

State of Connecticut
Department of Administrative Services
State Marshal Commission
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W. Martyn Philpot, Jr. Esq.
Chairperson

Robert Giuditta
Interim Administrative Manager

Minutes
STATE MARSHAL COMMISSION MEETING
August 27, 2015

Members present: Chairperson W. Martyn Philpot, Jr., Esq., Vincent Mauro, Jr. (participating by telephone conference call), Sarah Fryxell, Esq. (participating by telephone conference call), Robert P. LaTorraca (participating by telephone conference call) and Mildred Torres-Ferguson (participating by telephone conference call). Also present were Ex-Officios Thomas Burke and Lisa Stevenson (non-voting members), Interim Administrative Manager Robert Giuditta, Staff Attorney Jennifer Y. Montgomery and Paralegal Specialist Laura M. DiMeola. Members Michael Cronin, Esq., Hon. Elizabeth A. Bozzuto and Joel I. Rudikoff, Esq. were not present.

Also present for public session were the following state marshals: H. Mark DeAngelis, Peter J. Criscuolo, Jr., John Barbieri, David Hubbs and Gregory Woodruff.

Chairperson W. Martyn Philpot, Jr., Esq. called the meeting to order at 4:48 p.m.

First Business:

1. Minutes

The Commission, after a motion by Vincent Mauro, Jr., seconded by Robert P. LaTorraca, voted 5-0 to adopt the minutes from the June 25, 2015 meeting.

New Business:

Chairperson W. Martyn Philpot, Esq. indicated that, due to the availability of some of the Commissioners, the agenda had been reconfigured to first go into executive session to discuss those matters presenting personnel issues on the agenda. He entertained a motion to go into executive session. The Commission, after a motion by Vincent Mauro, Jr., seconded by Sarah Fryxell, Esq., voted 5-0 to enter executive session. The individuals present included those listed above, with the exception of the following state marshals: H. Mark DeAngelis, Peter J. Criscuolo, Jr., John Barbieri, David Hubbs and Gregory Woodruff.

The Commission, after a motion by Robert P. LaTorraca, seconded by Sarah Fyxell, Esq., voted 5-0 to return to the public record. No votes were taken in executive session. The following state marshals were present for the public session subsequent to the executive session: H. Mark DeAngelis, Peter J. Criscuolo, Jr., John Barbieri, David Hubbs and Gregory Woodruff.

Upon request of Robert Giuditta, Staff Attorney Jennifer Y. Montgomery left the meeting to retrieve documentation pertaining to Agenda Item Number 7. W. Martyn Philpot, Jr., Esq. indicated that the item would be heard upon her return. Agenda Item Number 8 was then addressed.

8. State Marshal Appointment Process

Interim Administrative Manager Robert Giuditta informed the Commission that the funding for the state marshal field training has been approved and the State Marshal Commission Office would be contacting the applicants shortly regarding choosing a mentor. Commissioner Mildred Torres-Ferguson asked if the applicants had been informed about the process. Mr. Giuditta indicated they would be informed very shortly, as soon as beginning of the week of August 31, 2015. Ms. Torres-Ferguson then asked if the applicants had received any notification prior to this. Mr. Giuditta indicated that they had not, as that had not been past practice. He indicated that the Commission Office had been waiting for approval of funding before contacting the applicants. Ex-Officio Thomas Burke asked about the time frame of the swearing-in of the new applicants. Mr. Giuditta indicated that this is hard to say with certainty, as the emphasis is currently on making sure the candidates are properly trained. He said it would depend on the amount of time that the mentors take to properly train the applicants and then additional time may be needed for the planning of the ceremony, ordering of badges, etc.

9. State Car Request – Capias Eastern Connecticut

Robert Giuditta indicated that he received a request from State Marshals Gregory Woodruff, Richard Smith and Joseph Reis for a state vehicle for use in executing capias warrants. There would be several drivers from different counties using the vehicle. Mr. Giuditta noted that he was gathering information pertaining to the request and he had spoken with certain state marshals including Richard Krueger and Harry Ackley regarding the requirements. He noted that, at this point, he was just making the Commission aware of the request, and W. Martyn Philpot, Jr., Esq. acknowledged the same. State Marshal David Hubbs, Chairman of the Safety Committee, then inquired as to what type of vehicle would be provided and expressed concern about the potential size of the car due to the height/weight of arrestees. Mr. Giuditta indicated that the vehicle would be around the size of a Ford Fusion or Chevy Malibu.

