

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

W. Martyn Philpot, Jr., Esq.
Chairperson

Jeffrey Beckham
State Marshal Commission
Staff Director

Minutes
STATE MARSHAL COMMISSION MEETING
May 26, 2016

Members present: Chairperson W. Martyn Philpot, Jr., Esq., Vice Chairperson Michael Cronin, Esq., Sarah Fryxell, Esq., Robert P. LaTorraca, and Michael Desmond. Also present were Ex-Officios Lisa Stevenson and Thomas Burke (non-voting members), Staff Director Jeffrey Beckham and Staff Attorney Jennifer Y. Montgomery. Honorable Elizabeth A. Bozzuto, Mildred Torres-Ferguson, and Tracy L. Dayton, Esq. were not present.

Also present for public session was State Marshal H. Mark DeAngelis.

Chairperson W. Martyn Philpot, Jr., Esq. called the meeting to order at 4:39 p.m.

First Business

1. Minutes

The Commission, after a motion by Vice Chairperson Michael Cronin, Esq., seconded by Robert P. LaTorraca, voted 4-0 to adopt the minutes from the March 24, 2016 meeting. Chairperson W. Martyn Philpot, Jr., Esq. abstained from the vote as he was not present at that meeting.

Old Business

2. Judicial Branch – e-filing

Staff Attorney Jennifer Montgomery, Esq. presented her proposed draft sections of the revised State Marshal Manual pertaining to the Commission's decision to permit state marshals to act as designated filers in the Judicial Branch e-filing system for the limited purposes of uploading case initiation documents including their returns. Attorney Montgomery stressed that this language is permissive as state marshals may but are not required to be designated filers. Lisa Stevenson mentioned that there is a new issue with executions being online only. The Commission accepted these drafts.

New Business

3. Introduction New Staff Director

New Staff Director Jeffrey Beckham introduced himself to the Commission. He explained that he is using the title staff director and that he sees the staff's role as helping the Commission to carry out its responsibilities under statute. He advised that he would be trying to check in with the Chairperson and Vice-Chairperson whenever there are questions about our role. He advised that the office has resource issues due to the departure of the

165 Capitol Avenue, Room 407
Hartford, Connecticut 06106
Tel. (860) 713-5372 Fax (860) 713-7459

paralegal, Laura DiMeola on April 1, 2016. The state budget picture is grim and there are a lot of layoffs. He advised that there is a currently a vacancy which he has asked to be refilled.

Attorney Beckham advised that the office has made a lot of progress with the complaint backlog. The office has some ideas about how to further address the backlog which Attorney Montgomery would present later in the meeting. He further advised that the office is pursuing a vendor to assist with client fund audits and is making inquiries to acquire interns to assist the staff. He met with the Advisory Board last week and looks forward to an ongoing relationship with the board. He provided a brief description of his background and also his current roles within DAS.

4. Complaint Review Process

Attorney Montgomery presented a revised complaint intake process. She described the current process which is to docket every complaint, even those which do not state a violation of the code of conduct or are illegible. She requested that the Commission authorize the staff to screen complaints prior to docketing and dismiss complaints that are deficient on their face with leave for the complaining person to refile if he or she can reform the claim. She advised that this is the process at the Elections Enforcement Commission and the Office of State Ethics.

Chairperson W. Martyn Philpot, Jr., Esq. stated his assessment that it was a good idea and there was a consensus of Commissioners around the table. The Commission, after a motion by Vice Chairperson Michael Cronin, Esq., seconded by Robert P. LaTorraca, voted 5-0 to permit the staff to implement an administrative dismissal process for complaints that are deficient on their face. Ex-Officio Thomas Burke inquired as to whether the administratively dismissed complaints would be part of the state marshal's disciplinary record. Attorney Montgomery advised that the administratively dismissed complaints would not be sent to the state marshal for a response or be entered in the complaint log.

