

State of Connecticut  
Department of Administrative Services  
State Marshal Commission  
das.ct.gov/statemarshal

W. Martyn Philpot, Jr. Esq.  
Chairperson

Robert Giuditta  
Statewide Workers' Compensation  
Program Director

Minutes  
STATE MARSHAL COMMISSION MEETING  
February 25, 2016

Members present: Chairperson W. Martyn Philpot, Jr., Esq., Honorable Elizabeth A. Bozzuto, Sarah Fryxell, Esq. (participating by telephone conference call), Robert P. LaTorraca, Michael Desmond, and Tracy L. Dayton, Esq. Also present were Ex-Officios Lisa Stevenson and Thomas Burke (non-voting members), Statewide Workers' Compensation Program Director Robert Giuditta, Staff Attorney Jennifer Y. Montgomery, and Paralegal Specialist Laura M. DiMeola. Vice Chairperson Michael Cronin, Esq. and Mildred Torres-Ferguson were not present.

Also present for public session were State Marshals Elizabeth Ostrowski, Frank Sandillo, H. Mark DeAngelis, Joseph Heap, and Kevin McCrewell, Sr.

Chairperson W. Martyn Philpot, Jr., Esq. called the meeting to order at 4:38 p.m.

First Business

1. Minutes

The Commission, after a motion by Robert P. LaTorraca, seconded by Tracy L. Dayton, Esq., voted 5-0 to adopt the minutes from the January 28, 2016 meeting, as amended by Hon. Elizabeth A. Bozzuto orally to indicate that she was disconnected from the conference call during executive session at the January 28, 2016 meeting and did not participate in the votes after executive session. Hon. Elizabeth A. Bozzuto abstained from the vote.

New Business

2. Advisory Board Topics

A. Hartford Parking Authority – Ex-Officio Lisa Stevenson led a lengthy discussion concerning the issue of the Hartford Parking Authority (hereinafter “HPA”) ticketing the vehicles of state marshals during the performance of their duties at key service areas (such as the family court at 90 Washington Street). In response to questions raised by some of the Commissioners, Marshal Stevenson explained that there is a parking exemption for state marshals under C.G.S. § 14-290. She also confirmed that state marshals display state marshal placards on their windshields when working. Staff Attorney Jennifer Y. Montgomery clarified that C.G.S. § 14-290 is a statute of general application that exempts all peace officers from the traffic laws and that state marshals are included in the definition of peace officers; however, she indicated that the HPA may be interpreting the statute differently. Statewide Workers' Compensation Program Director Robert Giuditta read a February 11, 2016 e-mail to the Advisory Board regarding his phone call with Attorney Bill Breetz, Chairman of the HPA, on this matter. In the e-mail, he communicated that Attorney Breetz and Eric Boone, CEO of the HPA, were open to discussion and a

possible resolution to the matter. Mr. Giuditta then asked State Marshal Joe Heap to update the Commission on the most current information. Marshal Heap explained that the HPA has adopted a resolution providing for a 30-day hiatus on ticketing state marshals. He represented that he believed the HPA does not want to accept the fact that state marshals are peace officers, even though C.G.S. § 14-1 (61) clearly includes state marshals. He noted that the Advisory Board is scheduling a meeting with Attorney Breetz, Mr. Boone and, potentially, Attorney Gina Verrano, a city attorney. He informed that Attorney Breetz had accompanied State Marshal Joseph Musumeci on a ride along to view frequent state marshal parking locations. Chairperson Philpot indicated that he has also had conversations with Attorney Breetz and Mr. Boone and that Mr. Boone was concerned with abuses. Marshal Stevenson indicated that HPA wants to provide the marshals with parking passes that have holograms on them and cannot be reproduced to combat such abuses. Marshal Heap indicated his belief that it would be too difficult to have additional parking passes, since other towns may follow suit.

Chairperson Philpot asked how the Advisory Board would like the Commission to assist with this issue. Marshal Heap indicated that a legal opinion would be appreciated. He informed that they currently have a private attorney, Ed Noble, drafting one; however, he stressed that more legal opinions were desired. Chairperson Philpot indicated that he has contacted the Quinnipiac Civil Clinic to inquire about this issue, as the work would be free. Marshal Stevenson asked Commissioner Bozzuto if the Judicial Branch would address this issue. Judge Bozzuto indicated that she did not feel that the Judicial Branch would do so as that is not their role.

