITIAL DECISION

I. Introduction

At issue in this matter is whether this proceeding brought by the Massachusetts Peace Officer Standards and Training Commission (“Commission”) should now terminate with a default decision in the Commission’s favor, pursuant to Massachusetts General Laws chapter 30A, § 10(2), 801 CMR 1.01(7)(a), and 555 CMR 1.10(4). Michael Villanueva (“Respondent”) did not answer, appear, or defend the allegations of misconduct against him in the Order to Show Cause (“OTSC”). Nor did he respond to mailings delivered to him by the Division of Police Standards (“Division”). For the reasons stated below, I recommend that the Commission grant the Division’s Motion for Default and Final Decision (“Motion”), adopt this Initial Decision as its Final Decision, and determine what discipline should be imposed against the Respondent.

II. Procedural History

1. The Division served the Respondent with an OTSC by United States Postal Service (“USPS”) Priority Mail on May 6, 2026, addressed to the Respondent’s last known home address. Attach 1; see Attach 2. The record indicates that the OTSC was delivered on May 9, 2026. Attach. 2.*
2. The OTSC contained allegations against the Respondent and notification of the obligation to file an answer or otherwise respond to the allegations within 21 days. Attach. 1.

* To locate a current address for the Respondent, the Division conducted a CLEAR search. CLEAR is a database, provided by Thomson Reuters, that collects information from various sources, including cell phone records, credit reporting agencies, motor vehicle registration information, and criminal history records, among other sources.

The OTSC stated that, if a responsive and timely answer was not filed, the Commission may act. Attach. 1. In particular, the Respondent was notified that if an answer to the allegations in the OTSC is not filed, the Commission may enter a Final Decision and Order that assumes the truth of the allegations in the OTSC and that the Commission may take action against the Respondent's certification, including granting, in full, the action contemplated in the OTSC. Attach. 1.

3. When the Division received no response to the OTSC, it served the Motion on the Respondent by USPS Priority Mail on June 8, 2026, to the last known address. The record indicates that the Motion was delivered on June 11, 2026. Attachs. 3 and 4. I take administrative notice that the OTSC was attached as an exhibit to the Motion.

4. By operation of law, the Commission may presume that the Respondent received both the OTSC and the Motion, as discussed below. The Respondent failed to respond to either the OTSC or the Motion.

III. Allegations Contained in the OTSC

1. The Respondent was employed as a law enforcement officer by the Chelsea Police Department ("CPD") from approximately November 7, 2016, until July 30, 2025.

2. On July 1, 2021, the Respondent was automatically certified as a law enforcement officer pursuant to St. 2020, c. 253, § 102, an Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth. On July 1, 2024, the Respondent was recertified by the Commission pursuant to M.G.L. 6E, §§ 3(a)(3) and (4) and 555 CMR 9.01–9.12.

3. On April 2, 2022, the Respondent was arrested by the Peabody Police Department and charged with [REDACTED]. The Respondent [REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Subsequently, the CPD found that the Respondent engaged in Criminal Conduct and Conduct Unbecoming an Officer. He received a 60-day suspension, with 30 days to serve and 30 days to be held in abeyance for 3 years.

4. On March 24, 2023, the Respondent did not report for duty at a paid detail assignment, reportedly due to oversleeping. The Respondent was subsequently [REDACTED]

[REDACTED]

5. On May 20, 2023, the Respondent failed to report for a scheduled shift reportedly due to oversleeping again. Approximately one week later, the Respondent called in sick for a day-shift assignment by contacting the CPD Officer in Charge the same day and stating that he was suffering from allergies. Based on these combined incidents, CPD determined the Respondent violated its Detail and Overtime and Reporting for Duty policies. CPD imposed a 30-day suspension of the Respondent's ability to perform paid details or overtime and ordered the Respondent to attend Alcohol Anonymous ("AA") meetings twice a week and be subject to random drug/alcohol testing at any time.

6. On July 18, 2023, a trooper of the Massachusetts State Police (MSP) found the Respondent asleep behind the wheel of his car at a local beach. The trooper determined that the Respondent was highly intoxicated, and the Respondent was allowed to contact another individual to drive him home. MSP notified CPD of this incident. As a result of this incident, CPD found the Respondent to have engaged in Conduct Unbecoming an Officer, and the Respondent signed a last-chance agreement on August 16, 2023, which included conditions of submitting to random drug and alcohol screens for two years, attending AA meetings to maintain

sobriety, and attending an alcohol abuse treatment program with adherence to any recommended treatment thereafter. The agreement notified the Respondent that any violation of its terms could lead to the Respondent's termination from the department. In this agreement, the Respondent also agreed that his License to Carry ("LTC") a firearm in Massachusetts would be suspended for a period of no less than five years, though his LTC record reflects that it was subsequently revoked.

