

**Vincent M. Marino, Esq.**

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July 26, 2022

VIA EMAIL – [public.finance@ct.gov](mailto:public.finance@ct.gov)

Connecticut State Elections Enforcement Commission  
20 Trinity Street  
Hartford, CT 06106

**Re: Judge of Probate - 21<sup>st</sup> Probate District**

**Request for Declaratory Ruling of Candidate Qualification for  
Probate Judge in accordance with Conn. Gen. Stat. § 45a-18 (e)**

**Candidate Name: Peter E. Mariano**

**Party: Democrat Party - Towns of Beacon Falls,  
Naugatuck,  
Middlebury, and  
Prospect**

To whom it may concern:

This firm was retained by Rosa C. Rebimbas, Candidate for Probate Judge, District 21. These concerns were first brought to the attention of the Office of Probate Court Administrator. That Office, however, declined to take any action. I have enclosed a copy of the July 12, 2022 response letter that my office received from the Office of the Probate Court Administrator as Exhibit A.

As a result of the Probate Court Administrator's declination, I am writing to request an opinion from your office as to the qualifications of Mr. Peter E. Mariano to be a candidate for the probate seat of the 21<sup>st</sup> Probate District. The Democrat Party has nominated him for that purpose.

In the 2022 Guide for Judge of Probate Candidates, *revised February 2022*, the guide states that a candidate may submit a written request for, *inter alia*, a Declaratory Ruling to obtain the Commission's ruling as to the applicability to be specified circumstances of a provision of the General Statutes. *See Guide at 2-3.*



A request is hereby made for a declaratory ruling on the following issues:

1. Can the campaign named “Mariano for Probate” fund the election of Peter E. Mariano for the office of Judge of Probate for the 21<sup>st</sup> Probate District when he was not qualified to be a candidate on the date that he was endorsed?
2. Since the Democrat Town Committees referenced above endorsed an ineligible candidate for the office of Judge of Probate for the 21<sup>st</sup> Probate District, is that endorsement void *ab initio*, and does that now become a vacancy on the ballot leaving the endorsed Republican candidate to run unopposed?
3. Since Mr. Mariano is not qualified to be a candidate for judge of probate, is he entitled to primary the endorsed Republican candidate? Should the primary scheduled for August 9, 2022 be cancelled?

***Please note that although the democrats have nominated Mr. Mariano as a candidate, he is a registered Republican. Mr. Mariano has indicated an intent to challenge my client in the coming primary. My client was the candidate endorsed by the Republican Party at its Convention this past May. Clearly, if he is not qualified to be a candidate, then, any primary would similarly fail.***

Peter E. Mariano holds the office of Probate Judge for the 21<sup>st</sup> Probate District, which includes the towns of Beacon Falls, Naugatuck, Middlebury and Prospect. In order to maintain that office however, Conn. Gen. Stat. § 45a-18 (e) requires that “each judge of probate elected for a term that begins on or after January 5, 2011, **shall** be a member of the bar of the state of Connecticut . . . .” (Emphasis added).

On April 21, 2021, the Office of the Chief Disciplinary Counsel filed a *Petition for Inactive Status and Appointment of Trustee* (the “Petition”) with the Superior Court for the Judicial District of Waterbury at Waterbury, in that proceeding captioned Office of the Chief Disciplinary Counsel v. Peter E. Mariano, docket number UWY-CV-21-6059765-S (the “Presentment”). On April 22, 2021, Judge Salvatore Agati granted that Petition and placed Attorney Mariano on inactive status. A copy of Judge Agati’s Order is attached hereto as Exhibit B.

As of this date, Attorney Mariano has not been reinstated to active status as a member of the Connecticut bar. On February 7, 2022, Mr. Mariano’s counsel filed an Application for Reinstatement in the Presentment proceeding. As of this date, there is no reported action taken by the Superior Court on Attorney Mariano’s Application for Reinstatement.

