

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 Was
Conducted Remotely Using Microsoft Teams

MINUTES

STATE MARSHAL COMMISSION MEETING,

June 27, 2024

Commissioner Thomas A. Esposito, Chair, called the meeting to order at 5:32 p.m. Commissioner Esposito advised all participants that the proceedings were being recorded. Commissioner Esposito confirmed all members in attendance and verified that a minimum five voting member quorum was present.

Members present and participating remotely: Thomas Esposito, Chair; Michael Desmond; the Honorable Leo Diana; Shirley Skyers-Thomas, Vice-Chair; Alfredo Olivier, Bryan Cafferelli. Ex-officio (non-voting) Members State Marshal Thomas Burke and State Marshal Lisa Stevenson. Commission Staff present: Director of Operations, Anthony Valenti (non-voting), Investigator Chris Morris (non-voting) and Staff Attorney Claudia Maxwell(non-voting). Members Absent: Salvatore Vitrano, John Vamos

Topics:

1. Minutes of the May 23, 2024, Regular Meeting: Commissioner Skyer-Thomas made a motion to accept the minutes of the May 23, 2024, regular State Marshal Commission meeting. Seconded by Commissioner Cafferelli. Commissioner Esposito asked if there was any discuss, there was none. The motion passed unanimously.

2. Administrative Updates: Director of Operations Valenti reported that the working group of Commission staff and Advisory Board members is continuing to meet monthly to revise the manual. About 25% of the manual has been completed. Additionally, he has reached out to a company that provides diversity, equity, and inclusion training for law enforcement regarding providing a remote training for state marshals. He is waiting to hear back.

3. Executive Session to discuss personnel matters. Commissioner Cafferelli made a motion that members enter executive session to discuss personnel matters. Commissioner Skyers-Thomas seconded the motion. Commissioner Esposito asked if there was any discussion, there was none. The motion passed unanimously. A motion was made by Commissioner Cafferelli to invite the Commission staff present to join the executive session. The motion was seconded by Commissioner Skyers-Thomas. Commissioner Esposito asked if there was any discussion, there was none. The motion passed unanimously. Executive session began at 5:39 p.m. and ended at 6:18 p.m. Commissioner Esposito reminded everyone they were being recorded.

4. Probable Cause:

Commissioner Esposito asked if a motion was being made for a finding of no probable cause in **Miller v. Mezick, File No. 24-03**. A motion was made by Commissioner Cafferelli which was seconded by

Commissioner Skyers-Thomas. Commissioner Esposito asked if there was any discussion. There was none. The motion passed unanimously.

Commissioner Esposito asked if a motion was being made to make a finding of no probable cause in, **Caesar v. Corbett File No. 24-06**. A motion was made by Commissioner Diana which was seconded by Commissioner Skyers-Thomas. Commissioner Esposito asked if there was any discussion. There was no discussion. The motion passed unanimously.

Commissioner Esposito asked if a motion was being made to make a finding of probable cause in, **In Re Rosado File No. 24-07**. A motion was made by Commissioner Diana which was seconded by Commissioner Cafferelli. Commissioner Esposito asked if there was any discussion. There was no discussion. The motion passed unanimously.

