

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.

MINUTES
STATE MARSHAL COMMISSION MEETING
March 28, 2019

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

Chairperson W. Martyn Philpot, Jr., Esq. called the meeting to order at 4:41 p.m.

First Business

1. Minutes: February 28, 2019 meeting

The Commission, after a motion by Bryan Cafferelli, Esq., seconded by Shirley Harrell, Esq., voted 4-0 to adopt the minutes from the February 28, 2019 meeting. John Vamos and Mildred Torres-Ferguson abstained from the vote as they were not present for the February 28, 2019 meeting.

Old Business

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

Staff Attorney Jennifer Y. Montgomery, Esq. reported that she had a lengthy conversation with Assistant Attorney General Terry O'Neill on the DOC's directive that each Correctional Institution designate an agent for service when employees are sued in their individual capacity. He is the department head at the Attorney General's office that handles all inmate lawsuits against corrections employees. He agreed that the law does not permit service on an agent as it is not within the bounds of General Statutes § 52-57. He is in full support of the DOC's directive that the marshals serve an agent as it streamlines the process and ensures that the AG is promptly notified of the suit and evidence is preserved. He noted that his office would be supportive of a legislative fix or simply continuing to follow the DOC's directive. He indicated that, while a few attorneys in his office had moved to dismiss in these cases, the courts had permitted re-service and furthermore, he had directed all the attorneys in his office to cease this practice.

Attorney Montgomery noted that the Commission may wish to hold off on requesting an opinion until after the legislative session. With respect to legislation, Attorney O'Neill noted that service on the AG's office in individual capacity cases would be problematic as the AG's office had not yet determined whether or not it would take on the defendant as a client at that point. He suggested modifying the statute to permit service on an agent designated by DOC for current employees.

Ex-Officio Julianne Ingham noted that their lobbyist, Brian Anderson, had set up a meeting with Attorney General Tong. Attorney Montgomery suggested that Ex-Officio Ingham reach out to Attorney O'Neill about the meeting.

Ex-Officio Julianne Ingham noted for the record that Honorable Lisa K. Morgan had assisted on the issue of fee waivers in the Hartford courthouse. As a result, the Hartford courthouse had suspended its policy of granting fee waivers for official capacity service only.

Chairperson W. Martyn Philpot noted that the Commission would table the request for an informal opinion from the AG's office on the issue of service on a designated agent.

3. DMV Address Verification Telephone Line

Staff Director Douglas J. Moore indicated that he had reached out to the Department of Motor Vehicles on the issue of the address verification telephone line. He reported that DAS Deputy Commissioner Petra had scheduled a meeting with DMV Deputy Commission Guerrera on Friday, March 29, 2019. Director Moore reported that he would raise providing the same access to the DMV information offered to attorneys for a fee. He noted his belief that the DMV may take issue with marshals having direct access. Ex-Officio Julianne Ingham noted the security concerns and potential for abuse with providing marshals with direct access and suggested that they might be required to provide case information when they request DMV records. Attorney Montgomery noted that under the MOU with DMV, DAS staff was required to keep detailed logs of inquiries. Chairperson Philpot recognized State Marshal Brian Mezick to speak on the issue of the scope of DMV access that attorneys have presently. He noted that attorneys log in to the e-services system with their juris number. Such access is limited as far as the information available and attorneys must pay separate fees for both drivers' license and registration access. He noted his opinion that marshals require more robust access similar to what they have now. Staff Director Moore noted that, under the current DAS system, office staff must access two separate databases to verify drivers' license and registration information. Commissioner Millie Torres-Ferguson noted that this issue resulted from the new drivers' license software system and the problems the DMV faced with integrating the systems. The databases have not yet been fully integrated.

New Business

4. Problems Serving Subpoenas to Department of Children and Families

Ex-Officio Julianne Ingham reported that marshals had been encountering significant difficulties serving subpoenas on DCF employees. They have had employees refuse to accept the service, hang up the phone, slam doors, and miss meetings. In addition, one office has designated a staff attorney for accepting service and he is only there two days a week which creates difficulties with timely service when dealing with a short service window. Ex-Officio Ingham was sympathetic to these employees but noted that providing testimony was part of their job. Staff Director Douglas J. Moore indicated that he would reach out to his contact at that office. Ex-Officio Ingham noted that the issue could be resolved if they designated a good agent.

[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 Mildred Torres-Ferguson, seconded by Shirley Harrell, Esq., voted 6-0 to enter executive session.

The Commission, after a motion by Bryan Cafferelli, Esq., seconded by Shirley Harrell, Esq., voted 6-0 to return to the public record. No votes were taken in executive session.

5. Complaints

The Commission, after a motion by Shirley Harrell, Esq, seconded by Mildred Torres-Ferguson, voted 6-0 to dismiss the following files:

File No.	Name
18-56	Myer/Ingham
18-57	Viola/Dussault
18-59	Ascenzi/Corbett
18-60	McNeill/Christensen

The Commission, after a motion by Mildred Torres-Ferguson, seconded by Shirley Harrell, Esq., voted 6-0 to find probable cause for a hearing in the following files:

File No.	Name
18-61	Caputo/Davis, R.
18-41	In re Poeti
18-62	Golonka/Poeti

6. Retirements/Resignations

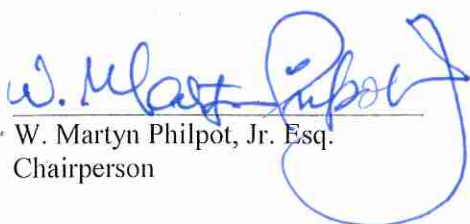
The Commission, after a motion by Bryan Cafferelli, Esq., seconded by Shirley Harrell, Esq., voted 6-0 to grant the following marshals requests for voluntary resignation by retirement and issue retirement badges to the same:

Name	County	Effective Date
Peter Meshanic	Tolland	March 28, 2019
Neil Feinberg	New London	March 28, 2019

The Commission, after a motion by Shirley Harrell, Esq, seconded by Mildred Torres-Ferguson, voted 6-0 to adjourn the meeting.

The meeting was adjourned at 5:36 p.m.

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


W. Martyn Philpot, Jr. Esq.
Chairperson