

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
June 25, 2015

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

Also present for public session were the following state marshals: Suzann H. Corbett, Arthur B. Quinn, III, Holly A. Bryk, John C. Burgarella, Gregory L. Woodruff, H. Mark DeAngelis, Peter J. Criscuolo, Jr., and Elizabeth Ostrowski.

Chairperson W. Martyn Philpot, Jr., Esq. called the meeting to order at 4:47 p.m.

First Business:

1. Minutes

The Commission, after a motion by Robert P. LaTorraca, seconded by Mildred Torres-Ferguson, voted 4-0 to adopt the minutes from the June 8, 2015 special meeting. Hon. Elizabeth A. Bozzuto abstained as she was not present at the June 8, 2015 special meeting.

The Commission, after a motion by Mildred Torres-Ferguson, seconded by Robert P. LaTorraca, voted 5-0 to add an item to the agenda to permit the state marshals in attendance to address the Commission regarding the training of new state marshal applicants and the treatment of state marshals in the courts.

Attorney Jennifer Montgomery asked each state marshal to state his or her name for the record and briefly state the topic he or she would be speaking about for the agenda.

Ex-Officio Lisa Stevenson indicated that she was asked by her peers as an ex-officio member of the Commission to raise concerns regarding the decision to not permit state marshal applicant Richard Grimaldi to move forward in the appointment process. She provided many reasons he would be an asset to the state marshals. A discussion then commenced among Chairperson W. Martyn Philpot, Jr., Esq., Robert Giuditta and the state marshals who were present, discussing the factors that led up to the decision to not allow Mr. Grimaldi to move forward in the appointment process due to his failure to attend three of the five days of the mandatory classroom training program. Robert Giuditta confirmed that he discussed the circumstances with the applicant prior to the training program commencing and the understanding was that the applicant might come in late and/or leave early from the training and the applicant would be consulting his physician. After this discussion, the applicant failed to attend the first, second and third days of the five

day classroom training program. There was then a discussion with the Chair and some other members of the Commission regarding the issue and it was determined that he would not proceed with the training.

W. Martyn Philpot, Jr., Esq. expressed the Commission's understanding of the applicant's extenuating circumstances but indicated that the Commission has an obligation to the citizens of Connecticut to make sure all state marshals are properly trained. He explained the existing legal contract between Department of Administrative Services and the trainer and indicated that, although there has been offers by various state marshals to train the applicant separately, the Commission needed to legally adhere to the current contract. However, he indicated the Commission's commitment to expedite the process for this particular candidate and apologized to the marshals. Robert Giuditta added that when the applicant was informed about the decision, he did not provide the Commission with any written or verbal objection to the decision. He then went on further to explain the confines of the current contract. A discussion ensued between Robert Giuditta and Robert P. LaTorraca regarding the vacancy in Tolland County and the fact that the trainer has been designated a sole source vendor during the procurement process. Attorney Jennifer Y. Montgomery confirmed there is currently a vacancy in Tolland County and there would not need to be a death or resignation to appoint the applicant should he complete the training. She also confirmed that none of the applicants has yet been appointed as a state marshal as they have yet to take the oath of office. Robert Giuditta added that a state marshal candidate must first complete the training with the trainer we have identified. Robert P. LaTorraca raised the question of how we should get the applicant trained. Robert Giuditta advised that we had approached the sole source trainer and he had been willing to work with the applicant during the week but to his knowledge the applicant did not make contact with the trainer.

A lengthy discussion then commenced among W. Martyn Philpot, Jr., Esq., Hon. Elizabeth A. Bozzuto, Mildred Torres-Ferguson, Robert P. LaTorraca, ex-officios Lisa Stevenson and Thomas Burke, Robert Giuditta, Attorney Jennifer Y. Montgomery, and State Marshals Arthur B. Quinn, Peter J. Criscuolo, H. Mark DeAngelis and Holly Bryk. Ex-officio Lisa Stevenson raised that past training was performed by certain state marshals for State Marshals Susan Corbett and Arthur B. Quinn who were appointed on an emergency basis in 2001 or 2002 due to there being no restraining order coverage in Litchfield County. Mildred Torres-Ferguson inquired whether there was still an issue with the training agreement as the training has ended. Attorney Jennifer Y. Montgomery advised that the issue was that we had claimed that the trainer was a sole source provider during the procurement process and we may have issues if we now claimed that he was not a sole source so close to the time of the agreement. State Marshal Arthur B. Quinn raised his assessment that the quality of training under the current trainer was not good. W. Martyn Philpot, Jr., Esq. redirected and advised that this was not a debate about the quality of training. Robert P. LaTorraca inquired, considering we are outside the contract period, whether there would be an issue if we obtained a trainer who would not charge for the services. W. Martyn Philpot, Jr., Esq. advised that we need to consult Attorney General's office to make sure there are not legal consequences. Thomas Burke raised the option of obtaining a waiver from the trainer regarding the sole source issue. Robert Giuditta advised that the trainer had been identified as a sole source provider in previous trainings due to his level of expertise. State Marshal Peter J. Criscuolo raised the option of having the state marshals enter an agreement with the trainer and subsidize the training costs so that there is no cost to the state. Hon. Elizabeth A. Bozzuto raised the concern that this could be setting a precedent with respect to deviating from the training program. Attorney Jennifer Y. Montgomery raised that there were two applicants who withdrew from the process because of conflicts with the dates of the training program. She confirmed that the applicant at issue has not withdrawn. State Marshal H. Mark DeAngelis reiterated the state marshals' willingness to pay for training. He raised concerns about the process utilized in this case. Robert Giuditta advised that the applicant had only approached staff about his issues late afternoon on a Friday and he made a good faith effort to help. There was a plan in place, it just didn't go through as planned. Attorney Montgomery also noted that this was the Friday just prior to the mandatory training to begin on Monday. Mildred Torres-Ferguson inquired about the process going forward. Robert Giuditta suggested that the state marshals approach the trainer. Attorney Jennifer Y. Montgomery raised the need to approach the Attorney General's office for an opinion regarding the procurement issues raised. Chairperson W. Martyn Philpot, Jr., Esq. reiterated that the Commission wants to expedite appointment of the applicant as soon as it is legally able to do so after proceeding with either a request to the Attorney General or a more informal overture to the trainer.

