

STATE OF CONNECTICUT  
DEPARTMENT OF ADMINISTRATIVE SERVICES  
STATE MARSHAL COMMISSION  
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Meeting is in North Plaza Meeting Room J at 4:30 p.m.

(DRAFT) MINUTES  
STATE MARSHAL COMMISSION MEETING  
January 23, 2020

Commissioner Harrell, Vice-Chair, called the meeting to order at 4:37 p.m. She announced that State Marshal Commission Chair W. Martyn Philpot, Jr., has officially tendered, to the governor, his formal letter of resignation, effective 01/31/2020. Commissioner Philpot also notified the Commission that he would be unable to make today's meeting, thus, Commissioner Harrell has stepped in as acting chair, and we will continue in this vein until such time as a permanent replacement chair is appointed.

Acting Chair Commissioner Harrell confirmed all members and persons in attendance, and verified that a 5 voting member quorum was present.

Members present: Vice-Chair Shirley Harrell; Bryan Cafferelli; John Vamos; Honorable Susan Connors (via teleconference call); Michael Desmond (via teleconference call); Ex-officio (non-voting) Members State Marshals Thomas Burke and Lisa Stevenson; Staff Director Doug Moore; Staff Attorney Thomas J. Sousa, Jr.

Members absent: Chair W. Martyn Philpot, Jr.; Mildred Torres-Ferguson.

Guests/Members of the public present: None.

Commissioner Harrell referred to Attorney Sousa who presented initial administrative notes regarding the format of new binders for commission members, including the binder tabbing system corresponding to meeting agenda item number sequence, and the fact that he has the complete complaint files for reference during the probable cause inquiries/deliberations which will occur later in the meeting.

**Topics:**

**1. Minutes: November 21, 2019 Meeting:**

The Commission, after a motion by Commissioner Vamos, seconded by Commissioner Cafferelli, voted 5-0 to adopt the minutes from the November 21, 2019 regular meeting.

**2. SMC Chair and Staff Issues:**

Staff Director Douglas Moore reported that he continues to pursue additional full-time administrative staffing for the Commission; Roz White's work station has been relocated to the 14<sup>th</sup> floor, where she will now assist in addressing the complaint backlog and provide additional administrative support, while still answering the DMV line; Roz White's position has been extended through June 2020.

**3. Restraining Order Duty/Online Calendar:**

Staff Director Moore stated that the restraining order duty online calendar system is up and running. An administrative bulletin has been sent out to the marshals. The bulletin goes into detail on how they gain

access to the online restraining order duty calendar, and how they can make changes to the schedule. The only thing that a marshal cannot do, is if a marshal from a different courthouse in the same county wants to take over the duty for another marshal, right now they are unable to make that change. They will have to call the Commission and have one of the full time staff administrators go into the system to make that type of change.

There have been a couple of minor problems, but so far the system seems to be working well and has been a time saver for the Commission staff.

#### **4. State Marshal Access to DMV Records**

Staff Director Moore stated the new MOU has been signed by DAS, DMV and Connecticut Criminal Justice Information System (CJIS). CJIS should now begin working on the new process for state marshals to get direct access to DMV records online from their home computers or laptops. We're hopeful that within 6 months, if not less, marshals should have direct access to the DMV system.

Acting Chair Commissioner Harrell asked about the system's cost. Staff Director Moore reported that initial construction of the platform will cost \$60,000 which DAS and DMV will divide equally, so each agency will provide \$30,000. Once the system is active, the ongoing operational expense is projected at \$8,500 annually, which DAS will pay the entirety of.

Acting Chair Commissioner Harrell asked if there will be any cost charged to marshals who use the system. A general discussion took place regarding this topic, with comments from Ex-officio members State Marshals Burke and Stevenson, who have attended meetings with DMV and CJIS, and have been working on this issue with Commissioner Mildred Torres-Ferguson. State marshals using the DMV system will be charged a fee, but specific details are still pending. The fee will likely be \$10 per successfully completed inquiry, to be billed quarterly by DMV. A statutory change may be required to authorize the State Marshals to seek reimbursement from their clients. Marshals will be able to make payment to DMV by credit card.

