

State of Connecticut  
Department of Administrative Services  
State Marshal Commission

Peter J. Martin, Esq.  
Chairperson

Douglas Rinaldi  
Administrative Manager

Minutes  
STATE MARSHAL COMMISSION MEETING  
January 25, 2012

Members present: Peter J. Martin, Esq. Chairperson; Hon. William T. Cremins; Vincent Mauro, Jr., Joseph Ubaldi; Erron Smith; Joel Rudikoff, Esq., and Sarah Holbrook, Esq. Also present were Ex-Officios Marshal Lisa Stevenson and Marshal Thomas Burke (non-voting members) and Administrative Manager Douglas Rinaldi and Staff Attorney Elizabeth Collins (not voting). Not present was Michael Cronin, Esq.,

Agenda Items

December 14, 2011 Special Meeting minutes were adopted, by an unanimous vote of 7-0, after a motion by Vincent Mauro, Jr., seconded by Hon. William T. Cremins.

Old Business

1. Appointment Process-update/any action needed.

The Commission, after a motion by Vincent Mauro, Jr., seconded by Hon. William T. Cremins, voted unanimously, 7-0, to add Sarah Holbrook, Esq. and Joseph Ubaldi as additional Commission members authorized and available to assist in the interview and appointment process for the current review of applicants.

2. Executions/wage and other/County

The Commission reviewed the area of county and out of county service, including input from the State Marshals Advisory Board and various material. The Commission, after a motion by Vincent Mauro, Jr., seconded by Joel Rudikoff, Esq. voted 7-0, to clarify the area of out of county service of executions by state marshals, and to so inform the state marshals in an Administrative Bulletin.

3. Bank Executions Service/Validity and Time Frames

The Commission discussed the overall area of financial institution executions, including timeframes, federal law and returns. The Commission determined that an update and overview on financial institution executions will be sent to all state marshals through an Administrative Bulletin.

New Business

1. Supreme Court decision Ernest Francis v. John W. Fonfara et.,al. SC 18480  
Conn. Gen. Stat. Sec. 52-261(a)(2).

The Commission was provided a copy of the Connecticut Supreme Court decision and reviewed

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its holding. The ruling was that state marshals are to be paid the fee of one dollar a page for “copies” in the context of handling and conforming originals to the documents to be served. The court rejected the argument that the term “copies” meant photocopies. While the clause was ambiguous, the legislative history on the meaning of “copies” was not.

5. Complainants

Marshal James E. Sullivan requested that the following matters be deliberated on the public record.

File No.	Name
11-56	Turko/Sullivan, James E.

The Commission, after a motion by Joseph Ubaldi, seconded by Vincent Mauro, Jr., voted unanimously, 7-0, to dismiss the complaint.

File No.	Name
11-60	Jones, Sullivan, James E.

The Commission, after a motion by Vincent Mauro, Jr., seconded by Hon. William T. Cremins, voted unanimously, 7-0, to table the matter for additional information.

The Commission, after a motion by Joseph Ubaldi, seconded by Vincent Mauro, Jr., voted unanimously 7-0, to go into Executive session to discuss personnel issues listed below. The individuals present included those listed above. The Commission voted unanimously 7-0, after a motion by Joseph Ubaldi, seconded by Joel Rudikoff, Esq. William T. Cremins, to return to the public record. No votes were taken in executive session.

New Business

2. Marshal Barbara Coffey: Appointment request

The Commission, after a motion by Hon. William T. Cremins, seconded by Joseph Ubaldi, voted unanimously, 7-0, to grant Marshal Coffey’s request to remain a Hartford County marshal, and live outside of that county, given her status as a grandfathered deputy sheriff.

3. Auditor’s handling of audit material/Illingworth

The Commission, after a motion by Joseph Ubaldi, seconded by Hon. William T. Cremins, voted unanimously, 7-0, to refer the material submitted by Marshal Illingworth to the office of the Auditor’s of Public Accounts for whatever action that office deemed appropriate.

4. Oversight Committee/Proposed Final Decisions

The Commission, after a motion by Hon. William T. Cremins, seconded by Sarah Holbrook, Esq., unanimously voted, 7-0, to adopt the Oversight Committee’s proposed findings of fact and law as its final decisions, as noted, in the below listed files

File No.	Name
10-81	Hilton/Aresco 3 day suspension effective after the 45 day appeal period. (March 13, 2012 through March 15, 2012)
11-38	Van Clief/Delsin Dismissed.

The Commission, after a motion by Joseph Ubaldi, seconded by Vincent Mauro, Jr., unanimously voted 7-0, to adopt the Oversight Committee's proposed findings of fact and law as its conditional decisions, as noted, in the below listed files

File No.	Name
11-06	Flaherty/Vingiano
11-26	Kirschner/Vingiano
11-28	Pellegrino/Vingiano

The Commission entered a conditional acceptance of the Respondent's Resignation/retirement, effective June 15, 2012, with the Respondent needing to comply with closing his business, and submitting, by June 16, 2012, the resignation/retirement affidavit, and any other information needed by the Commission . The matter was tabled until the June 27, 2012 meeting of the Commission for further action.

The Commission, after a motion by Hon. William T. Cremins, seconded by Vincent Mauro, Jr., unanimously voted 7-0, administrative close the following file and inform the parties that a bank execution protocol synopsis is being sent to all state marshals.

File No.	Name
11-48	Faulkner/Fry

#### 5. Complaints.

The Commission, after a motion by Joseph Ubaldi, seconded by Vincent Mauro, Jr., voted unanimously 7-0, to dismiss the below noted files:

File No.	Name
11-41	Rampino/Foldy
11-54	Moore/Esposito
11-57	Poriss/Fry
11-59	Oravertz/White
11-63	Renda/Barbieri
11-65	Hoff/Esposito
11-66	Palmer/Fry
11-67	Zinker/Ostop
11-68	Lieto/Esposito
11-70	Rousseau/Fry
11-78	Walker/Fry

The Commission, after a motion by Joseph Ubaldi, seconded by Vincent Mauro, Jr., voted unanimously 7-0, to stay the below noted file:

File No.	Name
11-51	Kanasky/Gyle

#### 6. Firearms

The Commission reviewed material relevant to Marshal Richard Krueger's request to carry a firearm while doing *capias* warrants and during the course of his official duties as a state marshal. It was determined that the material was satisfactory. Since all elements were in order, the Commission voted 6-1,

after a motion by Joseph Ubaldi, seconded by Joel Rudikoff, Esq, to grant Marshal Krueger's request to carry a firearm. Vincent Mauro, Jr., voted against granting the request.

Name	County
Richard Krueger	New Haven

7. Resignations

The Commission, after a motion by Joseph Ubaldi, seconded by Hon. William T. Cremins, voted unanimously, 7-0, to accept the resignation/retirement of the following state marshal, retroactive to December 20, 2011.

Name	County
Joseph Antinerella	Hartford

8. Audits

The Commission was satisfied with the audit report review and, after a motion by Vincent Mauro, Jr., seconded by Sarah Holbrook, Esq., voted unanimously, 7-0, to close the following audit file.

File No.	Name
11-13	Gerald Calabritto

After a motion by Hon. William T. Cremins, seconded by Joel Rudikoff, Esq., the Commission voted unanimously 7-0, to adjourn the meeting.

Minutes were approved by the Commission on March 28, 2012.

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Peter J. Martin, Esquire-Chairperson