

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
November 19, 2015

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

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

First Business

1. Minutes

Chairperson W. Martyn Philpot, Jr., Esq. indicated that the vote on the minutes from the October 22, 2015 Commission meeting would be tabled to the next Commission meeting, as Vice Chairperson Michael Cronin, Esq., who had chaired that meeting in the Chairperson's absence, was not present.

New Business:

2. Welcoming New Commissioner -- Michael L. Desmond

Robert Giuditta welcomed Michael Desmond as a Commissioner, expressed that the Commission was looking forward to working with him and asked him to let the Commission know if there was anything the Commission could do for him during the transition. W. Martyn Philpot thanked Mr. Desmond for joining the Commission.

3. Exiting Commissioners (Joel Rudikoff, Esq. and Vincent Mauro, Jr.)

Robert Giuditta indicated that Commissioners Joel Rudikoff, Esq. and Vincent Mauro, Jr. were moving on. He expressed the Commission's gratitude for the service that they provided and indicated that their presence on the Commission will truly be missed. Mr. Giuditta indicated that the Commission has reached out to Senator Duff to fill the vacancy left by Joel Rudikoff, Esq. W. Martyn Philpot, Jr., Esq. extended commendation to the Commissioners for their time. He accentuated the fact that Commissioner Mauro served in a distinguished role with the Commission for more than ten years, so he wanted to commend him in that regard.

4. State Marshal Commission Staffing-Update

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Robert Giuditta informed the Commission that Diane Chace is leaving the State Marshal Commission Office due to retirement. He expressed that she has been a huge, integral part of the State Marshal Commission Office and that she would be missed in the office. He informed the Commission that she will be leaving on November 30, 2015 and that he was working on distributing the DMV responsibilities either internally or to another unit in the State Marshal Commission or DAS. Honorable Elizabeth A. Bozzuto asked if the position will be filled. Mr. Giuditta confirmed that he is and has been trying to fill the position; however, he indicated that there is now a hiring freeze. Ex-Officio Thomas Burke asked if there would be a gathering for Diane, and Mr. Giuditta indicated there would be one at the State Marshal Commission office on November 30th. He indicated to Marshal Burke that he would contact him with further details.

5. State Marshal Appointment Process – Update

Robert Giuditta indicated that the training process is moving forward. He informed that, as the checklists come in, the Commission Office will be reviewing them to ensure they are complete and the applicants have met the obligations.

6. 2016 State Marshal Commission Meeting Schedule

Staff Attorney Jennifer Montgomery introduced the 2016 State Marshal Commission Regular Meeting Schedule and stated that it follows the same schedule that has been employed for the past several years of the fourth Thursday of every month, except for November and December (which, due to the holidays, have been scheduled for the third Thursday of those two months). W. Martyn Philpot, Jr., Esq. asked if there were any questions or concerns regarding the schedule, which there were not. Accordingly, he called for a vote to adopt the schedule. The Commission, after a motion by Hon. Elizabeth A. Bozzuto, seconded by Michael Desmond, voted 5-0 to adopt the 2016 State Marshal Commission Regular Meeting Schedule.

7. Restraining Order Rotation Issues

Robert Giuditta indicated that the Commission Office has been receiving calls concerning marshals not showing up as scheduled for restraining order duty, which is further complicated when a marshal does not follow the protocol of contacting the Commission Office to inform of any coverage changes. Mr. Giuditta asked Ex-Officio Thomas Burke if he could assist the State Marshal Commission Office by communicating this information to the marshals, and Marshal Burke agreed to do that. Robert Giuditta then informed the Commission of the query process that occurs when a marshal misses restraining order duty and indicated that complaints have been generated by the Commission Office in that regard. Attorney Montgomery went over the process that the State Marshal Commission Office takes up to and including initiation of the complaints. Judge Bozzuto asked if we receive calls directly from the courts and if the issue is only happening in certain courts. Attorney Montgomery indicated that it is usually happening in the busier courthouses, such as Stamford, New Haven, etc., where service is usually needed. W. Martyn Philpot, Jr., Esq. asked if we have any understanding as to why this is beginning to become a phenomenon, and Robert Giuditta indicated that we do not. He did indicate that sometimes it is accidental, but the concern is when marshals are consistently problematic or nonresponsive.

Marshal Burke gave some insight that some marshals have been taking advantage of the marshals who have offices in close proximity to the courthouses and have a relationship with the court. The court will often contact a marshal in close proximity to handle something if another marshal does not show up. Therefore, he said that many of the marshals that have been continuously taking over for others are getting frustrated. He particularly mentioned the restraining orders on Fridays, which tend to be the busiest times. He expressed concerns for the applicants and their safety if the restraining orders are not served expeditiously.

Marshal Burke also brought up the issue of out-of-county restraining orders and the ability to expeditiously find out who might be on restraining order duty in those counties. He asked if there is a way for access to the full restraining order list could be made available to the marshals online. A discussion then ensued regarding the topic, in which Robert Giuditta indicated that there are operational and technical concerns to that. Attorney Montgomery also pointed out the fact that the Commission Office is not in charge of its own website and everything needs to go through the DAS Communications Department, so she was not sure how feasible the suggestion would be. However, she expressed, and Mr. Giuditta agreed, that the Commission Office is open to discussing that or other options. A brief discussion ensued about the restraining order assignment list and time frames for assigning restraining order duty.

A discussion then commenced regarding the importance of restraining orders being served and there not being a waiting period over the weekend if a marshal does not show up for restraining order duty. Judge Bozzuto commented during this discussion that Fridays are a very busy time for restraining orders and also stressed the importance of the restraining orders being served promptly and getting onto the restraining order registry.