Marshal Burke raised the topic of allowing marshals to seek reimbursement of DMV fees from clients prior to enactment of a legislative change. Staff Director Moore tasked Attorney Sousa to look into a proposed statutory change which will allow marshals to pass the DMV transactional fee on to their clients.

Acting Chair Commissioner Harrell asked Attorney Sousa to research the DMV transactional fee reimbursement issue and get back to the Commission with some recommendations as to what his findings are, and the Commission can revisit this topic at next month's meeting.

#### **5. Former Marshal Dominic DiFiore:**

Attorney Sousa informed the Commission that the Indiana State Police called in December to report that during a traffic stop, former State Marshal DiFiore had Connecticut State Marshal Badge #460 in his possession. The Indiana State Police were inquiring as to Mr. DiFiore's marshal status in Connecticut, since he is now living and working in Indiana.

Attorney Sousa responded with a letter, a copy of which is provided to the Commission members, to the Bloomington, Indiana State Police District Commander, informing him that DiFiore has not been a Connecticut State Marshal since 2017, and requesting his agency's assistance in returning the badge to Connecticut if his troopers encounter Mr. DiFiore in the future and he were to voluntarily surrender the badge.

Marshal Burke reported his belief that some marshals may have made duplicate badges, which they are not supposed to do. He suggested the Commission consider marking the official badges in some way, making it easier to differentiate a copy from an original.

## 6. State Marshal Badges

Staff Attorney Sousa reported on his completing an end-of-year inventory of badges. The commission currently has 32 serviceable badges on hand; 5 badges with defects; and two retired badges.

Staff Director Moore has directed Attorney Sousa to pursue the purchase of 10 additional retired badges. Attorney Sousa initiated communications with one local vendor, and that vendor offers a lifetime warranty for the badges it sells. Cost of badges fluctuates depending on the market price of gold.

Marshal Burke suggested the commission order badges with a slide or clip type fastener, which works better with cases and is more durable than the fragile pin-on type clasps.

Upon receiving a badge, marshals will be required to sign a receipt indicating their awareness and agreement that the badge is state property to be returned when they leave active status, they are not authorized to make duplicate badges, and they will be charged for any lost badge.

## 7. Administrative *Per Se* Violations

In an effort to streamline the complaint process, Attorney Sousa proposed the Commission explore classifying certain situations as *per se* violations. Administrative *per se* violations would not require any additional proof, evidence or investigation. Common *per se* examples currently found under Connecticut law include C.G.S. § 14-227a DWI/DUI blood alcohol content laws; price-fixing/anti-trust/bid-rigging violations; and *negligence per se* statutes.

Certain failures to timely comply with the State Marshal Calendar of Obligations requirements, like failure to submit the statutory annual fee by the October 1st due date, or failure to submit proof of liability insurance by the July 1st due date would be classified as administrative *per se* violations and subject to an automatic finding of probable cause.

Marshals are provided ample notice of these requirements, such as publication in state statutes; the calendar of obligations posted on the Commission website; administrative bulletins periodically emailed to marshals; and reminder letters, emails and telephone calls from the Commission staff.

The goals of this initiative are to improve timely compliance by marshals, simplify and expedite the complaint process, reduce administrative burdens on Commission staff, and facilitate earlier identification of marshals who may be experiencing financial or other difficulties.

Acting Chair Commissioner Harrell asked if, under current practice, these matters are being subjected to the routine probable cause inquiry, to which Attorney Sousa replied in the affirmative.

Commissioner Hon. Susan Connors asked if a simplified *per se* violation process would assist the Commission by reducing burden on the office staff. Staff Director Moore stated that it would.

Acting Chair Commissioner Harrell asked if probable cause was normally found in these type cases, or would it be a deviation from current practice. Attorney Sousa replied that probable cause is routinely found in violations of this nature.

Staff Director Moore directed Attorney Sousa to investigate and determine if the filing of a Statement of Financial Interest, as shown on the Calendar of Obligations, is still an annual requirement.