Chairperson W. Martyn Philpot, Jr., Esq. asked if there were any other issues that the state marshals wanted to discuss. State Marshal Peter J. Criscuolo brought up the issues that state marshals are having with judicial marshals at the courthouse. A discussion then followed among W. Martyn Philpot, Jr., Esq. and State Marshals Peter J. Criscuolo, H. Mark DeAngelis, Elizabeth Ostrowski, Arthur B. Quinn and John Burgarella specifically regarding the issue of unequal and demeaning treatment as the state marshals are being screened prior to entry to the courthouses while other individuals are not so screened. W. Martyn Philpot, Jr., Esq. indicated that the Commission understands the challenges that the state marshals are facing in the courthouse and will communicate with the Chief Judge on the state marshals' behalf. He did state that, absent a change of law, he cannot represent that anything will change overnight but that the Commission will do whatever it can to reach equality in policy.

W. Martyn Philpot, Jr. Esq. indicated that if there were no further issues, then the Commission was going to enter executive session. Attorney Jennifer Montgomery advised that there was one complaint to be heard in public session.

New Business:

2. Complaints

Attorney Jennifer Montgomery presented the case, in which the Complainant alleged that the Respondent wrote the wrong date on a Notice to Quit that she had served, leading to one-month delay in the eviction process. Attorney Montgomery further explained that the Respondent had claimed that the date was not incorrect but rather was sloppily written, and that the Respondent's office had offered a host of remedies that were not accepted by Complainant or her representative. Attorney Montgomery recommended dismissal of the matter.

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

File No.	Name
14-38	Barnes/Stevenson

The Commission, after a motion by Mildred Torres-Ferguson, seconded by Robert P. LaTorraca, voted 5-0 to enter executive session. The individuals present included those listed above, with the exception of the following state marshals: Suzann H. Corbett, Arthur B. Quinn, III, Holly A. Bryk, John C. Burgarella, Gregory L. Woodruff, H. Mark DeAngelis, Peter J. Criscuolo, Jr., and Elizabeth Ostrowski.

The Commission, after a motion by Robert P. LaTorraca, seconded by Sarah Fryxell, Esq. voted 5-0 to exit executive session. No votes were taken in executive session.

The Commission, after a motion by Sarah Fryxell, Esq., seconded by Robert P. LaTorraca, voted 5-0 to amend the agenda to add the following file:

File No.	Name
14-46F	Faulkner/DeLucia

The Commission, after a motion by Robert P. LaTorraca, seconded by Sarah Fryxell, Esq., voted 5-0 to re-enter executive session. The individuals present included those listed above, with the exception of the following state marshals: Suzann H. Corbett, Arthur B. Quinn, III, Holly A. Bryk, John C. Burgarella, Gregory L. Woodruff, H. Mark DeAngelis, Peter J. Criscuolo, Jr., and Elizabeth Ostrowski.

The Commission, after a motion by Sarah Fryxell, Esq. seconded by Robert P. LaTorraca, voted 5-0 to return to the public record. No votes were taken in executive session.

4. 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
14-15	Grant/Barnes
14-35	Reardon/Musumeci
14-36	Appleby/DeLucia, R.
14-46F	Faulkner/DeLucia, F.

The Commission, upon the same motion by Robert P. LaTorraca, seconded by Sarah Fryxell, Esq., voted 4-0 to dismiss the following file with Hon. Elizabeth A. Bozzuto abstaining:

File No.	Name
14-33	Slonski/Lakowsky

The Commission, after a motion by Sarah Fryxell, seconded by Robert P. LaTorraca, voted 5-0 to dismiss the following file without prejudice:

File No.	Name
14-37	Daley/Dussault

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

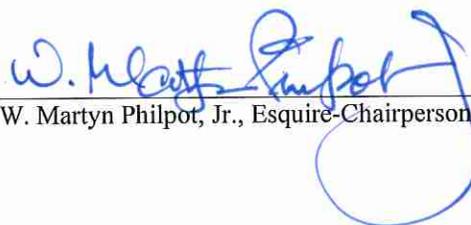
File No.	Name
15-16	Barry/Cappiello, Jr.
15-20	Young/Cappiello, Jr.
15-21	Otero/DiFiore

5. Resignations/Retirements

The Commission, after a motion by Sarah Fryxell, Esq., seconded by Robert P. LaTorraca, voted 5-0 to accept the resignations of State Marshals Thomas Fraher and Frank DeLucia of Fairfield County and to provide them with retirement badges and identification cards.

The Commission, after a motion by Robert P. LaTorraca, seconded by Sarah Fryxell, Esq., voted 5-0 to adjourn the meeting at 5:59 p.m.

Minutes were approved by the Commission on August 27, 2015.



W. Martyn Philpot, Jr., Esquire-Chairperson