

STATE OF CONNECTICUT
DEPARTMENT OF ADMINISTRATIVE SERVICES
STATE MARSHAL COMMISSION
450 Columbus Blvd., Suite 1403, Hartford, CT 06103
Tel. 860-713-5372 Fax. (860) 622-2938
Meeting is in North Plaza Meeting Room J at 4:30 p.m.

DRAFT MINUTES
STATE MARSHAL COMMISSION MEETING
June 20, 2019

Members present: Chairperson W. Martyn Philpot, Jr., Esq., Michael Desmond (via teleconference call), Honorable Lisa K. Morgan (via teleconference call), John Vamos (via teleconference call), and Shirley Harrell, Esq. Also present were Staff Attorney Jennifer Y. Montgomery and ex-officio members (non-voting) Julianne Ingham and Keith Niziankiewicz. Mildred Torres-Ferguson, Bryan Cafferelli, Esq., and Staff Director Douglas J. Moore were not present.

Chairperson W. Martyn Philpot, Jr., Esq. called the meeting to order at 4:52 p.m.

First Business

1. Minutes: April 25, 2019 meeting

The Commission, after a motion by Honorable Lisa K. Morgan, seconded by Shirley Harrell, Esq., voted 5-0 to adopt the minutes from the April 25, 2019 meeting.

The Commission, after a motion by Shirley Harrell, Esq., seconded by Honorable Lisa K. Morgan, voted to add item 4 under Agenda Item 3 Advisory Board for the service of subpoenas on DCF employees

New Business

2. Legal Memorandum Judicial Branch - Service of Papers
Downloaded from the Judicial Branch's Electronic Filing Database

Staff Attorney Jennifer Y. Montgomery advised the Commission about a shift in policy at the Judicial Branch to issue only electronic versions of post judgment orders such as executions. After the judge or clerk signs the order, under policy, the clerk will scan the execution into the e-filing system and then destroy the original signed execution thus making the scanned version the original. The Commission issued an Administrative Bulletin in 2016 advising marshals that they could serve such executions when downloaded from the e-filing system and should indicate this on their returns. The Commission has recently been receiving reports from clerks and attorneys that marshals are refusing to serve copies of executions that have been downloaded from the e-filing system. The Commission office issued a new Administrative Bulletin on the issue and also reached out to the Judicial Branch raising the issue in a conference call. The legal department at the Judicial Branch responded by issuing a memorandum which concludes that clerks must follow the scanning procedure and are not permitted to keep signed blue ink copies of the executions. The memorandum addresses that under the Judicial Branch's procedure and technical manual for the e-filing system, the scanned order becomes the original as soon as it is scanned. It also cites case law which holds that a marshal is not required to assess the validity of what he or she serves and can accept it on its face.

Honorable Lisa K. Morgan advised that she personally signs very few orders with a pen, and the practice in her court, absent extraordinary circumstances, is to issue orders with just her typed juris number. She also advised that the orders contain a statement that the order is the original for purposes of service.

Ex-Officio Keith Niziankiewicz raised the issue of serving an emailed copy of a summons and complaint that just contains the typed juris number of the attorney and was saved as a file. Honorable Lisa K. Morgan noted that it would be considered an original under the procedures. Attorney Montgomery noted that it was an interesting question but was not before the Commission for this agenda item.

3. Advisory Board

1. State Marshal Commission office staffing

Attorney Montgomery read an email from Staff Director Doug Moore into the record which provided an update about DMV access which he is attempting to secure through CT's Criminal Justice Information System. In addition, he reported that three additional clerical staff from other DAS divisions have been added to the state marshal commission phone line to ensure that the line is answered on a regular basis.

Ex-Officio Ingham noted that the Advisory Board's position is that the Commission office needs a full time secretary. Ex-Officio Niziankiewicz noted that often complaints could be avoided if callers were provided with good information. Chairperson Philpot noted his position that the Commission wants a full time staff person for the Commission office and also noted that they should call the Governor's office and the Commissioner's office.

