

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

Robert Giuditta
Statewide Workers' Compensation
Program Director

Minutes
STATE MARSHAL COMMISSION MEETING
March 24, 2016

Members present: Vice Chairperson Michael Cronin, Esq., Honorable Elizabeth A. Bozzuto, Mildred Torres-Ferguson (participating by telephone conference call), 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. Chairperson W. Martyn Philpot, Jr., Esq., Robert P. LaTorraca, and Sarah Fryxell, Esq. were not present.

Also present for public session were Jeffrey Beckham, DAS Staff Counsel and Director of Communications, and State Marshal Joseph Heap.

Vice Chairperson Michael Cronin, Esq. called the meeting to order at 4:31 p.m.

First Business

1. Minutes

The Commission, after a motion by Hon. Elizabeth A. Bozzuto, seconded by Michael Desmond, voted 5-0 to adopt the minutes from the February 25, 2016 meeting.

2. Commission Staff Reorganization

Statewide Workers' Compensation Program Director Robert Giuditta informed the Commission of some staff reorganization occurring at the Commission office. He indicated that Paralegal Specialist Laura M. DiMeola would be leaving the Commission for a new position. He also informed the Commission that the new director of the State Marshal Commission would be Jeffrey Beckham. Mr. Giuditta outlined Mr. Beckham's background and experience and welcomed him to the Commission. Vice Chairperson Michael Cronin, Esq. thanked Mr. Giuditta for his service to the Commission and extended a warm welcome to Mr. Beckham.

3. Judicial Branch e-filing

Staff Attorney Jennifer Montgomery indicated that she and Mr. Giuditta had recently met with Attorney Alice Mastrony at the Judicial Branch to discuss the issue of e-filing by state marshals. She explained that, at the inception of the e-filing program, state marshals were e-filing under an attorney's juris number, which caused a host of problems, including signature verification. Therefore, in 2008, the Judicial Branch created the designated filer status, which is a very limited category of filer under the e-filing system for use by marshals to file case initiation documents only. This status is separate from the attorney's juris number. She indicated that this is a one-time status in which a state marshal may log in to

165 Capitol Avenue, Room 279
Hartford, Connecticut 06106
Tel. (860) 713-5372 Fax. (860) 713-7458

the e-filing system in a limited capacity and file case initiation documents only. With regards to payment, she said that the state marshal may either leave the filing in the shopping cart for the attorney to pay or the state marshal may pay the filing fee and seek reimbursement from the attorney. The attorney must authorize a state marshal to be his or her designated filer on a matter and can either choose a designated filer that is already in the system or input the information for a new designated e-filer. The state marshal can then log into the system with independent login credentials that he or she created himself or herself and scan and upload the case initiation documents. She emphasized that the only thing a state marshal can do is upload case initiation documents and that he or she cannot go back into the system to view the case as it unfolds or upload any other documents. She also stated that the attorney can withdraw the designated filer authorization at any time and can also view what the designated filer has uploaded onto the system. Attorney Montgomery also pointed out that there was a question as to whether or not there could be some exposure or liability if the state marshal was required to keep the original document in his or her possession; however, Attorney Mastrony indicated that there would not be any liability as the scanned original would be deemed as the original once uploaded. Vice Chairperson Cronin asked if there is a possibility for error if the matter is filed to the wrong case number. Attorney Montgomery informed that Attorney Mastrony was not aware of any such possibilities, as the attorney could go in to correct the information at any time. Attorney Montgomery pointed out that there had been some confusion as to the designated filer status. Mr. Giuditta interjected that, despite the confusion regarding the designated filer status, many state marshals were currently filing as designated filers despite the prohibition in the manual. Attorney Montgomery indicated that they were informed that there were currently 137 designated filers. She also indicated that a pro se party could not authorize designated e-filers and that is solely for an attorney's use. She also brought up the potential issue about state marshals charging for e-filing and the implications of the same since it is not covered specifically by statute. Ex-Officio Lisa Stevenson raised the issue of the time involved in e-filing as a justification for being able to charge for the service. Attorney Montgomery indicated that Attorney Mastrony offered to prepare or provide a training to the Commission members if they wanted to learn more about the process straight from the Judicial Branch. There were questions concerning what the manual instructs, and Attorney Montgomery read a portion of the manual and reiterated that there may have been an erroneous presumption that the marshal was forced to file under an attorney's juris number. A further discussion then ensued regarding potential liability on the part of the state marshal regarding documents to be e-filed, the ability for state marshals to charge for e-filing, and whether or not the Commission should permit marshals to e-file documents.

