

State of Connecticut
Department of Administrative Services
State Marshal Commission

Peter J. Martin, Esq.
Chairperson

Stephen Dygus
Administrative Manager

draft
Minutes
STATE MARSHAL COMMISSION MEETING
May 25, 2011

Members present: Peter J. Martin, Esq. Chairperson; William W. Cote, Esq., Vice Chairperson; Joseph Ubaldi; Hon. William T. Cremins; Erron Smith; Also present were Ex-Officios Lisa Stevenson (non-voting members) and Administrative Manager Stephen Dygus and Staff Attorney Elizabeth Collins (not voting). Not present were Vincent Mauro, Jr.; Michael Cronin, Esq. and Joel I. Rudikoff, Esq. and Ex-Officio Thomas Burke.

Agenda Items

1. April 26, 2011 minutes:
The April 26, 2011 minutes were adopted, after a motion by Hon. William T. Cremins, seconded by Joseph Ubaldi, unanimous vote of 4-0, with William W. Cote, Esq. abstaining.
2. New Commission Member, Joel I. Rudikoff, Esq.
The appointment of new Commission member Joel I. Rudikoff was announced. He is replacing former Commissioner Joseph P. Quinn, Esq., Jr.

Old Business

1. Judicial meeting/Policy: The Commission reviewed Attorney Denise K. Poncini's reply to the Commission's letter of April 29, 2011, regarding courthouse access policies of the Judicial Branch. The Commission tabled further discussion until it can consider additional information, including but not limited to, input from Hon. William W. Cremins after he, with the assistance of state marshals and the administrative office, reviews what issues are arising in the courthouses as a result of the policies.

2. State Marshal Appointment Policy: The Commission reviewed current regulations, statutes, and policies in a comprehensive appointment policy document that covered the appointment of new state marshals. After discussion the Commission clarified elements to be considered in the appointment and the need to have input from an Ex-Officio member in the process. The Commission, after a motion by William W. Cote, Esq., seconded by Joseph Ubaldi, voted, unanimously, 5-0, to adopt the Appointment Policy as motioned.

3. Summary Suspension Policy: The Commission reviewed the statutory power it has to issue summary suspensions. The Commission determined that it wanted to set procedural protocol and timeline guidelines on the holding of an initial hearing after the issuance of an ex-parte summary suspension. The Commission found a 7 day rule, with additional time for a decision, satisfactory. The Commission, after a motion by William W. Cote, Esq., seconded by Joseph Ubaldi, voted unanimously, 5-0, to adopt the Summary Suspension Policy.

4. Restraining Order Policy: The Commission reviewed the restraining order policy, along with statutory and procedural changes since 2001, in a consolidated update. The Commission determined that the state marshals and the Commission would gain from a comprehensive policy document. The Commission, after a motion by Joseph Ubaldi, seconded by Hon. William T. Cremins, voted unanimously, 5-0, to adopt the consolidated Restraining Order Policy.

5. Ansonia-Milford/call-in request: The Commission, after a motion by Hon. William T. Cremins, seconded by Joseph Ubaldi, voted unanimously, 5-0, to make a formal request of judicial to allow a call-in procedure at the Ansonia-Milford courthouse for restraining order duty.

Inactive Status: The Commission, after a motion by William W. Cote, Esq., seconded by Hon. William T. Cremins, voted unanimously, 5-0, to place the Inactive Status request of State Marshal Roberta Jones on the agenda.

New Business

1. State Marshal Exam It was reported to the Commission that the State Marshal Exam was successfully give on May 18, 2011. There were two session on that day. When the results are in on those who passed the exam, the Commission will be notified.

2. State Marshals Safety Issues

a) Marshal Arthur Quinn

Marshal Arthur Quinn provided the Commission with a comprehensive and compelling overview of his experience of being shot in the line of duty while serving a capias. He emphasized that there were no protocols in place for him or the Commission to follow in the aftermath of the crisis, and he strongly urged the Commission to seek a remedy for a lack of support procedures and attention paid to such matters. After his presentation a number of other state marshals expressed support for Marshal Quinn's position. In the ensuing discussion among Commission member it was determined that there was a need for review of the entire area. The Commission requested that the Administrative Office of the State Marshal Commission work on the matter and report back to the Commission with policy recommendations.

b) Firearms

Marshal David Hubbs led a discussion, based on work done by the Safety Committee of the State Marshal Advisory Board, on the growing dangers to state marshals in the field. He and other marshals commented on recent incidences and the pressing need to address the safety of state marshals. A discussion ensued on the current firearm policy of the Commission and the need for an updating of the policy. The Commission agreed to reconsider the policy and tabled the matter to the next meeting of the Commission so that proposed policy changes could be presented in a written format.

