

State of Connecticut  
Department of Administrative Service  
State Marshal Commission  
Das.ct.gov/statemarshal

W. Martyn Philpot, Jr., Esq.  
Chairperson

Douglas Rinaldi  
Administrative Manager

Minutes  
STATE MARSHAL COMMISSION MEETING  
November 20, 2013

Members present; W. Martyn Philpot, Jr., Esq.; Michael Cronin, Esq., Vincent Mauro, Jr.; Sarah Fryxell, Esq.; Joel I. Rudikoff, Esq; Mildred Torres-Ferguson and Hon. Elizabeth Bozzuto. Also present were Ex-Officios Marshal Lisa Stevenson and Thomas Burke (non-voting members) and Administrative Manager Douglas Rinaldi and Staff Attorney Elizabeth Collins (not voting). ; Robert P. LaTorraca was not present.

Chairperson W. Martyn Philpot, Jr., Esq. called the meeting to order at 5:33 p.m.

First Business:

The September 18, 2013 special meeting minutes were adopted, by a vote of 5-0, after a motion by Vincent Mauro, Jr, seconded by Vice Chairperson Michael Cronin, Esq. Chairperson W. Martyn Philpot, Jr., Esq. and Hon. Elizabeth Bozzuto abstained.

New Business:

1. Welcoming New Chairperson, W. Martyn Philpot, Jr., Esq. Chairperson W. Martyn Philpot, Jr. Esq. introduced himself to the Commission, and was welcomed by the Commission members.
2. Welcoming New Commissioner, The Honorable Elizabeth Bozzuto. Judge Bozzuto introduced herself to the Commission, and was welcomed by the Commission members.
3. 2014 State Marshal Commission Meeting Schedule

After a motion by Vincent Mauro, Jr, seconded by Sarah Fryxell, Esq., the Commission voted unanimously, 7-0, to hold the State Marshal Commission meetings in 2014 on the fourth Thursday of the month, and to start the meetings at 4:30 p.m. The November and December meetings will be on the third Thursday of each month at 4:30 p.m.

4. Capias Form/Fee

The Commission reviewed the issues of the current Judicial Branch form for capias warrants regarding the listing of a fee by a state marshal. The Commission approved having discussions with the Judicial Branch on whether or not the form should be modified to reflect flat fees in this area.

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5. Marshal Solicitation Letter

The Commission reviewed the current material related to a number of state marshals participating in the advertising packet that has been previously reviewed. The Commission concluded that the word “representing” in paragraph three of the cover letter can be misread to mean there is exclusive representation of the area by the listed marshal, rather than the marshal being one of many in a county. To avoid that possibility the word should be replaced “with authority in” or very similar language. It was also concluded that the attachment listing each participating marshal by town can also be misread to mean exclusiveness, so that list was not authorized by the Commission. Otherwise, the Commission believed the material is satisfactory.

6. Process Service Companies

The Commission engaged in discussions about the general area of process service companies and some specific examples where serious concerns were raised about practices in the area. The matter was tabled until the next meeting of the Commission for further action.

7. New Haven State Marshal Sign

The Administrative Manager Douglas Rinaldi reported to the Commission that the new state marshal sign in the New Haven for restraining order duty state marshals and applicants, has been put in place and is working well.

8. Audit Policy

Administrative Manager Douglas Rinaldi reported that a revision to the Audit Policy is nearly ready for the Commission’s review. Information on procedures regarding unclaimed money in state marshal client fund accounts is expected soon from the Comptroller’s Office, which will allow a finalization of the draft policy for review by the Commission.

9. Restraining Order Task Force

Staff Attorney Elizabeth Collins, reported to the Commission that she attended and provided comments to the Restraining Order Task Force that is currently charged with reviewing potentially new procedures for applicants for restraining orders in the areas of sexual assault and stalking. The issue of volume was raised to the task force as it relates to state marshals. It was also reported to the Commission that the Honorable Elizabeth Bozzuto, a new member to the State Marshal Commission, is a member of the task force. The Commission will be apprised in the future of developments in the area.

10. Oversight Committee/Proposed Final Decisions.

The Commission, after a motion by Vincent Mauro, Jr., seconded by Sarah Fryxell Esq., voted unanimously, 7-0, to go into Executive session to discuss requests on personnel issues in File No. 12-75 McLoughlin/Martin, Jerome. The individuals present included those listed above. The Commission voted unanimously 7-0, after a motion by Vincent Mauro, Jr., seconded by Mildred Torres-Ferguson, to return to the public record. No votes were taken in executive session.

