

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
October 22, 2015

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

Also present for public session was State Marshal Vincent Messina.

Vice Chairperson Michael Cronin, Esq. called the meeting to order at 4:44 p.m.

New Business:

Staff Attorney Jennifer Y. Montgomery requested that, due to the availability of some of the Commission members, the agenda be reconfigured to first go into executive session. Vice Chairperson Michael Cronin, Esq. entertained a motion to go into executive session. The Commission, after a motion by Hon. Elizabeth A. Bozzuto, seconded by Vincent Mauro, Jr., voted 5-0 to enter executive session. The individuals present included those listed above, with the exception of State Marshal Vincent Messina.

Prior to going into executive session, Attorney Montgomery requested a motion to add an item to the agenda concerning a motion for reconsideration filed by State Marshal Daniel Wall, the Respondent in the matter of File No. 15-50 In Re Daniel Wall. The Commission, after a motion by Hon. Elizabeth A. Bozzuto, seconded by Vincent Mauro, Jr., voted 5-0 to add said item to the agenda.

The Commission then entered executive session. The Commission, after a motion by Hon. Elizabeth A. Bozzuto, seconded by Vincent Mauro, Jr., voted 5-0 to return to the public record.

4. Proposed Decisions

The Commission, after a motion by Vincent Mauro, Jr., seconded by Sarah Fryxell, Esq., voted 5-0 adopt the Proposed Decisions and their recommended dispositions in the following files:

File No.	Name	
14-09	Hernandez/Cappiello, Jr.	15-day suspension (consecutive with others)
14-10	Al-Haydar/Cappiello, Jr.	3-day suspension (concurrent with 14-28)
14-21	Murray/Cappiello, Jr.	30-day suspension (consecutive with others)
14-28	Reinken/Cappiello, Jr.	5-day suspension (concurrent with 14-10, consecutive with others)
15-16	Barry/Cappiello, Jr.	30-day suspension (consecutive with others)
15-20	Young/Cappiello, Jr.	15-day suspension (consecutive with others)

The Commission, after a motion by Vincent Mauro, Jr., seconded by Sarah Fryxell, Esq., voted 5-0 to deny Marshal Daniel Wall's motion for reconsideration in File No. 15-50 In Re Daniel Wall.

5. Non-Capias Unit Firearms

Name	County
Joseph D. Nardini	New Haven County

The Commission, after a motion by Vincent Mauro, Jr., seconded by Hon. Elizabeth A. Bozzuto, voted 5-0 to deny, without prejudice, the non-capias request of State Marshal Joseph D. Nardini to carry a firearm.

First Business

1. Minutes

The Commission, after a motion by Vincent Mauro, Jr., seconded by Mildred Torres-Ferguson, Esq., voted 4-0 to adopt the minutes from the October 7, 2015 special meeting. Hon. Elizabeth A. Bozzutto abstained.

Vincent Mauro, Jr. left the meeting at this time.

New Business continued

2. State Marshal Appointment Process -Updated

Robert Giuditta indicated that the Personal Service Agreements were mailed out and the Field Training Marshals were steadily returning them. He stated that 28 of the 34 Personal Service Agreements had been received so far, and letters went out to those applicants authorizing them to begin training.

Ex-Officio Thomas Burke inquired whether the field training marshals would be considered state contractors for purposes of the state contractor contribution provisions. Attorney Montgomery advised that, to trigger the state contractor provisions, a contractor must enter one contract in excess of \$50,000 or more than one contract in excess of \$100,000 with the State. She suggested that it was highly unlikely that the Personal Service Agreement would tip any marshal over these thresholds.

3. State Marshal Advisory Board – Legislative Agenda

Ex-Officio Lisa Stevenson described the three legislative initiatives by the Advisory Board. They are again pursuing a change to permit marshals to mail wage executions out of state. They are also pursuing a change which would permit the marshals to charge a fee to record lis pendens. This change results from a 2015 Attorney General's opinion, which stated that marshals cannot charge such fees. The Advisory Board is also pursuing a legislative change to modify the exception to the 2014 service fee increase for municipalities.