3. State v. Lonnie Anderson verdict . In October of 2009, Mr. Lonnie Anderson shot and wounded Marshal Arthur Quinn, and shot at and narrowly missed other state marshal participating in a capias execution against him. He was criminally charged and went through a jury trial which resulted in a verdict on April 30, 2011. It was reported to the Commission that a verdict of guilty was entered on the following charges: Guilty on 1st degree assault 53a-59(a)(5) and on 1st degree assault on an officer 53a-167c. A not guilty verdict was entered on the charge of attempted murder 53a-54a. The exposure is 40 years, and sentencing has been scheduled.

The Commission, after a motion by Hon. William T. Cremins, seconded by Joseph Ubaldi, voted unanimously, 5-0 to go into Executive session to discuss personnel issues listed below. (Those matters that were deliberated on in the public session at the request of the Respondent are so noted). The individuals present included those listed above .The Commission voted unanimously 5-0, after a motion by Hon. William T. Cremins, seconded by Joseph Ubaldi to return to the public record.

4. Inactive Status

The Commission, after a motion by Hon. William T. Cremins, seconded by William W. Cote, Esq., voted unanimously, 5-0, to accept the Inactive Status request of:

Name	County	Effective Date
Roberta Jones	Hartford	June 1, 2011

5. Firearm/Training Requests

The Commission, after a motion by William W. Cote, Esq., seconded by Hon. William T. Cremins, voted unanimously 5-0, to accept the report on the Marshal DeLucia and authorize him to carry a firearm during his work on capias matters.

6. New Complainants

The Committee, after a motion by Erron Smith, seconded by William W. Cote, Esq., voted unanimously, 5-0, to find probable cause on the below noted files and to refer the matters to an Oversight Committee for a hearing:

File No.	Name
09-49	In Re Richard Krueger (public deliberations)
10-66	Hernandez/Hobart
11-06	Flaherty/Vingiano
11-26	Kirscher/Vingiano

The Committee, after a motion by William W. Cote, Esq., seconded by Joseph Ubaldi, voted unanimously, 5-0, to dismiss the below noted files:

File No.	Name
11-01	Lebby/Stolicny
11-05	Masse/Kaz
11-07	Lucisano/Griffin
11-09	Burdzy/Carragher
11-10	Reardon/Ostop
11-14	Simonette/Wolfe
11-18	Rich/Albrecht (public deliberations)
11-19	Ruggiero/Milardo
11-20	Nugent/Krenitsky
11-21	Specialty Beverage Concepts/Aresco
11-23	Howard/Krueger (public deliberations)

The Committee, after a motion by Joseph Ubaldi, seconded by Hon. William W. Cremins, voted unanimously, 5-0, to table the below noted files:

File No.	Name
10-62	In Re Kenneth Capaldo
11-08	In Re Antinerella

7. Audits

The Committee, after a motion by Joseph Ubaldi, seconded by Erron Smith, voted unanimously, 5-0, to find the responses to the audit reports in the following matters satisfactory.

File No.	Name
18-10	Peter Criscuolo
19-10	James J. Guerrero, Sr.
21-10	Fausto Carusone

The Commission voted unanimously, 5-0, to adjourn, after a motion by Joseph Ubaldi, seconded by Erron Smith.

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Chairperson

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Minutes
STATE MARSHAL COMMISSION MEETING
June 22, 2011

Members present: Peter J. Martin, Esq. Chairperson; William W. Cote, Esq., Vice Chairperson; Vincent Mauro, Jr. Joseph Ubaldi, (who left before the close of business as noted) and Joel Rudikoff, Esq.; Also present were Ex-Officios Lisa Stevenson and Thomas Burke (non-voting members) and Administrative Manager Stephen Dygus and Staff Attorney Elizabeth Collins (not voting). Not present were Michael Cronin, Esq., Hon. William T. Cremins and Erron Smith.

Agenda Items/First Business

The vote to approve the May 25, 2011 minutes was postponed until the next meeting of the Commission due to missing items in the draft minutes.

Commissioner Joel I. Rudikoff, Esq. was recently appointed to the State Marshal Commission. He was introduced by Chairperson Peter J. Martin, then he spoke about his background. Commissioner Rudikoff, Esq. was welcomed to the Commission by the other members.

New Business

1. State Marshal Appointment/Exam Status. The Commission, with Joseph Ubaldi absent, was brought up to date on the recent state marshal exam. Administrative Manager Stephen Dygus informed the Commission that 314 individuals took the exam, 186 passed and 128 did not. The Commission determined that the next step in the process is to have the State Marshal Advisory Board report back to the Commission on their understanding of the needs in each county. As part of that the Commission requested information on how many marshals do their state marshal work as their primary source of income.

