

State of Connecticut
Department of Administrative Services
State Marshal Commission
Das.ct.gov/statemarshal

Douglas Rinaldi
Administrative Manager

Minutes
STATE MARSHAL COMMISSION SPECIAL MEETING
April 30, 2013

Members present ; Michael Cronin, Esq., Vice-Chairperson, and acting Chairperson for this meeting; Vincent Mauro, Jr.; Sarah Holbrook, Esq.; Joel I. Rudikoff, Esq., Mildred Torres-Ferguson and Robert P. LaTorraca. 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). Two positions on the Commission are vacant: the Chairperson vacancy and Judicial appointment vacancy.

Acting Chairperson Michael Cronin, Esq. called the meeting to order at 5:35 p.m.

First Business

The February 20, 2013 meeting minutes were adopted, by a unanimous vote of 6-0, after a motion by Vincent Mauro, Jr., seconded by Sarah Holbrook, Esq.

New Business

Temporary Summary Suspension procedures

After a motion by Joel I. Rudikoff, Esq., seconded by Vincent Mauro, Jr., the Commission unanimously voted 6-0 to add to the agenda an emergency item to the agenda to deal with temporary summary suspension procedures to address issues raised on Marshal Charles M. Valentino, Sr., resulting in the Commission authorizing Michael Cronin, Esq. to administer the summary process procedure and act as the presiding hearing officer on the temporary summary suspension and supporting complaint. An additional vote was taken after a motion by Joel I. Rudikoff and Vincent Mauro, Jr., that authorized Michael Cronin, Esq., to add one or more hearing officers from the Commission members to assist him at his discretion.

Chief Clerk Bibeau/ April 11, 2013 correspondence

After a motion by Sarah Holbrook, Esq., seconded by Joel I. Rudikoff, Esq., the Commission voted unanimously, 6-0, to add to the agenda a letter from Deputy Chief Clerk Bibeau from juvenile court. The Commission considered the issues raised by Chief Clerk Bibeau regarding service and confidentiality of juvenile records. The Commission noted standard practices on open service of process, but authorized its staff to discuss with Chief Clerk Bibeau possible options.

1. Audit/State Marshal Commission

A report was made to the Commission regarding the audit of the Commission by the Auditors of Public Accounts in reference to a reply. The suggestions made regarding end of year reconciliation filings

165 Capitol Avenue,
Hartford, Connecticut 06106
Tel. (860) 713-5372 Fax. (860) 713-5377

on client fund accounts was supported by the Commission.

2. Conn. Gen. Stat. Sec. 14-290/exemptions and cars

The Commission was updated on the meeting with the DMV regarding exemptions on various lights for state marshals and how a written policy is being worked on. The matter will be taken up at future meetings.

3. Department of Children and Families/process fees.

The Commission was informed that the meetings between some DCF staff, state marshals and the staff of the Administrative Office of the State Marshal Commission have resulted in a resolution of the essential issues and the matters will now be addressed in the field.

4. Restraining Order Round Table-New Haven
Restraining Order Policy

The Commission discussed the round table information and proceedings. The Commission concluded that the newly revised information form and the respondent profile form, which have already been approved by the Commission can be sent to Judicial for their review. It was also agreed that the technical corrections in the overall restraining order policy can be forwarded to Judicial to seek the corrections. The Commission also reviewed April 26, 2012 correspondence from two attorneys at the New Haven Legal Assistance Association, Inc. A reply is being prepared.

5. Legislative Update/Including Public Act 13-3 Firearms

The Commission was apprised of the passage of Public Act 13-3, which sets forth new laws on firearms and ammunition. The Commission determined it would take action accordingly to change its Use of Force Policy. The Commission also discussed Bill number 965 on tax warrants and concerns about some of the language that might be in conflict with current service of process law, so the bill will be followed.

6. Use of Force Policy/Firearms

After a motion by Joel I. Rudikoff, Esq., seconded by Mildred-Torres-Ferguson. the Commission voted unanimously, 6-0, to modify the Use of Force Policy to incorporate new firearm legislation in Public Act 13-03 into the Policy.

