

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

W. Martyn Philpot, Jr., Esq.
Chairperson

Jeffrey Beckham
Staff Director

Draft Minutes
STATE MARSHAL COMMISSION MEETING
October 27, 2016

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

Deputy Commissioner of the Department of Administrative Services Toni Fatone, State Representative Minnie Gonzalez, Attorney Paul Garlasco and State Marshals Joseph Heap, H. Mark DeAngelis, Arthur Quinn, Elizabeth Ostrowski, Greg Woodruff, David Hubbs, Julie Ingham, Anthony Cipriano, Keith Niziankiewicz, and Suzann Corbett were present for the public portion of the meeting prior to executive session.

Chairperson W. Martyn Philpot, Jr., Esq. called the meeting to order at 4:56 p.m.

Chairperson Philpot acknowledged State Representative Millie Gonzalez who was present at the meeting and thanked her for attending.

1. Minutes: September 22, 2016 meeting

The Commission, after a motion by Robert P. LaTorraca, seconded by Tracy Lee Dayton, Esq., voted 5-0 to adopt the minutes from the September 22, 2016 meeting.

2. Advisory Board

State Marshal Joseph Heap gave a brief statement regarding his decision to step down as chair and member of the State Marshal Advisory Board. He noted that he had been on the Advisory Board since its inception and had been the secretary until he was elected as chairperson the previous year. He thanked the Commissioner and the Commission staff. He noted his observation that the input from the Advisory Board had been diminished compared to its previous level of involvement with the Commission. He suggested that the members of the Commission and staff, especially those who are non-lawyers, would benefit from doing a ride along with a marshal to better understand their work. He further noted that he would still be serving as a state marshal and welcomed any calls for advice. Chairperson Philpot thanked Marshal Heap for his many years of service.

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

3. Revised Use of Force Policy

Attorney Jennifer Montgomery introduced the issue of the Revised Use of Force Policy. She noted that she had made revisions suggested by Commissioners at the previous meeting and had circulated the revisions for comment via email on October 5, 2016. She noted that she had not, to her knowledge, received comments from any of the Commissioners. She noted that she had received one set of comments but their origin was unclear. She clarified with Ex-Officio Lisa Stevenson that these comments were from the Advisory Board. It was noted that the comments had not been circulated to the Commissioners by the Advisory Board prior to the meeting. Chairperson Philpot asked Ex-Officio Stevenson for an overview of the comments. She noted that they had met with Attorney Elliot Spector, their former instructor, who provided some insight, especially with respect to the Commission and state marshal's liability. He also recommended some changes based on changes in law enforcement since the policy was drafted. Ex-Officio Stevenson noted that she had submitted the comments on October 20, 2016. Attorney Montgomery noted that she had not circulated the proposed changes to the Commission as she had not known the origin of the comments. Jeffrey Beckham suggested that the Commission staff was prepared to speak to the changes they had proposed but could not speak as to the Advisory Board's suggested changes. Attorney Montgomery noted that it might be more efficient to discuss the Commission staff's revisions first and then discuss the Advisory Board's changes. Ex-Officio Thomas Burke noted that State Marshal David Hubbs would be an appropriate person to speak to the Use of Force Policy revisions. Commissioner Tracy Lee Dayton, Esq. noted that she would like to review the Advisory Board's comments prior to discussion. Ex-Officio Stevenson agreed to table. Commissioner Dayton proposed that the Use of Force Policy be considered at a special meeting. Ex-Officio Stevenson requested that State Marshal Hubbs be permitted to speak at that meeting as to the proposed changes. Chairperson Philpot agreed and Attorney Montgomery noted that she would add him to the agenda.

The Commission, after a motion by Tracy Lee Dayton, Esq., seconded by Robert P. LaTorraca, voted 5-0 to table consideration of the Revised Use of Force Policy pending an opportunity to review the comments of the Advisory Board.

4. Capias Firearms

Name	County
John O'Leary	Hartford

Attorney Montgomery recommended that the firearms requests on the agenda be tabled pending consideration of the Use of Force Policy. The Commission, after a motion by Tracy Lee Dayton, Esq., seconded by Michael Desmond, voted 5-0 to table consideration of this firearms request.

5. State Marshal Commission office move

Jeffrey Beckham advised that the Commission office was moving in two weeks to 450 Columbus Boulevard. He advised that the office would provide directions to the Commissioners about where the hearings and meetings would be held at the new building and the procedure for parking. He also advised that directions to the building are available on our website. Attorney Montgomery advised that staff would circulate information about the move to the state marshals via administrative bulletin the next day.