7. State Marshal Inquiry re: Uniform

Robert Giuditta indicated that he received a request from State Marshal Jerry Broderick regarding the marshal logo for use on mailings, business cards, clothing, etc. He indicated that there was a question about whether or not that request was regarding the state seal or the marshal badge, and that there are some rules with regard to use of the state seal. Peter Criscuolo, Jr. asked if there was a concern as to using or not using the state seal/state marshal logo. Staff Attorney Jennifer Montgomery clarified that Marshal Broderick was asking how to access the state marshal logo for use. Ex-Officio Thomas Burke interjected by stating that he believed many of issues that were being brought before the Commission should actually be brought first to the Advisory Board and then, in turn, the Advisory Board, through the Ex-Officio members, could raise any issues that needed to be addressed with the Commission. He indicated that he felt the Commission was being burdened with requests better addressed by the Advisory Board. State Marshal David Hubbs indicated that he would be willing to contact Marshal Broderick to let him know how to access the logo and he went on to speak about use of the logo as a matter of personal safety and identification. W. Martyn Philpot, Jr., Esq. confirmed that he felt this issue should be appropriately referred to the Advisory Board and that the Commission would take the issue of referral of certain matters to the Advisory Board under advisement in the future.

At this time, State Marshal H. Mark DeAngelis of New Haven County indicated that he was not on the agenda but would like to address the Commission. W. Martyn Philpot, Jr., Esq. indicated that, going forward, the Commission would appreciate the professional courtesy of state marshals who wished to be heard contacting the Commission to be put onto the agenda. Staff Attorney Jennifer Y. Montgomery stated that, for FOIA purposes, the Commission is obligated to inform the public of the agenda items and, without that being done, the public would not have the opportunity to know that a particular item was to be discussed. State Marshal Peter Criscuolo, Jr. asked who the request should be directed to, and W. Martyn Philpot, Jr., Esq. indicated that all such requests should be directed to Robert Giuditta. W. Martyn Philpot, Jr., Esq. then asked the state marshals to indicate the issue being brought before the Commission.

State Marshal H. Mark DeAngelis addressed the Commission, indicating he was a spokesperson for his association, with the support and affiliation of Council 4, to find out if they could get the Commission's support and help regarding some legislation that they are working on. Attorney Montgomery suggested that to entertain discussion, the Commission must vote to add an item to the agenda regarding the same. W. Martyn Philpot indicated that there currently was no quorum due to Vincent Mauro, Jr. briefly leaving the meeting and asked if Marshal DeAngelis could contact Robert Giuditta to ask to be added to a future agenda so the issue could be addressed. Marshal DeAngelis agreed to the same.

State Marshal Peter J. Criscuolo, Jr. of New Haven County then asked to address the Commission with a request, without the necessity of a vote. He requested that the Union be granted a permanent spot on the agenda every month to address the State Marshal Commission. W. Martyn Philpot, Jr., Esq. indicated that he would need to run that request through staff counsel to determine if the request was in accordance with the statutory duties and business of the Commission. Ex-Officio Lisa Stevenson explained that she had sat on the Commission since 2001 and that, traditionally, any request from the state marshal body usually would go through the Advisory Board and the Advisory Board would then let the Commission know what was going to be presented. She stated that the Advisory Board is usually able to answer most questions at its meeting. Marshal Criscuolo then clarified that the Union would notify the Commission, through the Advisory Board, of the issues that they would like to address for each meeting. W. Martyn Philpot, Jr., Esq. reiterated that he would need to have staff counsel research the request to make a determination as to appropriateness.

Marshal Criscuolo then asked if the Commission could indulge the Commission at that time regarding a very important issue. W. Martyn Philpot, Jr., Esq. reiterated the fact that the Commission would like the professional courtesy of advance notice of any issues being presented but, nevertheless, he would allow the issue to be heard. Marshal Criscuolo spoke about the issue of the judicial marshals not allowing state marshals to bring their side arms onto state property secured in the trunk when bringing in capias arrestees. He went on to state that it was an impossibility and a matter of marshal and public safety to try to secure the weapon prior to entering state property. State Marshal David Hubbs spoke on the issue as well, acknowledging the statutory mandates but further concurring that it is an issue of marshal and public safety. W. Martyn Philpot, Jr., Esq. indicated that this was the type of issue that should be going through the Advisory Board. Ex-Officio Lisa Stevenson indicated that the Advisory Board was working on the issue and that Robert Giuditta was meeting with the Judicial Branch. Marshal Hubbs offered to accompany Robert Giuditta at any such meeting as head of the Safety Committee, and Mr. Giuditta indicated that his presence would be welcome. He indicated that he was working on securing the meeting. Marshal Criscuolo then reiterated the serious nature of the issue and the importance of it being addressed as soon as possible. A discussion then ensued between the Ex-Officio members and the Commission regarding the history of the relationship between the state and judicial marshals. W. Martyn Philpot, Jr., Esq. confirmed that the matter was being addressed.