The Commission, after a motion by Sarah Fryxell, Esq., seconded by Mildred Torres-Ferguson, voted unanimously, 7-0, to grant the Respondent’s November 8, 2013 objection to the Complainant’s Objection to Respondent’s Request to Supplement Record.

The Commission, after a motion by Joel I. Rudikoff, Esq., seconded by Mildred Torres-Ferguson, voted unanimously, 7-0, to go into Executive session to discuss requests on personnel issues in File No. 12-75 McLoughlin/Martin, Jerome. The individuals present included those listed above. The Commission

voted unanimously 7-0, after a motion by Vincent Mauro, Jr., seconded by Mildred Torres-Ferguson, to return to the public record. No votes were taken in executive session.

The Commission, after a motion by Vincent Mauro, Jr., seconded by Mildred Torres-Ferguson, voted unanimously, 7-0, to reject the Respondent's November 8, 2013 Request to Supplement the Record.

The Commission, after a motion by Vincent Mauro, Jr., Esq., seconded by Mildred Torres-Ferguson, voted unanimously, 7-0, to go into Executive session to discuss requests on personnel issues in File No. 12-75 McLoughlin/Martin, Jerome. The individuals present included those listed above. The Commission voted unanimously 7-0, after a motion by Vincent Mauro, Jr., seconded by Mildred Torres-Ferguson, to return to the public record. No votes were taken in executive session

The Commission, after a motion by Vincent Mauro, Jr., seconded by Mildred Torres-Ferguson, voted unanimously, 7-0, to reject the Respondent's November 8, 2013 Request to Reconvene Hearing.

The Commission, after a motion by Vincent Mauro, Jr., seconded by Mildred Torres-Ferguson, voted unanimously, 7-0, to go into Executive session to discuss personnel issues in the below noted files. The individuals present included those listed above. The Commission voted unanimously 7-0, after a motion by Sarah Fryxell, Esq., seconded by Vincent Mauro, Jr., to return to the public record. No votes were taken in executive session

The Commission, after a motion by Sarah Holbrook, Esq., seconded by Vincent Mauro, Jr., unanimously voted, 7-0, in the below noted file, to adopt the Oversight Committee's proposed findings of fact and law as its final decision, but did not adopt the sixty (60) day suspension, but rather voted to reduce the sanction to a thirty (30) day suspension, based on consideration of the Respondent's professional career, effective after 45 day appeal period.

File No.	Name
12-75	McLoughlin/Martin, Jerome

The Commission, after a motion by Sarah Fryxell, Esq., seconded by Vincent Mauro, Jr., unanimously voted, 7-0, to adopt the Oversight Committee's proposed findings of fact and law as its final decisions in the below noted files and revoked the Respondent's appointment as a state marshal effective upon mailed notice.

File No.	Name
12-69	In Re Randall-fee
12-71	Giese/Randall
12-74	In Re Randall-communication
13-35	In Re Randall-insurance

The Commission, after a motion by Sarah Fryxell, Esq., seconded by Vincent Mauro, Jr., unanimously voted, 7-0, to adopt the Oversight Committee's proposed findings of fact and law as its final decision in the below noted file and issue a twenty-one day (21) suspension, effective after 45 day appeal period.

File No.	Name
13-14	Jones/Barnes

The Commission, after a motion by Vincent Mauro, Jr., seconded by Sarah Fryxell, Esq., unanimously voted, 7-0, to adopt the Oversight Committee's proposed findings of fact and law as its final decision to dismiss in the following file.

File No.	Name
13-06	Tomas/Cappiello, Jr.

11. Complaints

The Commission, after a motion by Vincent Mauro, Jr., seconded by Vice Chairperson Michael Cronin, Esq., voted unanimously, 7-0, to dismiss the following file:

File No.	Name
12-40	In Re Anne Stearns-statement
13-42	Yousef/Esposito

The Commission, after a motion by Vincent Mauro, Jr., seconded by Sarah Fryxell, Esq., voted unanimously, 7-0, to find probable cause in the below noted files and assign them to an Oversight Committee for hearings

13-39	Charles/Esposito
13-48	Hill/Esposito
13-54	In Re Esposito-Fee/amended
13-57	In Re Esposito-return
13-64	In Re Esposito-suspension

12. Audits/Deceased

The Commission reviewed and accepted the report of the Auditors of Public Accounts on the below audit file.

Name	County
John A. Lepito, Sr.	Hartford

The Commission, after a motion by Joel I. Rudikoff, Esq., seconded by Sarah Fryxell, voted unanimously, 7-0, to adjourn the meeting at 8:00 p.m.