Attorney Montgomery noted that the Respondent in the matter of File No. 10-13 Garlasco had withdrawn her request to have her matter considered on the public record. The Complainant in that matter, Attorney Paul Garlasco, requested permission to address the Commission. That request was denied by Chairperson Philpot.

6. Complaints

Attorney Montgomery made a brief presentation about File No. 15-55 Parkyn/Griffin, a matter where the Respondent allegedly served fee waiver paperwork with a service, left service abode improperly, and engaged in a tense interaction with the Complainant. Attorney Montgomery recommended that the Commission vote to dismiss the matter with some warning language that the Respondent should not have included a copy of the fee waiver paperwork with the service and that no marshal should comment on a client's financial status.

Attorney Montgomery made a brief presentation about File Number 15-46 Zaslow/Quinn. She noted that the matter involved an alleged breach of the entrance to the Complainant's garage to make service. Attorney Montgomery recommended that the Commission vote to dismiss the matter as the administrative record did not support a violation.

Attorney Montgomery made a brief presentation about File Number 15-61 Escoda/Corbett. This case involved the Respondent allegedly failing to provide address information to the Complainant outside of the bounds of a pending service. Attorney Montgomery recommended that the Commission vote to dismiss the matter as the Respondent had acted appropriately.

The Commission, after a motion by Tracy Lee Dayton, Esq., seconded by Michael Desmond, voted 5-0 to enter executive session. The individuals present included those listed above, with the exception of the following: Deputy Commissioner of the Department of Administrative Services Toni Fatone, State Representative Minnie Gonzales, Attorney Paul Garlasco, and State Marshals Joseph Heap, H. Mark DeAngelis, Arthur Quinn, Elizabeth Ostrowski, Greg Woodruff, David Hubbs, Julie Ingham, Anthony Cipriano, Keith Niziankiewicz, and Suzann Corbett were present for the public portion of the meeting prior to executive session.

[Deliberations proposed for 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 Commission, after a motion by Tracy Lee Dayton, Esq., seconded by Michael Desmond, voted 5-0 to return to the public record. No votes were taken in executive session.

The Commission, after a motion by Tracy Lee Dayton, Esq., seconded by Michael Desmond, voted 5-0 to dismiss the following files:

File No.	Name
15-55	Parkyn/Griffin
15-46	Zaslow/Quinn
15-61	Escoda/Corbett

7. Complaints

The Commission, after a motion by Michael Desmond, seconded by Tracy Lee Dayton, Esq., voted 5-0 to dismiss the following files:

File No.	Name
15-39	Ross/Ostop
15-53	Smith/Wright

15-58 White/Brandi
15-60 Coppola/Longobardi

The Commission, after a motion by Tracy Lee Dayton, Esq., seconded by Michael Desmond, voted 5-0 to find probable cause for a hearing in the following files:

File No. Name
15-44 Abdul/Lakowsky
15-59 Conte/Davies

The Commission, after a motion by Tracy Lee Dayton, Esq., seconded by Michael Desmond, voted 5-0 to lift the stay of the following file:

10-13 Garlasco/Corbett

The Commission, after a motion by Michael Desmond, seconded by Tracy Lee Dayton, Esq., voted 5-0 to administratively dismiss File No. 10-13 due to the passage of time.

The Commission, after a motion by Tracy Lee Dayton, Esq., seconded by Michael Desmond, voted 5-0 to table the following firearms requests under Items 8 and 9 on the Agenda until the Revised Use of Force Policy is adopted:

8. Capias Firearms

Name	County
Peter Meshanic	Tolland
Anthony Cipriano	Hartford
Kevin McCrewell	Tolland
Charles Dingle	Hartford

9. Non-Capias Firearms

Name	County
Christopher Paoletti	Fairfield

Chairperson Philpot raised a point of personal privilege and noted that Ex-Officio Thomas Burke was stepping down from his position as ex-officio on the Commission. He thanked Ex-Officio Burke on behalf of the Commission for his many fine years of service. Ex-Officio Burke thanked the Commission. He noted that it was a difficult decision and the Commissioners had always welcomed his comments. He further noted that he would still be serving papers and welcomed any calls for advice. Commissioner LaTorraca wished Ex-Officio Burke good luck.

The Commission, after a motion by Tracy Lee Dayton, Esq., seconded by Michael Desmond voted 5-0 to adjourn the meeting at 6:01 p.m.