Commissioner Cafferelli asked if we would need statutory changes to authorize these type *per se* violation procedures because the proposed policy change may short circuit rights provided under the Uniform Administrative Procedures Act. Attorney Sousa opined that the proposed policy process would likely require changes to the Regulations of State Agencies.

Ex-Officio Marshal Burke stated that it is totally wrong if a marshal is out there uninsured while serving papers. Staff Director Moore proposed the Commission immediately contact any marshal who is delinquent in providing requisite proof of liability insurance by the required due date, and recommend in writing that the marshal refrain from work involving service of process if their liability insurance has lapsed.

Acting Chair Commissioner Harrell asked Attorney Sousa to return to the next meeting with some proposed language on this topic.

Commissioner Vamos stated that if the administrative *per se* violations process is adopted, resulting in a quickened scheduling of Oversight Committee hearings, it will be very important for Commissioners to make themselves available to step in to serve as hearing officers.

## **8. DOC Service of Process**

Attorney Sousa addressed the commission regarding proposed statutory language changes to the appointment of a designated Agent for Service and service of process requirements for Department of Correction (DOC) employees who are being served in their individual capacity, usually as a result of inmate complaints.

Ex-officio member Marshal Burke asked about the impact of out-of-county service, and Attorney Sousa stated that issue should not be a problem once the statutory change is implemented, as it would be procedurally similar to service on the Insurance Commissioner or Secretary of State.

Acting Chair Commissioner Harrell requested more information on this topic, and a current update for the next meeting, from Attorney Sousa.

## **9. State Marshal Johnston, Audit Request**

Attorney Sousa reported that Marshal Doherty has been appointed to take over the late Marshal Johnston's account and executions, and a death audit request was referred to the State Auditors of Public Accounts. The State Auditors of Public accounts have requested the Commission provide further documentation regarding Marshal Johnston's prior filings, which Attorney Sousa is in the process of providing.

## **10. POSTC Training for Capias Unit & Armed Marshals**

Staff Attorney Sousa reported that the training sessions at the Connecticut Police Academy for Capias Unit and firearms marshals are scheduled for the period 27-30 April, 2020. The proposed 2020 training schedule received from POSTC, along with the 2016 MOU between DAS and DESPP, are included in the Commissioner's binders for reference.

Following a discussion, Commissioner Cafferelli, made a motion to extend the expiration date of mandatory formal training requirements for all currently serving state marshal firearms and capias unit individuals, through May 31, 2020. Seconded by Commissioner Vamos, the motion passed by a vote of 5-0.

## **11. City of Hartford Parking for State Marshals**

Attorney Sousa reported on a meeting that Staff Director Moore, Attorney Sousa, Marshal Burke and Marshal Stevenson attended at Hartford City Hall with Armindo Gomes, the new CEO of Hartford Parking Authority, and Hartford City Counsel.

Marshal Stevenson provided more detail on the meeting and the provisions of C.G.S. § 14-290, which allow marshals an exemption from municipal parking ordinances when they are engaged in the

performance of official duties. The marshals have been working for several years with the Hartford Parking Authority. The Advisory Board will further discuss this topic at their February 4, 2020 meeting. The Parking Authority has requested specific vehicle information from the marshals.

Marshal Burke stated that the Hartford Parking Authority's new CEO is very easy to work with and reasonable. The meeting went very well.

*Commissioner Cafferelli made a motion to enter executive session. Seconded by Commissioner Vamos, the motion passed by a vote of 5-0 [at this point deliberations were conducted in 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].*

*After a motion by Commissioner Vamos to come out of executive session, seconded by Commissioner Cafferelli, and motion passing by a vote of 5-0, the Commission went back on the record at 5:40 p.m.*

## **12. Pending Complaints/Probable Cause Inquiry**

The Commission, after a motion by Commissioner Cafferelli, seconded by Commissioner Vamos, voted 5-0 to find probable cause for an Oversight Committee hearing in the following files:

<u>File No.</u>	<u>Name</u>
19-06	Ce'Sowski/Dingle
19-09	McNeill/Christiansen
19-27	Valentine/Barnes
19-12A	Pinto/Karpovich
19-54	Williams/Karpovich
19-62	In Re Karpovich
19-61	Sung/DiLieto
19-64	Speer/LoGioco