Ex-Officio Thomas Burke then asked the Chairperson if he could address the Commission regarding an issue concerning an unnamed state marshal's desire for health insurance through the state insurance program. Attorney Montgomery indicated to W. Martyn Philpot, Jr., Esq. that, in compliance with FOIA, the item would need to be added to the agenda. There was a quorum at this juncture. W. Martyn Philpot, Jr., Esq. asked the Commission for a vote to add the item to the agenda. The Commission, after a motion by Robert P. LaTorraca, seconded by Sarah Fryxell, Esq., voted 5-0 to add the item to the agenda, allowing Ex-Officio Thomas Burke to address the Commission.

Marshal Burke explained that an unnamed state marshal and/or her family wanted to obtain state insurance but did not receive information regarding open enrollment from the State Marshal Commission Office. He requested clarification as to the notification. Attorney Montgomery discussed the fact that, in the past, the Commission had sent out information provided by the State of Connecticut regarding insurance options for the state marshals. However, she indicated that she did not receive information from the Comptroller's office about the health insurance. In addition, office staff, Pamela Perrin, did not notify her that an Administrative Bulletin was sent out annually regarding the health insurance until after the deadline. She went on to state that she was only made aware of an existing Commission calendar of obligations after requesting that a similar document be drafted. She explained that she left several messages with the

Comptroller's office with no response and had no contact person at the Comptroller's Office. She stressed that she has been addressing the issue and trying to find out the information but expressed that the office was at a disadvantage because both she and Mr. Giuditta are new employees. She suggested that the subject marshal reach out to the Comptroller's Office. W. Martyn Philpot, Jr., Esq. spoke about insurance companies taking late premiums under certain circumstances. Marshal Burke indicated that he had already spoken with a representative at the insurance company and they indicated that they required a letter from the Commission (on Commission letterhead) and that the policy, if granted, would be retroactive to July 1, 2015 as would the premium. Attorney Montgomery asked Marshal Burke to forward the contact information that he had in his possession.

2. Complaints

The Commission, after a motion by Robert P. LaTorraca, seconded by Sarah Fryxell, Esq., voted 5-0 to dismiss the following files:

File No.	Name
14-46A	Faulkner/Nikola, N.
14-46B	Faulkner/Nikola, E.
14-46C	Faulkner/Fry
14-46D	Faulkner/Ackley
14-46E	Faulkner/DeLucia, R.
14-46G	Faulkner/Copertino

The Commission, after a motion by Robert P. LaTorraca, seconded by Sarah Fryxell, voted 5-0 to find probable cause for a hearing in the following files:

14-61	Patel/Cappiello, Jr.
14-64	Lugo/Cappiello, Jr.
15-13	Baker/DiFiore
15-19	Griffith/Cappiello, Jr.
15-35	Acevedo/DiFiore
15-36	Mosher/DiFiore
15-38	Brown/Cappiello, Jr.
15-50	In Re Daniel Wall

3. Resignations/Retirements

The Commission, after a motion by Robert P. LaTorraca, seconded by Vincent Mauro, Jr., voted 5-0 to accept the resignations of State Marshals Joseph Klett and Walter Fonfara of Hartford and issue retirement badges to each of them.

4. Temporary Summary Suspension-Insurance (Daniel Wall, New Haven County)

It was acknowledged by W. Martyn Philpot, Jr., Esq. and Attorney Montgomery that this item had already been addressed and a vote was not needed.

5. Non-Capias Unit Firearms

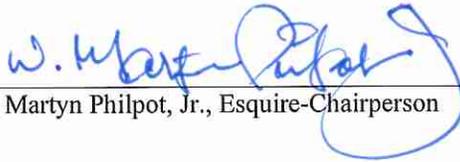
The Commission, after a motion by Robert P. LaTorraca, seconded by Sarah Fryxell, Esq., voted 5-0 to conditionally approve the non-capias unit firearm request of H. Mark DeAngelis. The conditions are that Marshal DeAngelis must attend the requisite training and have his firearm properly registered/safety checked.

6. Request for Change of County Appointment

The Commission, after a motion by Robert P. LaTorraca, seconded by Vincent Mauro, Jr., voted 5-0 to accept the change of county appointment for Dominic F. Balletto, Jr. from New Haven County to Fairfield County.

The Commission, after a motion by Robert P. LaTorraca, seconded by Sarah Fryxell, Esq., voted 5-0 to adjourn the meeting at 6:05 p.m.

Minutes were approved by the Commission on October 7, 2015

A handwritten signature in blue ink, appearing to read "W. Martyn Philpot, Jr.", is written over a horizontal line. The signature is stylized and includes a large, circular flourish at the end.

W. Martyn Philpot, Jr., Esquire-Chairperson