At the time that the legislature amended the statute concerning the qualifications to be a Probate Judge, it created an exception for probate judges who were in office at

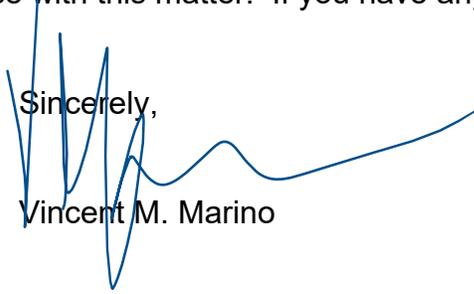


the time, **providing** those probate judges continued in office “**without a break in service.**” This exception clearly was not intended to protect an incumbent probate judge, who loses his or her law license for disciplinary action.

Based on Judge Agati’s order, Attorney Mariano lacks the credentials required under the law to hold the office of the Judge of Probate in the State of Connecticut. We request that you issue an opinion stating that Peter E. Mariano is not qualified to be a candidate for the office of Judge of Probate for the 21<sup>st</sup> Probate District.

Thank you in advance for your assistance with this matter. If you have any questions, please contact me.

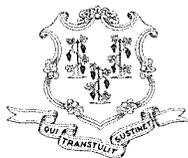
Sincerely,



Vincent M. Marino

cc: Rosa C. Rebimbas, Esq.

# **EXHIBIT A**



STATE OF CONNECTICUT

BEVERLY K. STREIT-KEFALAS  
Probate Court Administrator

HEATHER L. DOSTALER  
Chief Counsel

EVAN C. BRUNETTI  
Attorney

ERIC H. ROTHAUER  
Attorney

OFFICE OF THE  
PROBATE COURT ADMINISTRATOR

186 NEWINGTON ROAD  
WEST HARTFORD, CT 06110

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ctprobate.gov

July 12, 2022

Attorney Vincent M. Marino  
Marino, Zabel & Schellenberg, PLLC  
657 Orange Center Road  
Orange, CT 06477

Re: Correspondence dated July 5, 2022

Dear Attorney Marino:

This is in response to your letter dated July 5, 2022 written on behalf of Rosa C. Rebimbas, candidate for Probate Judge for the Naugatuck Probate District, to Judge Beverly K. Streit-Kefalas, Probate Court Administrator.

In your letter, you request an "opinion of qualification for service of Peter E. Mariano and of his qualification for candidacy as a judge of probate" under Conn. Gen. Stat. § 45a-18(e). Specifically, you request that the Probate Court Administrator "issue an opinion stating that Peter E. Mariano is not qualified to serve as the Judge of Probate for the 21<sup>st</sup> Probate District because of his Presentment and placement on Inactive Status, or as a candidate for that public office."

Your request is, in effect, a request for a declaratory ruling from this office as to the meaning and effect of Conn. Gen. Stat. § 45a-18(e). This is beyond the legal authority of this office and, therefore, we decline to do so.

In addition, you ask that "an audit be conducted of all matters handled by [Judge Mariano] since April 22, 2021". The legal authority over matters within the jurisdiction of a Probate Court is vested in the courts themselves. This office can neither interfere with the judicial decision-making process nor review decisions rendered by the courts. If a party is aggrieved by a court's decree, they have a statutory right to appeal under Conn. Gen. Stat. § 45a-186. Similarly, we are not an investigative or disciplinary body. Complaints alleging judicial misconduct are filed with the Council on Probate Judicial Conduct.

Attorney Vincent M. Marino  
July 12, 2022  
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Although we appreciate you reaching out to this office, we are unable to assist you in your requests.

Sincerely,



Heather L. Dostaler  
Chief Counsel

cc: Naugatuck Probate Court  
Attorney Richard P. Healey  
Office of the Chief Disciplinary Counsel

# **EXHIBIT B**

DOCKET NO. UWY-CV-21-6059765S : SUPERIOR COURT  
OFFICE OF CHIEF DISCIPLINARY : JUDICIAL DISTRICT OF  
COUNSEL : WATERBURY  
VS. : AT WATERBURY  
PETER E. MARIANO : APRIL 21, 2021

**ORDER**

The foregoing Petition for Inactive Status and Appointment of a Trustee, having been heard, it is hereby ORDERED:

1. Attorney Peter E. Mariano, Juris #303499, is placed on inactive status due to his incapacity to practice law until further order of this court.
2. Attorney Mariano is hereby ordered to submit to an examination by a qualified medical expert from a list which has been supplied to him
3. Attorney Mariano is ordered to submit to such examination within twenty-one (21) days from the date of this order

THE COURT

BY:   
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