5. Request by New Haven County State Marshal Richard Fry for permission to be appointed successor marshal for Fairfield County State Marshal Winthrop Fry for his existing wage executions upon his retirement. Commissioner Esposito asked if State Marshal Richard Fry was present and wished to address the Commission. There was no response. Commissioner Esposito asked Staff Attorney Maxwell to provide a synopsis of the legal research on the issue. She reported a request was made by a New Haven County state marshal to be allowed to administer existing wage executions begun by his father, who is a Fairfield County marshal, upon his father's retirement. CGS §52-55(a) states "[i]f an officer to whom any process is directed dies or is removed from office, or becomes physically incapacitated, or because of other good and sufficient reason is unable to complete service of the process, after he has commenced to serve it but before completing service, any other proper officer may complete service." An informal Attorney General Opinion from 2001 addresses who has the authority to transfer existing executions from a deceased state marshal to another proper officer. The opinion states that it is not entirely clear who gets to select who administers the executions. The opinion maintains the attorney or judgment creditor have the choice of proper officer to begin the execution and the selection of who succeeds would still be in their purview. The authority given to oversee accounts is broad enough that it would allow the State Marshal Commission to select who would administer the accounts, but it is suggested that this be clarified legislatively. A formal Attorney General Opinion was sought when a daughter of a deceased state marshal wished to continue administering and collecting the fees on her father's wage executions in 2005. The opinion states that wage executions may only be collected by a "levying officer" under CGS §52-361a(b). "Levying officer" is defined in CGS §52-350a(12) as "a state marshal or constable acting within such marshal's or constable's geographical jurisdiction or in IV-D cases, any investigator employed by the Commissioner of Social Services." Commissioner Esposito asked if there was a motion to deny New Haven County Marshal Richard Fry's request to be appointed successor marshal for Fairfield County State Marshal Winthrop Fry's existing wage executions upon his retirement. A motion was made by Commissioner Cafferelli which was seconded by Commissioner Diana. Commissioner Esposito asked if there was any discussion, there was none. The motion passed unanimously.

6. Retirement Identification Cards for State Marshals:

Director Valenti reported that DAS will provide the retirement identification cards at no cost the state marshals if the Director of Operations gives permission for a specific state marshal to receive an identification card. He asked that it be clarified if this would apply to previously retired marshals. Commissioner Esposito asked if there was a motion to approve identification cards for currently retired

marshals as well as future retiring marshals. A motion was made by Commissioner Diana and seconded by Commissioner Skyers-Thomas. Commissioner Esposito asked if there was any discussion. There was no discussion. The motion passed unanimously.

7. Request for Inactive Status:

Commissioner Esposito asked if there was a motion to deny the request for inactive status for Hartford County State Marshal Alixes Rosado. A motion was made by Commissioner Diana which was seconded by Commissioner Cafferelli. Commissioner Esposito asked if there was any discussion. There was no discussion. The motion passed unanimously.

Commissioner Esposito asked if there was a motion to approve the request for inactive status for New London County State Marshal Thomas Burke. A motion was made by Commissioner Vitrano which was seconded by Commissioner Diana. Commissioner Esposito asked if there was any discussion. Ex-officio Burke stated that he intends to keep his insurance in place and collect on existing wage executions during his period of inactive status which has been normal procedure in the past for inactive marshals. Commissioner Esposito confirmed with Director of Operations Valenti that this has been past procedure. Director Valenti advised the Commission that State Marshal Burke's bond will remain in place while he is inactive. The motion for inactive status for State Marshal Thomas Burke passed unanimously.

8. New Training Class of State Marshals:

Commissioner Esposito asked Director Valenti to report on the need for a new training class to add appointments for new state marshals. Director Valenti reported there is a dire need for new state marshals in Fairfield County. He will be able to allocate \$60,000 from next year's budget for training. The goal is to target Fairfield County and also to try to add a few marshals in the smaller counties of New London, Middlesex, Windham, and Tolland. He expects to post regarding applications for about three months starting this summer. He would like to begin training of the selected state marshal candidates in early spring with training completed no later than the end of June 2025. Commissioner Esposito asked if there was a motion to approve the State Marshal Commission staff beginning the process of recruiting a new training class of state marshals. A motion was made by Commissioner Cafferelli and seconded by Commissioner Skyers-Thomas. Commissioner Esposito asked if there was any discussion. There was no discussion. The motion passed unanimously.

Commissioner Esposito asked if there was a motion to adjourn. A motion was made by Commissioner Cafferelli and seconded by Commissioner Diana. Commissioner Esposito asked if there was any discussion. There was no discussion. The motion passed unanimously.

Meeting adjourned at 6:34 p.m.