7 Out of State Process Servers

After a motion by Joel I. Rudikoff, Esq., seconded by Sarah Holbrook, Esq., the Commission voted unanimously, 6-0, to send correspondence to the Office of Attorney General seeking action on Absolute Process and Litigation Services, Inc., of Maryland, and to request a Formal Opinion on tendering and payment of service of process.

The Commission, after a motion by Joel I. Rudikoff, seconded by Sarah Holbrook, Esq., voted unanimously, 6-0, to go into Executive session to discuss personnel issues listed below. The individuals present included those listed above. The Commission voted unanimously 6-0, after a motion by Sarah Holbrook, Esq., seconded by Joel I. Rudikoff, to return to the public record. No votes were taken in executive session.

Oversight Committee/Proposed Final Decisions

The Commission, after a motion by Vincent Mauro, Jr., seconded by Robert P. LaTorraca, unanimously voted, 6-0, to adopt the Oversight Committee's proposed findings of facts and law as its final decisions to dismiss in the following files.

File No.	Name
12-37	Gagnon/Page
12-53	Garcia/Delsin

The Commission, after a motion y Joel I. Rudikoff, seconded by Vincent Mauro, Jr., voted unanimously, 6-0 to adopt the Oversight Committee's proposed findings of fact and law as its final decision in the following files to enter a 3 day suspension, after a 45 day appeal period, in the following consolidated files.

File No.	Name
12-55	Bender/Carragher
12-56	Williams/Carragher

The Commission, after a motion by Vincent Mauro, Jr., seconded by Mildred Torres-Ferguson, unanimously voted, 6-0, to adopt as its final decision, the Oversight Committee's proposed findings of fact and law, but not the sanction , since it was determined the nature of the factual findings warranted a suspension of 14 days which is the final decision.

File No.	Name
12-47	In Re Valentino-capias execution

Complaints

The Commission, after a motion by Vincent Mauro, Jr., seconded by Robert P. LaTorraca voted unanimously, 6-0, to dismiss the following files:

File No.	Name
12-04	In Re Freedman
12-79	Russo/DiLieto
12-81	Wright/Pichiarallo
12-83	Blummer/Christiansen
12-84	Vickery/Tasillo
13-01	Field/Guerrera
13-03	Gellahus/Corbett
13-04	Perry/Criscuolo
13-05	Perry/DeAngelis
13-11	Evangelisti/Brown, M.

The Commission, after a motion by Sarah Holbrook, Esq., seconded by Mildred-Torres Ferguson, voted unanimously, 6-0, to find probable cause in the below noted file and assign it to an Oversight Committee for a hearing.

File No.	Name
12-85	Robinson/Pascale

The Commission, after a motion by Joel I. Rudikoff, Esq., seconded by Vincent Mauro, Jr., voted unanimously, 6-0, to find probable cause in the below noted file and assign it to an Oversight Committee for a hearing.

File No.	Name
13-12	Cofrancesco/Esposito

The Commission, after a motion by Sarah Holbrook, Esq., seconded by Joel I. Rudikoff, Esq., voted unanimously, 6-0, to table the below noted file. The Commission also verified that additional files

that had been on the April 17, 2013 meeting had been tabled due to additional activity on the matters since that date: 13-08 ABC Qureshi/Syed/Pascale (withdrawal in dispute); 13-10 Marshall/Esposito, amended complaint new time to reply given.

File No.	Name
13-09	Safdar/Pascale

The Commission, after a motion by Robert P. LaTorraca, seconded by Joel I. Rudikoff, Esq., voted unanimously, 6-0, to find probable cause in the below noted files and assign them to an Oversight Committee for hearings

File No.	Name
Reconsideration	

The Commission, after a motion by Sarah Holbrook, Esq., seconded by Mildred-Torres-Ferguson, voted unanimously, 6-0, that the lapse of more than 25 days from the filing of the request of reconsideration without Commission action is deemed a denial under Conn. Gen. Stat. Sec. 4-181a.

File No.	Name
12-67	Scianna/Sullivan, James E.

The Commission, after a motion by Robert P. LaTorraca seconded by Joel I. Rudikoff, Esq., voted unanimously, 6-0, to adjourn the meeting at 6:55 p.m.

Minutes were approved by the Commission on June 19, 2013.

Michael Cronin, Esq. Vice-Chairperson