It was raised that this parking issue is new due to the HPA privatizing parking enforcement. Attorney Montgomery asked if this was an issue in New Haven marshals which transitioned to a for-profit company. Marshal DeAngelis explained that issues initially arose concerning abuses but were resolved with the New Haven Parking Authority when those abuses were addressed. Marshal Burke indicated that the Advisory Board is going to meet and will advise the Commission. He also indicated that the Advisory Board would address specific cases, if the HPA presents evidence of abuses.

Attorney Montgomery read C.G.S. § 14-290 (a) and indicated that it could be interpreted very broadly. She advised that the Advisory Board's attorney could request a declaratory ruling on the issue. Marshal Heap read C.G.S. § 14-1 wherein "peace officer" is defined to include state marshals. He indicated that the Advisory Board wants to cooperate; however, they do not want to give up the exemption. Tracy L. Dayton, Esq. made a suggestion that the Advisory Board could go to the HPA with a set of guidelines that they would be willing to agree to. Attorney Montgomery pointed out that guidelines were addressed in the current resolution, and she read the portion of the resolution regarding the same.

Chairperson Philpot indicated that the Commission will provide support regarding the issue. He requested that the Advisory Board provide the legal opinion to the Commission for review and Marshal Heap agreed.

#### B. Status of Rick Grimaldi

Marshal Stevenson inquired about the status of Rick Grimaldi. Robert Giuditta indicated that the status has not changed and that there have been no approvals for additional training funds for Mr. Grimaldi at this time. He indicated that he is currently working on obtaining funds for *capias* training in June. A discussion, initiated by Marshal Burke, arose regarding whether the cost of training Mr. Grimaldi would be lower as he was an individual. At the request of Michael Desmond, Mr. Giuditta explained the background. Marshal Burke asked if it would be permissible for Mr. Grimaldi to pay Owen Eagan out of pocket for the training. Attorney Montgomery indicated that, before that option could be considered, the Commission would need to obtain opinions from both the Attorney General's Office and the Office of State Ethics to ensure that it would not violate any ethical rules since it would essentially be a potential state marshal paying for his own training privately when the Commission is the statutorily authorized training body. Marshal Burke indicated that Owen Eagan was already paid for Mr. Grimaldi's training; however, it was corrected that Mr. Eagan was paid to train marshals during a certain timeframe and Attorney Eagan was not paid on a per person basis. Robert LaTorraca stated that the Commission should obtain the legal opinion.

Attorney Montgomery indicated that before the Commission can do this they would need to know exactly what was being requested and they have not received any information from Mr. Grimaldi.

C. Capias training and insurance issues for new marshals

Marshal Stevenson raised the Advisory Board's concern that new marshals who are not members of the Capias Unit are executing capias warrants without liability insurance or proper training. Mr. Giuditta noted that the Commission issued an Administrative Bulletin regarding this issue, which strongly recommended that new marshals not execute any capiases even though they are authorized to do capias without use of force equipment under the Connecticut General Statutes. Marshal Stevenson raised concerns about new marshals using state vehicles and not being on sally port lists, etc. At Attorney Montgomery's request, Mr. Giuditta read the subject Administrative Bulletin. Mr. Giuditta also read a letter from former Staff Attorney Elizabeth Collins to the Department of Social Services, highlighting the fact that state marshals who are not on the Capias Unit may still carry out capiases if the subject surrenders voluntarily and goes to the courthouse with the marshal without incidence.

D. Housing E-filing

Marshal Stevenson asked for clarification regarding whether or not state marshals can e-file writs under an attorney's juris number. Attorney Montgomery asked Robert Giuditta to explain the substance of the issue. Mr. Giuditta explained the issue, bringing to the Commission's attention that the Housing Court was converting to e-filing and was training marshals to e-file as designated e-filers of attorneys. He indicated that he and Attorney Montgomery are meeting with Alice Mastrony at the Housing Court to clarify the issues. Attorney Montgomery advised the Commission that it had previously asked the Attorney General whether or not a state marshal can be a designated e-filer and further whether they can charge for the service. She indicated, however, that the Attorney General's opinion did not answer the questions and left it up to the State Marshal Commission on a case-by-case basis. A discussion then ensued regarding both state marshal and attorney liability in these e-filed matters. Attorney Montgomery indicated the Commission could do one of two things: either change the policy in the manual or send out an Administrative Bulletin advising marshals of the current policy. Marshal Burke reiterated that this may turn into a liability issue for the state marshal insurance carriers. Attorney Montgomery and Robert Giuditta both indicated that they would provide more information after their meeting with Alice Mastrony.