Attorney Montgomery advised that the wage execution change results from several complaints involving employers requesting that marshals send executions to their out of state payroll departments. She indicated that the Commission had permitted this as a matter of policy but this technical change would help resolve future complaints on this issue.

Vice Chairperson Michael Cronin, Esq. then entertained a motion to add an item to the agenda to hear a request by State Marshal Vincent Messina. The Commission, after a motion by Hon. Elizabeth A. Bozzuto, seconded by Sarah Fryxell, Esq., voted 4-0 to open the agenda to add an agenda item and hear from State Marshal Vincent Messina.

State Marshal Vincent Messina indicated that, over the course of the past two years, he had written a couple of letters to the Commission (one eighteen months ago and one nine months ago), as his military retirement date was approaching and his desire was to transition his business to his son. He explained that his son took the state marshal exam twice and scored very well but was not selected to continue the state marshal selection process either time. He indicated that he had discussions with Douglas Rinaldi, former Director of the Commission, in which he offered to train his son to transition his business. He stated that he wanted to keep his office together and his son expressed an interest. He wanted to see if the Commission would entertain his request. He has an extensive collection practice and represented that it would be very difficult to transition all of his work to another marshal. Marshal Messina then diverted the conversation to talk about budget issues in the State of Connecticut, the expense of the current classroom training program, and his experience with software development. He indicated that he has offered to put together a CD-ROM training for the marshals. He then revisited the conversation about the transition of his practice to his son, stating that he comes from a small, close-knit community and confirming that there are no other state marshals in Wolcott.

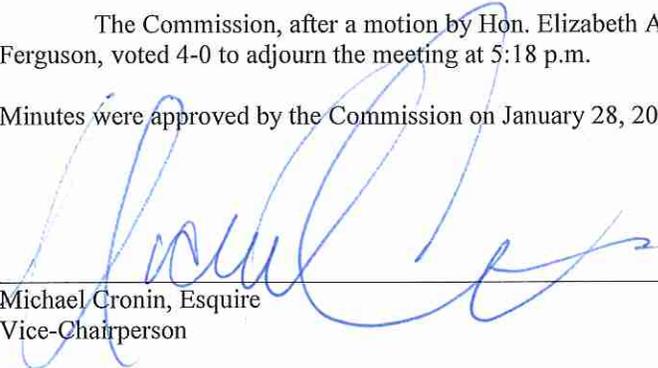
Hon. Elizabeth A. Bozzuto asked for clarification about the process. Vice Chairperson Cronin indicated the he was not sure the Commission's current regulations would allow for an interim appointment. Attorney Montgomery explained that the Commission could determine at any point that there are vacancies that need to be filled. While there are 10 vacancies currently, there are also 10 applicants currently training to be appointed to fill those vacancies. Vice Chairperson Cronin asked if the last set of test results could be used if vacancies were to open up. Attorney Montgomery indicated that she thought they could and stated that she believed the test scores are good for two years. Vice Chairperson Cronin thanked Marshal Messina and indicated that the Commission would look further into the request. The Commission tabled the issue.

A discussion then ensued between Marshal Messina and Vice Chairperson Cronin regarding the training of marshals. Marshal Messina again offered to assist if the Commission ever decided to move from classroom training to software training. Vice Chairperson Cronin indicated that the Commission would need to explore that issue at another time.

The discussion continued concerning the training of Marshal Messina's son. Vice Chairperson Cronin explained that, even if Marshal Messina's badge was retired, there would be a lag time between the badge being retired, the vacancy being created, and a marshal being appointed to replace him. He indicated that there was not currently a process for a marshal to just take another marshal under his wing, as there is a formal appointment and training process.

The Commission, after a motion by Hon. Elizabeth A. Bozzuto, seconded by Mildred Torres-Ferguson, voted 4-0 to adjourn the meeting at 5:18 p.m.

Minutes were approved by the Commission on January 28, 2016.



Michael Cronin, Esquire
Vice-Chairperson