The Commission, after a motion by Commissioner Cafferelli, seconded by Commissioner Vamos, voted 5-0 to dismiss the following complaints:

<u>File No.</u>	<u>Name</u>
19-07	Day/Kaz
19-55	Dunn/Kaz

## **13. Retirement/Resignation**

Staff Attorney Sousa reported that the Commission has received an Affidavit to Resign, dated January 15, 2020, from inactive State Marshal Edwin Olavarria of Fairfield County. The standard affidavit to resign form contains a section wherein the marshal indicates if he/she would like to be issued a retired badge. State Marshal Olavarria indicated he requests a retirement badge.

A general discussion then took place regarding whether the Commission should establish and adopt a specific minimum service time eligibility requirement for award of retired badges.

Marshal Stevenson said the State Marshal Advisory Board suggested 5 years of completed active status in order to qualify for the retired badge.

Marshal Burke stated the marshal's character of service should be taken into consideration as well. Thus the requirement could be something like, "*the completion of five years of active honorable service in good standing as a Connecticut State Marshal.*"

Attorney Sousa suggested an exception be made for marshals who become physically disabled in the line of duty prior to meeting the minimum time requirement.

Marshal Burke opined the exception could also be extended to situations where a marshal contracts a terminal or serious illness prior to meeting the minimum time requirement.

Under the existing practice the State Marshal Commission has been considering a marshal's complaint/disciplinary record when voting to approve requests for award of the retired badge. It is expected that such practice will continue.

The Commission, after a motion by Commissioner Cafferelli, seconded by Commissioner Vamos, voted 5-0 to accept the resignation of State Marshal Edwin Olavarria of Fairfield County, effective 01/20/2020; but deferred issuance of a retired badge until the February 2020 State Marshal Commission meeting, at which time the staff attorney will submit further details, and the ex-officio members can provide their recommendations.

#### **14. State Marshall Robert J. Tasillo**

Attorney Sousa cited paragraph 14 of the 09/26/2019 State Marshal Commission meeting minutes, in which Commissioner Philpot deferred action on the Robert J. Tasillo situation until such time as "an attorney is on staff".

Upon his appointment to the commission staff position, Attorney Sousa took up the issue of State Marshal Tasillo, who has been carried on the inactive marshal roll since 08/24/2017, after which time the Commission lost track of him. Mail addressed to a former Hartford address was returned undeliverable. There are three outstanding complaint cases against Marshal Tasillo; two of which were stayed on 07/27/2017, pending any future reinstatement from inactive status.

Attorney Sousa summarized the steps he took to find Marshal Tasillo, which included asking Marshal Stevenson for assistance. Attorney Sousa checked the Hartford Tax Assessor database, DMV license and registration lookup, rolls of registered voters, local obituaries, the probate courts, etc. Attorney Sousa was able to determine that Marshal Tasillo currently resides in a nursing home with a conservator appointed over him.

Marshal Stevenson reported on her 01/22/2020 visit with Marshal Tasillo at Windsor Health & Rehab. While there she had Marshal Tasillo sign an Affidavit to Resign. Marshal Stevenson states his badge was lost during an eviction, and she recommends the Commission not issue a retired badge due to the strong likelihood that it could be lost or stolen from Marshal Tasillo. Marshal Stevenson provided personal background information about Marshal Tasillo, whom she worked with in Hartford County. Because of his advanced age and current physical state, it is Marshal Stevenson's opinion that Marshal Tasillo will not be able to return to an active status.

Commissioner Cafferelli made a motion to transfer Robert J. Tasillo from the inactive state marshal list to the retired state marshal list, and further to dismiss any outstanding unresolved complaints against Marshal Tasillo. Seconded by Commissioner Vamos, the motion passed unanimously.

**Closing Business**

The Commission, after a motion by Commissioner Cafferelli, and seconded by Commissioner Vamos; voted 5-0 to adjourn the meeting.

The meeting was adjourned at 5:57 pm.