7. While the Respondent was still subject to the last-chance agreement described above, during the night of July 2-3, 2025, the Respondent finished his shift at CPD and went to two bars in Chelsea, where he met up with friends including [REDACTED]. Between approximately 11:30 PM to 1:00 AM, the Respondent consumed at least four shots of liquor, and at least two mixed drinks containing liquor. Thereafter, the Respondent drove [REDACTED] to a residence in Chelsea where, at approximately 1:34 AM, [REDACTED] reported allegations to police that a [REDACTED] occurred with the Respondent.

8. On July 3, 2025, the Respondent was [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]. On that same date, the Commission suspended his law enforcement officer certification. M.G.L. c. 6E, § [REDACTED]. On or about [REDACTED]
[REDACTED] the Respondent was [REDACTED]
[REDACTED]

9. On July 30, 2025, the Respondent resigned from CPD prior to the completion of a resulting internal affairs investigation, which thereafter found that the Respondent had engaged

in Conduct Unbecoming an Officer and Criminal Conduct.

10. On March 19, 2026, the Commission accepted the Division's report of preliminary inquiry and voted to initiate adjudicatory proceedings against the Respondent.

IV. Attachments

In ruling on this matter, I have considered the following attachments:

Attachment 1: OTSC with a certificate of service, dated May 6, 2026.

Attachment 2: OTSC USPS Priority Mail tracking, indicating delivery on May 9, 2026.

Attachment 3: Motion for Default and Final Decision, dated June 8, 2026.

Attachment 4: Motion for Default USPS Priority Mail tracking, indicating delivery on June 11, 2026.

I take administrative notice of all papers filed in this case, as well as chapter 6E and Commission regulations. See M.G.L. c. 30A, § 11(5).

V. Legal Basis for Commission Disciplinary Action

1. Pursuant to M.G.L. c. 6E, § 3(a):

The commission shall have all powers necessary or convenient to carry out and effectuate its purposes, including, but not limited to, the power to:

(1) act as the primary civil enforcement agency for violations of [chapter 6E]; . . .

(4) deny an application or limit, condition, restrict, revoke or suspend a certification, or fine a person certified for any cause that the commission deems reasonable; . . .

(23) restrict, suspend or revoke certifications issued under [chapter 6E];

(24) conduct adjudicatory proceedings in accordance with chapter 30A;

2. Pursuant to M.G.L. c. 6E, § 10(b)(iii), “[t]he commission may . . . suspend or revoke an officer’s certification if the commission finds by clear and convincing evidence that the officer. . . has a pattern of unprofessional police conduct that the commission believes may escalate.”

3. Pursuant to M.G.L. c. 6E, § 10(b)(iv), “[t]he commission may [...] suspend or revoke an officer’s certification if the commission finds by clear and convincing evidence that the officer

[...] was suspended or terminated by their appointing agency for disciplinary reasons, and any appeal of said suspension or termination is completed.”

4. Pursuant to M.G.L. c. 6E, § 10(b)(v), “[t]he [C]ommission may [...] suspend or revoke an officer’s certification if the [C]ommission finds by clear and convincing evidence that the officer [...] has repeated sustained internal affairs complaints, for the same or different offenses.”

5. Pursuant to M.G.L. c. 6E, § 10(g), the commission shall publish any revocation order and findings and shall provide all revocation information to the National Decertification Index (“NDI”).

6. Pursuant to M.G.L. c. 6E, § 10(h), the commission may institute a disciplinary hearing after an officer’s appointing agency has issued a final disposition on the alleged misconduct.

VI. Notice

The Respondent was notified at his last known address by the OTSC that if he did not file an answer or otherwise respond to the allegations in the OTSC in a responsive and timely manner, the Commission could enter a Final Decision and Order that assumes the truth of the allegations in the OTSC. In addition, the notice informed him that the Commission may take particular action against his certification, including granting in full the relief contemplated in the OTSC. These advisories were sufficient to place him on notice of the consequences of any default. See Lawless v. Bd. of Registration in Pharmacy, 466 Mass. 1010, 1010 n.1, 1011 (2013) (concluding that pharmacist had “ample notice,” where he was informed that “failure to appear at any hearing would result in entry of default and that, in the event of default, the board could enter a final decision accepting as true the allegations contained in the show cause order”); see also University Hosp., Inc. v. Massachusetts Comm’n Against Discrimination, 396 Mass. 533,

539 (1986) (holding that default provision did not violate due process, as it “afford[ed] the respondent reasonable procedural safeguards for notice and an opportunity to be heard”). Despite being afforded the opportunity to do so, the Respondent has failed to file an answer, request an adjudicatory hearing, or otherwise respond.