E. Process servers serving writs

Marshal Stevenson indicated that process servers are serving court documents and signing returns as indifferent persons. The Advisory Board was concerned about the legality and appropriateness of those services. Hon. Elizabeth A. Bozzuto indicated that this type of service often comes to the Court's attention when there is a question regarding proper service. Attorney Montgomery indicated that the Commission does not have jurisdiction over process servers or indifferent persons. Robert Giuditta indicated that the Attorney General's Office and the Department of Consumer Protection do have jurisdiction over this, and the Commission referred this issue to the Attorney General's Office in 2013 but a response was never received. He indicated that Attorney Montgomery put a call in to Assistant Attorney General Terry O'Neill on this issue. Attorney Montgomery reiterated that the Commission does not have proper authority to advise Judicial or the process servers on this topic.

A discussion ensued regarding the process servers including who they are targeting and the risks of having process servers serve process in Connecticut. The clerk's and Judge's roles in accepting the paperwork was highlighted; however, Judge Bozzuto advised that the clerks do not refuse paper and, in terms of the case itself, the defense counsel should be disputing the service. There was a brief discussion led by Marshal Heap, regarding the need for communication between the Advisory Board and the Judicial Branch. He indicated his desire for the Advisory Board to meet with Judicial. Judge Bozzuto indicated that he should advise her of a proposed agenda and she would see what she could do.

Robert Giuditta indicated that he learned that there was some confusion at the January 2016 State Marshal Commission meeting regarding the agenda. He advised that the Advisory Board agenda items for

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the January State Marshal Commission meeting were not sent to him or anyone in the Commission office; however, he did state that he received five revised agendas for the Advisory Board meeting.

Attorney Montgomery reiterated that she and Mr. Giuditta would follow up regarding Item 2.E. once she had an opportunity to speak with the Attorney General's office.

The Commission, after a motion by Robert P. LaTorraca, seconded by Hon. Elizabeth A. Bozzuto, voted 6-0 to enter executive session. The individuals present included those listed above, with the exception of State Marshals Beth Ostrowski, Frank Sandillo, H. Mark DeAngelis, Joseph Heap, and Kevin McCrewell, Sr.

The Commission, after a motion Robert P. LaTorraca, seconded by Hon. Elizabeth A. Bozzuto, voted 6-0 to return to the public record. No votes were taken in executive session.

New Business:

3. Proposed Decision

The Commission, after a motion by Robert P. LaTorraca, seconded by Tracy L. Dayton, Esq., voted 6-0 to adopt the Proposed Decision and recommended disposition in the following file:

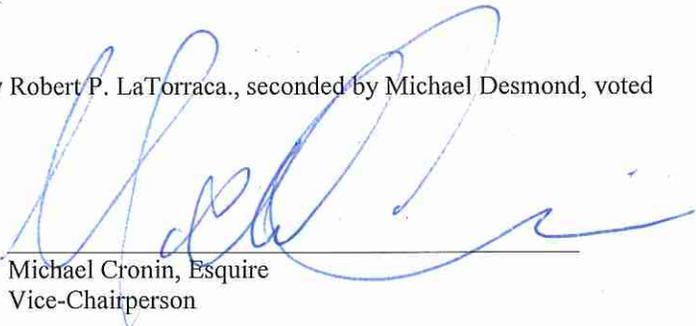
File No.	Name	Disposition
14-12	In Re Kaz	5-day Suspension

4. Complaints

The Commission, after a motion by Robert P. LaTorraca, seconded by Michael Desmond, voted 6-0 to dismiss the following files:

File No.	Name
14-57	Skopic/DiNardi
14-66	Callaghan/Barnes
14-68	Reeves/Brown
15-03	Smalls/Freedman
15-06	Chiulli/Allen

The Commission, after a motion by Robert P. LaTorraca., seconded by Michael Desmond, voted 6-0 to adjourn the meeting at 6:04 p.m.



Michael Cronin, Esquire  
Vice-Chairperson