2. DMV/Access-State Marshal Commission. The Commission, with Joseph Ubaldi absent, was informed that there have been ongoing discussions regarding the need for state marshals to have access to DMV information during the course of their work. Currently the plan is to have the Administrative Office of the State Marshal Commission assist in access during daytime hours, with some access afterhours through the Department of Public Safety. The program will begin soon.

3. Use of Force Policy/Firearms. The Commission considered the comments of Marshal David Hubbs, who, on behalf of the Safety Committee of the State Marshals Advisory Board, had worked with the Administrative Office of the State Marshal Commission to review and revise firearm policy. After a discussion and questions by Commission members of each other and of state marshals present, the Commission determined that action was needed. The Commission, after a motion by Joseph Ubaldi, seconded by William W. Cote, Esq. voted unanimously, 5-0, to adopt changes to the Use of Force Policy regarding the training requirements and the general use of firearms by state marshals.

4. DSS/Judicial Marshals/Capias Status. The Commission, with Joseph Ubaldi absent, was informed of the new statutory enactment that will allow Judicial Marshals to execute civil capias warrants in the courthouse commencing October 1, 2011. The Commission was also apprised of discussion between the Administrative Office of the State Marshal Commission and DSS/SES regarding improving the distribution and handling of child support capias matters. A survey of state marshals on the capias unit will be circulated to collect information in the area.

The Commission, after a motion by Joseph Ubaldi, seconded by William W. Cote, Esq. voted unanimously, 5-0 to go into Executive session to discuss personnel issues listed below. The individuals present included those listed above. The Commission voted unanimously 5-0, after a motion by Vincent Mauro, Jr. , seconded by William W. Cote, Esq. to return to the public record.

165 Capitol Avenue, Room 483
Hartford, Connecticut 06106
Tel. (860) 713-5372 Fax. 713-5377

Old Business

1. The Committee, after a motion by Vincent Mauro, Jr., seconded by Joseph Ubaldi, voted unanimously, 5-0, to dismiss the below noted files:

File No.	Name
10-62	In Re Kenneth Capaldo
11-08	In Re Antinerella

New Business

5. Oversight Committee

The Committee, after a motion by Vincent Mauro, Jr., seconded by Joseph Ubaldi, voted unanimously, 5-0, to adopt the proposed final decision of the Oversight Committee as the final decision of the state marshal commission, as noted below:

File No.	Name
10-63	In Re Zaniewski 14 day suspension, effective August 8, 2011 or sooner by agreement.

The Committee, after a motion by Vincent Mauro, Jr., seconded by Joseph Ubaldi, voted unanimously 5-0 to table the below noted file:

File No.	Name
10-63	Walter/Andriola

6. New Complaints

The Commission, after a motion by Joel Rudikoff, Esq., seconded by Vincent Mauro, Jr., voted unanimously 5-0 to find probable cause in the below noted file and refer the matter to the Oversight Committee for a hearing on the matter.

File No.	Name
10-81	Hilton/Aresco

The Commission, after a motion by Vincent Mauro, Jr., seconded by Joseph Ubaldi, voted unanimously, 5-0, to dismiss the below noted file:

File No.	Name
11-24	Illies/Sullivan, James E.

7. Resignation/Retirement

The Commission, after a motion by Vincent Mauro, Jr., seconded by William W. Cote, Esq., voted unanimously, 5-0, to accept the retirement/resignation to end the appointment of the below noted state marshal:

Name	County	Effective
Edward Homa	New Haven	June 30, 2011

8. Audits

The Committee, after a motion by Joseph Ubaldi, seconded by Erron Smith, voted unanimously, 5-0, to find the responses to the audit report in the following matter satisfactory.

File No.	Name
06-10	Edward Homa

9. Added Business/Civil Lawsuits and state marshals

After a motion by Joel Rudikoff, Esq., seconded by Vincent Mauro, Jr. to add Civil Lawsuits to the agenda, the Commission voted unanimously, 4-0, with Joseph Ubaldi absent, to add the issue to the agenda. Thereafter a discussion ensued where the Commission was apprised of the growing number of civil lawsuits involving a claimed sovereign citizen collection of individuals filing lawsuits against many public officials, including state marshals. The Commission was also informed that the Attorney General's Office has been informed of the situation. The matter will be monitored.

The Commission voted unanimously, 5-0, to adjourn, after a motion by Vincent Mauro, Jr. seconded by Joel Rudikoff, Esq.