Vice Chairperson Cronin indicated that the Commission needed to decide whether or not to revise the manual. Mr. Giuditta went over the options and another brief discussion ensued about the potential revisions and the general issues regarding the same. Vice Chairperson Cronin asked if the Commission office staff could draft a revision of that section of the manual and present it to the Commissioners for their input/approval. Attorney Montgomery indicated that the Commission office staff would prepare a draft for the next Commission meeting. The Commission, after a motion by Tracy L. Dayton, Esq., seconded by Michael Desmond, voted 5-0 to table the issue of e-filing by state marshals to a future meeting.

4. Hartford Parking Authority

Ex-Officio Lisa Stevenson gave an update as to the current status of the state marshal issues with the Hartford Parking Authority ("HPA"). She indicated that the Advisory Board filed an appeal to the Superior Court. She has spoken with Hartford Corporation Counsel, Attorney Rifkin, who has tried to work with the HPA attorney. She said that the HPA is still ticketing state marshals daily. State Marshal Joseph Heap indicated that he spoke with Eric Boone, CEO of the HPA, who asked that he circulate a letter to the members of the Advisory Board, which he did. Marshal Heap indicated that the HPA refuses to recognize the state marshal parking exemption and wants them to comply with specific parking rules. He went over some of the problematic issues, such as parking at the courthouse for restraining order duty and HPA suggestions that state marshals should have to pay for parking. He also mentioned the appeal and, upon Attorney Montgomery's request, Marshal Heap clarified that they are appealing to the Superior Court regarding a ticket issued by the Hartford Parking Authority.

The Commission, after a motion by Hon. Elizabeth A. Bozzuto, seconded by Tracy L. Dayton, Esq., voted 5-0 to enter executive session. The individuals present included those listed above, with the exception of Jeffrey Beckham and State Marshal Joseph Heap.

The Commission, after a motion by Hon. Elizabeth A. Bozzuto, seconded by Michael Desmond, voted 5-0 to return to the public record. No votes were taken in executive session.

New Business:

3. Complaints

Attorney Montgomery indicated that State Marshal James Sullivan had filed a request for a continuance of his two matters on the agenda, as he did not receive notice for the meeting until the day prior and because he was undergoing a medical procedure the day of the meeting. She indicated that he also wanted her to put on the record that one of the matters is 11 months old and the other matter is 15 months old. The Commission, after a motion by Tracy L. Dayton, Esq., seconded by Michael Desmond, voted 5-0 to continue the following matters to the April 28, 2016 Commission meeting:

File No.	Name
15-01	Reichentahl/Sullivan, James
15-43	DePalma/Sullivan, James

The Commission, after a motion by Hon. Elizabeth A. Bozzuto, seconded by Michael Desmond, voted 5-0 to find probable cause for a hearing for the following files:

File No.	Name
15-07	Zakrewski/Douglas
15-11	D'Amato/Orr
15-72	In Re Timothy Poeti (Annual Fee)
15-89	Carcova/DiFiore

The Commission, after a motion by Tracy L. Dayton, Esq., seconded by Michel Desmond, voted to dismiss the following file:

File No.	Name
15-08	Catalina/Barbieri, Sr.

4. Inactive Status

The Commission, after a motion by Tracy L. Dayton, Esq., seconded by Michael Desmond, voted 5-0 to place on inactive status for a period of one year the following state marshal:

Name	County
Tina Makowski	New Haven

5. Retirements/Resignations

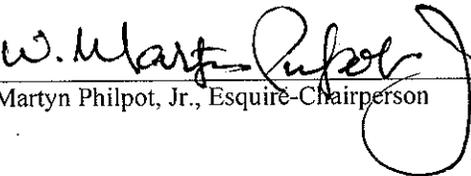
The Commission, after a motion by Tracy L. Dayton, Esq., seconded by Hon. Elizabeth A. Bozzuto, voted 5-0 to approve the resignations of and provide retirement badges to the following state marshals:

Name	County
George Dirgo	Fairfield
Jerome Martin	Hartford

Vice Chairperson Cronin asked if there was any other business. Ex-Officio Thomas Burke asked how the Advisory Board could contact Alice Mastrony regarding e-filing. Attorney Montgomery indicated that she did not have the contact information with her, but she would look into getting him the contact information.

The Commission, after a motion by Hon. Elizabeth A. Bozzuto, seconded by Tracy L. Dayton, Esq., voted 5-0 to adjourn the meeting at 5:41 p.m.

Minutes were approved by the Commission on May 26, 2016.



W. Martyn Philpot, Jr., Esquire-Chairperson