5. Ex-Officio Agenda Items

a. Marshal Hearings and Decisions

Ex-Officio Thomas Burke advised that the complaint process has already been addressed. Some of the complaints have been pending for three or four years. He understands that the backlog was inherited and the staff are addressing it.

b. Ex-Officio Attendance at Hearings and Deliberations

Ex-Officio Thomas Burke advised that he had some concerns about the fact that the ex-officios have been ask to leave the deliberations of the Oversight Committee at hearings. He explained that he believed they could provide technical advice to the hearing officers as to facts of the case. He described the last hearing he attended and mentioned that he could have provided advice about the Complainant's conduct. He advised that he had discussed this issue with Attorney Montgomery who explained that it is a decision of the hearing officers.

Vice-Chairperson Michael Cronin advised that he was against the ex-officios being in the room during deliberations as he believes when the ex-officios are present it is as representatives for the marshals. He thinks it would be like having the lawyer for the respondent present at the deliberations. He does not believe the ex-officios can set this aside and there is a bias inherent in their presence. He further advised that they have their chance at the initial review of the complaints to speak during executive session.

Ex-Officio Burke represented that he understood this point but he does not really take sides. Vice-Chairperson Cronin indicated that he did not believe the Oversight Committees had rendered a decision that he found fault with and Ex-Officio Burke concurred. Ex-Officio Burke mentioned that there had been turnover regarding the members of the Oversight Committees. He explained that at the last hearing he attended he had information he wanted to provide to the Committee but was precluded from doing so. Vice-Chairperson Cronin advised that Ex-Officio Burke would have the opportunity to do so in executive session when the matter was considered by the full Commission. Vice-Chairperson Cronin further indicated that the Commission had always considered the opinions and input of the ex-officios. He advised that the concern was when the respondent is one of

the ex-officios' close friends. Vice-Chairperson Cronin responded to Ex-Officio Burke's concern about the new Oversight Committee members by advising that they had been paired with more experienced hearing officers.

c. Update re: Richard Grimaldi

Ex-Officio Lisa Stevenson advised that Richard Grimaldi had sent a letter to the Commission. Attorney Montgomery advised that the letter had been directed to Staff Director Jeffrey Beckham.

Attorney Beckham advised, at Chairperson Philpot's request, that the letter from Mr. Grimaldi had requested training. He gathered that Mr. Grimaldi had gone through the training process but was unable to attend the classroom training along with two other candidates. He is seeking to be trained at this point although the training took place last year. The Commission contracted with Attorney Owen Eagan to conduct that training. He who was designated as a sole source provider which permitted them to do expedited procurement. He developed and researched a training program which was conducted along with 80 hours of field training by marshals. The cost was \$20,000 for Attorney Eagan. Attorney Beckham advised that this was a decision of the Commission and he has not responded to the letter. He advised that DAS does not have funds in the budget to pay for training for one person. He understood that there was an offer for marshals to conduct the field training but that this would not cover the classroom piece. He also raised that there were two other candidates that were not given alternative dates for the training.

Chairperson W. Martyn Philpot, Jr., Esq. advised that the concern for Mr. Grimaldi was due to the circumstances at issue as he had donated an organ at that time. So the Commission wanted to explore ways to train him. He acknowledged that to the extent there is no money to conduct the training that puts the Commission in a quandary.

Ex-Officio Burke advised that, in the past, marshals were asked to conduct both the classroom training and the field training when there was a shortage of marshals in Litchfield County. In that instance, the Commission decided to do expedited appointment and training and there was no cost.

Chairperson Philpot raised that the issue here was whether the Commission could set aside its relationship with Attorney Eagan at this juncture and allow the marshals to provide this training at no cost. Ex-Officio Stevenson advised that she thought the issue was whether the contract had expired. Attorney Montgomery clarified that the concern was whether or not the Commission was at risk if it designated a sole source provider and did not put the contract out to bid and then, a year later, decided that a group of marshals could simply do the training. Ex-Officio Burke raised that there was precedent and Attorney Montgomery advised that she believed that training was in 2002 or 2003 before Attorney Eagan developed his training program and before the Commission fulfilled its regulatory mandate to develop a training program. She also noted that there was an emergent need in that instance as the Commission did not have enough marshals to cover restraining order duty at the courthouses.

