

STATE OF CONNECTICUT  
DEPARTMENT OF ADMINISTRATIVE SERVICES  
STATE MARSHAL COMMISSION  
450 Columbus Blvd., Suite 1504, Hartford, CT 06103  
Tel. 860-713-5372 Fax. (860) 622-2938  
Meeting is in North Plaza Meeting Room J at 4:30 p.m.

MINUTES  
STATE MARSHAL COMMISSION MEETING  
February 28, 2019

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

Chairperson W. Martyn Philpot, Jr., Esq. called the meeting to order at 4:37 p.m. As an initial matter, Chairperson Philpot welcomed new Commissioner Bryan Cafferelli, Esq.

First Business

1. Minutes: November 29, 2018 meeting

The Commission, after a motion by Honorable Lisa K. Morgan, seconded by Shirley Harrell, Esq., voted 4-0 to adopt the minutes from the January 24, 2019 meeting. Bryan Cafferelli, Esq. abstained from the vote.

2. Resolutions for Departing Ex-Officio Members

Attorney Montgomery stated that she had prepared resolutions for outgoing Ex-Officio members Lisa Stevenson and Thomas Burke as requested by the Commission at the January 24, 2019 meeting. Attorney Montgomery specifically acknowledged Marshal Stevenson who was present at the meeting and read her resolution into the record.

3. Service on Designated Agent at Department of Corrections  
Request for Informal Opinion of Attorney General

Attorney Montgomery noted that, after the January 24, 2019 Commission meeting, both she and Ex-Officio Ingham had spoken with Attorney Nancy O'Brasky at the Department of Corrections (DOC) about the DOC's directive that each correctional facility designate an agent for service of process to receive service when a DOC employee or official is sued in his or her individual capacity.

Attorney O'Brasky reported to Attorney Montgomery that she had spoken with Assistant Attorney General Terrance O'Neill. He verbally indicated to her his position that the Attorney General's office would not have an issue with complaints served under the DOC directive and he further noted his belief that this issue had been dealt with by the court. He provided Attorney O'Brasky with a Connecticut Supreme Court decision by email. Attorney O'Brasky indicated to Attorney Montgomery her belief that this case was not on point and that the statute does not specifically provide for service on an agent. She provided the decision to Attorney Montgomery. Attorney Montgomery reviewed the case and noted that it only addressed the issue of serving someone in their individual capacity at the Attorney General's office and did not address the issue of serving a designated agent at their place of employment when someone is

sued in their individual capacity. Attorney Montgomery noted that she intended to contact Assistant Attorney General O'Neill. She recommended that the Commission ask the Attorney General's office for an informal opinion. There was a general consensus of the Commissioners present that the Commission should seek an informal opinion from the Attorney General's office on the issue.

Ex-Officio Ingham described a related issue at the Hartford courthouse in inmate matters. She noted that the court was only issuing fee waivers paying for service at the Attorney General's office, which would not cover the fee to serve the defendant individually, as this cannot be done at the Attorney General's office. She further noted that, as a result, marshals were required to return papers to the inmates and seek payment for the cost to serve the defendants individually. Commissioner Morgan noted that she would reach out to the Hartford Courthouse regarding the issue and follow up with Ex-Officio Ingham.

#### New Business

#### 4. Recognition of Departing Secretary Pamela Perrin

Chairperson Philpot noted that the Commission Office Secretary Pamela Perrin had accepted a promotional opportunity at another agency. He commended her for her nine years of excellent service to the Commission office. Ex-Officio Niziankiewicz echoed this sentiment and noted that Ms. Perrin had greatly helped the state marshals. Chairperson Philpot noted his belief that the Commission should issue Ms. Perrin a resolution acknowledging her service.

#### 5. State Marshal Next of Kin Information

Attorney Montgomery raised that a marshal had contacted the Commission office and recommended that the Commission gather next of kin information from each marshal to facilitate the transition of execution work after a marshal's death. Attorney Montgomery noted her agreement with the suggestion and noted that the Commission office could do a questionnaire. Commissioner Harrell indicated her belief that the form should be simple and potentially made available online. Attorney Montgomery agreed that it should be simple but noted that many marshals were not computer savvy. Chairperson Philpot noted his agreement with the idea so long as compliance with the questionnaire was not mandatory. There was a general consensus of the Commissioners present that the Commission office should design and circulate the proposed questionnaire.

#### 6. DMV Address Verification Telephone Line

Director Moore indicated that he had not been given permission to hire a replacement for Ms. Perrin and that the Commission office would be utilizing existing administrative staff to keep the Commission work going. Accordingly, the office does not have someone to staff the Department of Motor Vehicle address verification telephone line. He noted that he had consulted the DAS Commissioner and DAS would be cancelling the Memorandum of Understanding which provided for the provision of the service to marshals. He further noted that the MOU called for a 30-Day notice period but they had decided to provide a 60-day notice period so that marshals could find another method to find the information. Ex-Officio Ingham noted that this may subject marshals to liability as they are required to verify addresses under statute. Ex-Officio Niziankiewicz noted that attorneys are afforded direct access to address information. Director Moore noted that the DMV's provision of the information was discretionary under statute. At Chairperson Philpot's suggestion, Director Moore noted that he would reach out to the DMV and inquire about the options for marshals accessing the address information.

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

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

## 7. Complaints

The Commission, after a motion by Honorable Lisa K. Morgan, seconded Shirley Harrell, Esq., voted 4-0 to dismiss the following files:

File No.	Name
18-48	Gingras/Dussault
18-49	Calder/Cosgrove
18-51	Lewis/Corbett
18-54	Beers/Pichiarello

Bryan Cafferelli, Esq. abstained from the vote.

The Commission, after a motion by Honorable Lisa K. Morgan, seconded Shirley Harrell, Esq., voted 4-0 to find probable cause for a hearing in the following files:

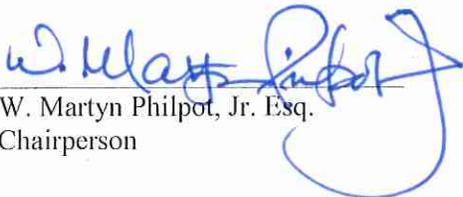
File No.	Name
18-50	Martinez/Poloski
18-52	Capozzi/Fry W.
18-53	Casciano/Conroy

Bryan Cafferelli, Esq. abstained from the vote.

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

The meeting was adjourned at 5:52 p.m.

Minutes were adopted by the State Marshal Commission at its March 28, 2019 meeting

  
W. Martyn Philpot, Jr. Esq.  
Chairperson