On June 8, 2026, the Division moved for a default judgment and final decision and served the Motion, with the OTSC and OTSC tracking information attached as exhibits, by USPS Priority Mail with tracking information to the Respondent’s last known addresses, as indicated by a CLEAR search conducted by the Division. Attach. 3.

The Commission provided sufficient notice by delivering the OTSC and the Motion using USPS Priority Mail. Under Massachusetts case law, there is a presumption that the addressee receives properly deposited mail. See Espinal’s Case, 98 Mass. App. Ct. 152, 152-53, 156 (2020) (citing Eveland v. Lawson, 240 Mass. 99, 103 (1921) (“The depositing of a letter in the post office, properly addressed, postage prepaid, to a person at his place of business or residence, is prima facie evidence that it was received in the ordinary course of mails.”)). Further, nothing in chapter 6E required the Division to take any additional steps. I may presume that the Respondent received the Motion that was sent through USPS Priority Mail at his last known address.

VII. Discussion

Pursuant to 801 CMR 1.01(7)(a), a party may request through a motion that a Hearing Officer “issue any order or take any action not inconsistent with [the] law or 801 CMR 1.00.” One such action is recommending the entry of a final judgment of default where a respondent has failed to appear. Under M.G.L. c. 30A, § 10(2), an agency is specifically authorized to “make informal disposition of any adjudicatory proceeding by . . . default.” Lawless, 466 Mass. at

1011-12 (affirming that agency “ha[d] authority, in an appropriate circumstance, to dispose of an adjudicatory proceeding by default,” citing M.G.L. c. 30A, § 10, and concluding that agency’s decision to do so was not shown to be improper, where the party failed to appear after the first day of hearing). That step is warranted here. The Commission has afforded the Respondent an opportunity for a full and fair hearing as required by M.G.L. c. 30A, §§ 10, 11(1) and 801 CMR 1.01(4)(c). In University Hosp., 396 Mass. at 538-39, the Supreme Judicial Court rejected the notion that due process standards were violated by an agency rule that provided sanctions for a party’s default upon receiving interrogatories. The court concluded that the provisions of the agency rule “afford . . . reasonable procedural safeguards for notice and an opportunity to be heard,” noting that a respondent is given clear notice of the consequences, and has opportunities to object, to obtain an extension of time, to petition for a default to be vacated, and to seek judicial review of the entire proceedings. Id. at 539. In the case before the Commission, the OTSC and the Motion (both sent by USPS with tracking) provided the Respondent with notice of the consequences of a failure to appear or defend in this matter, as well as an opportunity to object. Attachs. 1 and 4. The Respondent could have sought more time to respond under 801 CMR 1.01(4)(e), (7)(a), and (7)(d). Therefore, the entry of a default judgment by the Commission is both legal and proper.

By reason of the Respondent’s default, and upon consideration of the Division’s Motion, I recommend that the Commission grant the Motion. See Lawless, 466 Mass. at 1010-12 & n.1; University Hosp., 396 Mass. at 538-39; Productora e Importadora de Papel, S.A. de C.V. v. Fleming, 376 Mass. 826, 833-35 (1978) (recognizing that a default establishes the truth of factual allegations). In addition, I recommend that the Commission find that the allegations in the OTSC and the violations of the statutes and regulations stated therein are deemed admitted and

established. See Lawless, 466 Mass. at 1010-12 & n.1; University Hosp., 396 Mass. at 534, 538-39; Productora e Importadora de Papel, 376 Mass. at 833-35.

VIII. Conclusion

The Division's Motion should be granted for the reasons stated above and the Respondent's law enforcement certification should be revoked. I recommend that the Commission find the allegations to be supported, make this Initial Decision final, and proceed to determine what discipline is appropriate. In accordance with the provisions of 555 CMR 1.10(4)(e)2.b., the Respondent has 30 days to file written objections to the Initial Decision with the Commission.

SO ORDERED.



Hon. Charles J. Hely (Ret.)
Hearing Officer

Date: July 7, 2026

Notice: Michael Villanueva, Respondent
Amy C. Parker, Esq., Commission Enforcement Counsel
Division of Police Standards
Shaun Martinez, Esq., Deputy Director, Division of Police Standards
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