Chairperson Philpot requested that this issue be placed on the agenda for July.

2. DMV Line

Ex-Officio Ingham noted that they were thrilled with the Commission's movement in securing DMV access. Honorable Lisa K. Morgan noted that while the Judicial Branch is supportive they cannot take further action on the issue.

3. General Marshal Survey - Next of Kin Information

Ex-Officio Ingham noted that the Commission office would like to send something out to request updated information be provided to the Commission. She noted her position that the Commission should revise the Audit Policy to require marshals with a client fund account to provide next of kin or bookkeeper contact information. Attorney Montgomery noted that she was in agreement and recommended that she would, on the Commission's authorization, draft an addendum to the Audit Policy for the next meeting. The Commission reached a general consensus with this course of action and authorized Attorney Montgomery to draft an addendum.

4. Procedure for DCF Regarding Service of Subpoenas

Attorney Montgomery noted that the Commission office had received a proposed procedure from DCF in response to those issues serving subpoenas at DCF raised by the Ex-Officios at the March meeting. Under this procedure, marshals must first contact the legal department at the area office who will then get verbal authorization to accept the subpoena on the employee's behalf. The marshal can then arrange to serve the legal team member. The Commission reached a general consensus that the Commission office should circulate this new policy via Administrative Bulletin to the marshals. The Ex-Officios noted that

this policy presented a big improvement and they would like to thank Staff Director Moore for this resolution.

[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 Shirley Harrell, Esq, seconded by Honorable Lisa K. Morgan, voted 5-0 to enter executive session.

The Commission, after a motion by Honorable Lisa K. Morgan, seconded by Shirley Harrell, Esq., voted 5-0 to return to the public record. No votes were taken in executive session.

4. Request to Lift Stay

The Commission, after a motion by Honorable Lisa K. Morgan, seconded by Shirley Harrell, Esq., voted 5-0 to lift the stay in the following matter:

File No.	Name
17-22	Wright/Pichiarallo

5. Complaints

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

File No.	Name
17-22	Wright/Pichiarallo
18-65	Liso/Corbett
18-68	In Re Illingworth
18-69	Rodgers/Bryk
18-70	Pereira/Paoletti

The Commission, after a motion by Shirley Harrell, Esq, seconded by Honorable Lisa K. Morgan, voted 5-0 to find probable cause for a hearing in the following file:

File No.	Name
18-71	Roy/Dussault

6. Stay

The Commission, after a motion by Honorable Lisa K. Morgan, seconded by Michael Desmond, voted 5-0 to grant the Respondent's request through counsel for a stay in the following matter:

File No.	Name
19-28	In Re Colon

7. Request to Extend Inactive Status

The Commission, after a motion by Shirley Harrell, Esq, seconded by Honorable Lisa K. Morgan, voted 5-0 to grant the following marshal's request to extend his inactive status for a period of one year:

Name	County
Gerald Raimo	New Haven

8. Retirement/Resignation

The Commission, after a motion by Honorable Lisa K. Morgan, seconded by John Vamos, voted 5-0 to grant the following marshal's retirement:

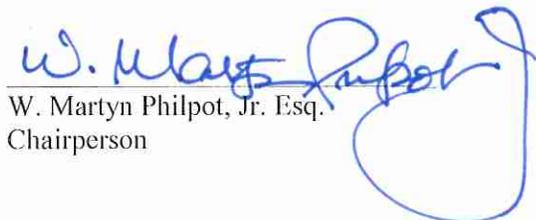
Name	County	Effective Date
Nancy Marino	Hartford	June 30, 2019

The Commission voted to issue a retirement badge to this marshal.

The Commission, after a motion by Shirley Harrell, Esq, seconded by John Vamos, voted 5-0 to adjourn the meeting.

The meeting was adjourned at 5:57 pm

Minutes were adopted by the State Marshal Commission at its July 25, 2019 meeting


W. Martyn Philpot, Jr. Esq.
Chairperson