8. State Marshal Advisory Board

Robert Giuditta indicated that he would try to speak about the Advisory Board agenda items that Lisa Stevenson was going to since she was not able to attend the meeting due to a personal issue.

a. Stamford Marshal proposal to call in for 12:30 p.m. Restraining Order Shift

Robert Giuditta indicated that there are some concerns about this issue, as Stamford is a large city and the demand for restraining order service is high. He indicated that many of the smaller courthouses are going through a pilot program regarding call-in procedures, but he believed a written request would need to be submitted to the Judicial Department to determine whether or not this is even feasible. W. Martyn Philpot, Jr., Esq. asked Marshal Burke if he knew anything about this agenda item.

A discussion then followed in which Marshal Burke explained the pilot program that the courthouse in his county employs. While he indicated that the program seems to be working for the court/marshals in his county, he did indicate that they all cover for each other and they still know that they are on call if someone shows up after they call in. Therefore, he said that many of them just show up for the restraining order duty because it does not make sense to start another job if you may potentially be called in if someone shows up. He suggested that perhaps the clerks should have some input, and Attorney Montgomery indicated that if Judicial receives a proposal then Judicial would need to investigate that.

b. Stamford Marshal concerns relating to former State Marshal Jon Gallup

Robert Giuditta indicated that he does not have a lot of information on this topic and suggested they table the discussion, unless Marshal Burke had any information regarding the same. Marshal Burke indicated that he did not. A brief discussion then ensued concerning Jon Gallup's capacity as a constable and the State Marshal Commission's lack of authority over him.

The discussion then turned to the importance of the restraining order registry and who is authorized to enter information onto the registry. W. Martyn Philpot, Jr., Esq. inquired as to whether the Commission should ask the opinion of the Attorney General, to which Attorney Montgomery indicated that the Commission could do that or that, perhaps, it may be an issue directed to Judicial. Judge Bozzuto strongly urged the importance of the restraining order registry and indicated her opinion that only people who have access to the registry should serve restraining orders. Attorney Montgomery again reminded the Commission that the State Marshal Commission only has jurisdiction over the state marshals, the registry is not currently mandatory, and that any request for change is actually a legislative issue. Attorney Montgomery also generally touched upon the fact that there is a question about who has authority over those individuals who are no longer state marshals if they do something improper or illegal, but she indicated that they are not under the authority of this Commission once they cease to remain marshals.

c. Request to re-send revise directive on out-of-county restraining orders

Robert Giuditta indicated that this item was addressed through Administrative Bulletin 15-20, which was sent to the marshals when it was found that some marshals were not following standard operating procedure. He confirmed that the Administrative Bulletin was sent out on or about November 4, 2015.

d. Request for update re: Richard Grimaldi

Robert Giuditta stated that, at this time, there may be a submission to the Office of State Ethics or the Attorney General's office as to whether or not the request concerning Richard Grimaldi could be granted. He indicated that there is not currently money in the budget for training, but there may be further examination as to whether or not the marshals may be able to pay for the training themselves. He stated, however, that there were several obstacles that the Commission may encounter.

The Commission, after a motion by Hon. Elizabeth A. Bozzuto, seconded by Robert P. LaTorraca, voted 5-0 to enter executive session.

The Commission, after a motion by Robert P. LaTorraca, seconded by Hon. Elizabeth A. Bozzuto, voted 5-0 to return to the public record.

9. Proposed Decisions

The Commission, after a motion by Robert P. LaTorraca, seconded by Michael Desmond, voted 5-0 adopt the Proposed Decisions and their recommended dispositions in the following files:

File No.	Name	
15-13	Baker/DiFiore	15-day suspension (concurrent with 15-35, consecutive with others)
15-21	Otero/DiFiore	30-day suspension (consecutive)
15-35	Acevedo/DiFiore	15-day suspension (concurrent with 15-13, consecutive with others)
15-36	Mosher/DiFiore	60-day suspension (consecutive)

10. Complaints

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

File No.	Name
14-27	Newman/Barnes
14-39	Foster/Sullivan
14-45	Hernsdorf/Fiorillo
14-47	Shockey/Felner
14-49	Torres/Allen
14-50	French/Longobardi

11. Non-Capias Unit Firearms

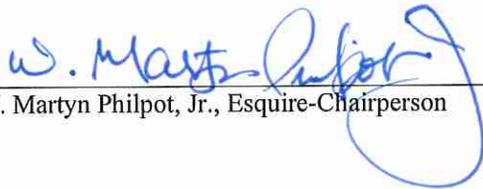
Name	County
Joseph D. Nardini	New Haven County

The Commission, after a motion by Robert P. LaTorraca, seconded by Michael Desmond, voted 5-0 to approve the request of State Marshal Joseph D. Nardini to carry a firearm.

W. Martyn Philpot, Jr., Esq. then asked for a motion to adjourn the meeting; however, Marshal Burke asked if he could make some additional comments, to which W. Martyn Philpot, Jr., Esq. agreed. Marshal Burke informed the Commission that all counties have held voting for representatives of the Advisory Board. He stated that in December the Advisory Board will be holding elections regarding officers and Ex-Officio members for the upcoming year.

The Commission, after a motion by Hon. Elizabeth A. Bozzuto, seconded by Robert P. LaTorraca, voted 5-0 to adjourn the meeting at 5:52 p.m.

Minutes were approved by the Commission on December 17, 2015.



W. Martyn Philpot, Jr., Esquire-Chairperson