Attorney Beckham advised that another issue is the fact that the Commission is the regulatory body charged with providing this training. If the regulated community trains itself, then the Commission is not fulfilling its mandate. He understands that the program in place is complex and well-researched. Attorney Beckham advised that he could respond to the letter however the Commission wanted but indicated that there did not seem to be an emergent need in that county.

Commissioner Robert P. LaTorraca noted that the Commission had been discussing this issue for months and he noted that we need a solution due to fairness. He stated that we should research whether or not allowing the marshals to do the training is feasible.

Ex-Officio Thomas Burke noted that Mr. Grimaldi has provided extensive training to the Capias Unit. As far as the issue of whether they need assistance in a particular county, this was already addressed when the Commission created the vacancy. Attorney Montgomery advised that there was a vacancy in Tolland and also Fairfield County due to a candidate's withdrawal from the process. Ex-Officio Burke further advised that he believed Attorney Eagan would be amenable to providing the training.

Commissioner Desmond inquired as to whether or not the state owns Attorney Eagan's training program and Attorney Montgomery advised that she believed it was his intellectual property. Ex-officio Stevenson advised that he subcontracts with marshals to present to the class. Attorney Montgomery clarified that Attorney Eagan also provides extensive classroom training in addition to the marshal presenters and compiles books of the relevant statutes and forms.

Chairperson Philpot inquired as to whether these are questions that Attorney Montgomery could research. She advised that at a minimum the Commission would need an opinion from the Attorney General and the Office of State Ethics. Vice-Chairperson Cronin inquired as to whether or not the staff had discussed these issues with Attorney Eagan. Attorney Montgomery advised that she believed there had been a post contract meeting but she did not know everything that was discussed. Chairperson Philpot stated that he believed that the first step should be to reach out to Attorney Eagan and explain the situation.

State Marshal H. Mark DeAngelis advised that, although he did not know Mr. Grimaldi, he believed that the Commission should go above and beyond to get him trained in light of his selfless act. He noted that several state marshals have offered to pay for the training. Attorney Montgomery and Vice-Chairperson Cronin advised that we need opinions on whether the marshals could provide the training either in-kind or monetarily and also whether Attorney Eagan could provide the training at a reduced rate or for free. Attorney Beckham advised that the staff would reach out to Attorney Eagan.

6. Firearms Psychological Exam Requirement

Attorney Montgomery advised that she had an inquiry from a psychologist who conducts exams for state marshals seeking to carry a firearm about the prescribed psychological exam that the Commission requires. Apparently, even though the Commission's Use of Force policy simply states that a marshal must completed a law enforcement oriented psychological examination by a licensed psychiatrist or clinical psychologist, the Commission correspondence requires that a specific exam be conducted called the Inwald Personality Inventory (IPI). The Psychologist inquired about whether he had to do the IPI or whether he could conduct the Minnesota Multiphasic Personality Inventory (MMPI). Attorney Montgomery advised that she researched the two exams and they are both used by law enforcement. The Police Officer Standards and Training Council, which has a similar psychological exam requirement, does not specify which exam be used. Attorney Montgomery requested the Commission's permission to conform the language in the letter to that in the Use of Force Policy.

The Commission, after a motion by Vice Chairperson Michael Cronin, Esq., seconded by Robert P. LaTorraca, voted 5-0 to permit the staff to revise the correspondence regarding the firearm psychological exam requirement to conform with that in the Use of Force Policy adopted by the Commission.

The Commission, after a motion by Sarah Fryxell, Esq., seconded by Vice Chairperson Michael Cronin, Esq., voted 5-0 to enter executive session pursuant to Sections 1-200 and 1-225 of the Connecticut General Statutes to discuss the appointment, performance, evaluation, health or dismissal of a public officer. The individuals present included those listed above, with the exception of State Marshal H. Mark DeAngelis.

The Commission, after a motion by Robert P. LaTorraca, seconded by Sarah Fryxell, Esq., voted 5-0 to return to the public record. No votes were taken in executive session.

7. Proposed Decisions

The Commission, after a motion by Vice Chairperson Michael Cronin, Esq., seconded by Michel Desmond, voted 5-0 to adopt the Proposed Decisions and recommended dispositions in the following files:

| File No. | Name |
|----------|-------------------------|
| 14-61 | Patel/Cappiello, Jr. |
| 14-64 | Lugo/Cappiello, Jr. |
| 15-19 | Griffith/Cappiello, Jr. |

8. Complaints

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

| File No. | Name |
|----------|---------------------|
| 14-51 | Watts/Barbieri, Sr. |
| 15-10 | Douti/Barnes |
| 15-12 | Jevanjian/Krueger |
| 15-51 | In Re Lakowsky |
| 15-05 | Taylor/Purcell |

The Commission, after a motion by Vice Chairperson Michael Cronin, Esq., seconded by Michel Desmond, voted 5-0 to dismiss the following file and to request clarification from the Attorney General's office regarding whether or not a state marshal is mandated to accept out of state service with an associated fee waiver:

| File No. | Name |
|----------|------------|
| 14-52 | Noel/Davis |

The Commission, after a motion by Vice Chairperson Michael Cronin, Esq., seconded by Michel Desmond, voted 5-0 to find probable cause for a hearing for the following files:

| File No. | Name |
|----------|------------------------|
| 14-65 | Rogers/Marinan |
| 15-04 | Brainard-Mori/Vendetto |
| 15-09 | Berliner/Purcell |

The Commission, after a motion by Vice Chairperson Michael Cronin, Esq., seconded by Michel Desmond, voted 5-0 to find probable cause for a hearing and to consolidate the following files for hearing and final decision:

| File No. | Name |
|----------|----------------|
| 15-78 | Harisi/DiFiore |
| 16-10 | Harisi/DiFiore |

The Commission, after a motion by Vice Chairperson Michael Cronin, Esq., seconded by Robert P. LaTorraca, voted 5-0 to administratively close the following files due to the Respondent's death:

| File No. | Name |
|----------|-----------------------------|
| 15-01 | Reichentahl/Sullivan, James |
| 15-43 | DePalma/Sullivan, James |
| 15-79 | Puetz/Sullivan, James |

9. Retirement/Resignation

The Commission, after a motion by Vice Chairperson Michael Cronin, Esq., seconded by Michael Desmond, voted 5-0 to approve the resignations of and provide retirement badges to the following state marshals effective on May 31, 2016:

| Name | County |
|-----------------|-----------|
| Siegrun Pottgen | Fairfield |
| William Pascale | New Haven |

10. Inactive Status – Request for Reinstatement

The Commission, after a motion by Vice Chairperson Michael Cronin, Esq., seconded by Michael Desmond, voted 5-0 to reinstate the following state marshal from inactive status effective immediately:

| Name | County |
|---------------|-----------|
| Tina Makowski | New Haven |

11. Inactive Status – Request

The Commission, after a motion by Vice Chairperson Michael Cronin, Esq., seconded by Robert P. LaTorraca, voted 5-0 to place on inactive status for a period of one year the following state marshal effective July 1, 2016:

| Name | County |
|--------------|-----------|
| Ronald Kadar | Fairfield |

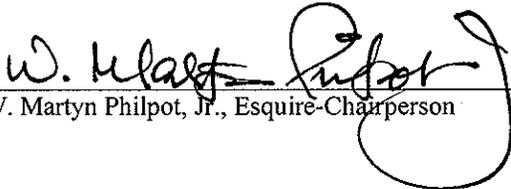
12. Non-Capias Firearms Request

| Name | County |
|--------------|-----------|
| Brian Mesick | New Haven |

The Commission, after a motion by Vice Chairperson Michael Cronin, Esq., seconded by Robert P. LaTorraca, voted 4-1, with Vice Chairperson Michael Cronin, Esq. voting against, to approve the request of State Marshal Brian Mesick to carry a firearm during his non-capias state marshal work, subject to his submission of the requisite insurance, inspection, and training certifications.

The Commission, after a motion by Vice Chairperson Michael Cronin, Esq., seconded by Robert P. LaTorraca voted 5-0 to adjourn the meeting at 6:01 p.m.

Minutes were approved by the Commission on June 23, 2016.



W. Martyn Philpot, Jr., Esquire-Chairperson