

M I N U T E S

MEETING DATE: **January 8, 2013**

MEMBERS PRESENT: Mr. Lamarr Davis, Mr. Carroll DiBenedetto, Sr., Ms. Mary L. Fanara,
Mr. Rustin Legendre, Ms. Ann Polak, Ms. Sharon Rodi, Ms. Carolyn
Stapleton,

MEMBERS ABSENT: Ms. Nancy Adcock, Mr. Kenneth Jones, Mr. Jimmy Pohlmann, Ms.
Lucille Williams,

STAFF PRESENT: Robert Wertz, Carla Trahan

GUESTS PRESENT: Erich Duchmann, Kent Wolkart, Stephanie Minto-Gibson, Daphne
Buras, Katherine Green, Damon Johnson, Mandy Giraeud, Connie
Boudreaux, Daniel Boudreaux, Kim Lastie

I. CALL TO ORDER

The monthly meeting of the Crime Victims Reparations Board for the date of January 8, 2013 was called to order by Mr. Davis at 9:15 a.m.

II. APPROVAL OF MINUTES OF PREVIOUS MEETING

Mr. DiBenedetto made a motion to approve the minutes of the previous meeting. Ms. Polak seconded the motion and the motion passed unanimously.

III. APPEALS

A 1. Bossier 12-012

Ms. Fanara made a motion to defer ruling awaiting outcome of law enforcement investigation. Ms. Stapleton seconded the motion and the motion passed unanimously.

A 2. Lafayette 12-022

Ms. Stapleton made a motion to overturn the Board's previous decision, to pay claims at the normal rate, and to award \$3,945.00 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

A 3. Orleans 11-105

Ms. Rodi made a motion to enter into Executive Session. Ms. Polak seconded the motion. The Board entered into Executive Session. Ms. Polak made a motion to return to Open Session. Mr. Legendre seconded the motion. The Board returned to Open Session. Ms. Polak made a motion to defer ruling awaiting accident report and witness statements. Mr. Legendre seconded the motion and the motion passed unanimously.

A 4. St. Charles 12-029

Mr. DiBenedetto made a motion to uphold its previous decision and to deny under authority of LAC22: XIII.301(A)(1)(a) (felony convictions). Ms. Polak seconded the motion and the motion passed unanimously.

A 5. St. Martin 12-005

Ms. Polak made a motion to award \$6,705.56 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Rodi seconded the motion and the motion passed unanimously.

A 6. St. Tammany 12-003

Ms. Polak made a motion to uphold its previous decision and to deny under authority of LAC22: XIII.301(A)(1)(a) (felony convictions). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

IV. EMERGENCY CONFIRM/DENY

Ms. Polak made a motion to confirm the emergency rulings for the previous month. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 1. Acadia 11-009

Ms. Polak made a motion to award \$3,376.00 for FUNERAL. Ms. Fanara seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 2. Assumption 12-004

Ms. Polak made a motion to deny under authority of LAC22: XIII.301(A)(1)(a) (felony convictions). Ms. Fanara seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 3. Caddo 12-022

Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(3)(b) (failed or refused cooperation). Ms. Fanara seconded the motion and the motion passed 6 to 0

V. ITEMS FOR FULL DISCUSSION

with 1 abstention.

F 4. Caddo 12-033

Ms. Polak made a motion to deny under authority of R.S. 46:1809 B(1) (no evidence of crime). Ms. Fanara seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 5. Caddo 12-035

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Ms. Rodi seconded the motion and the motion passed unanimously.

F 6. Caddo 12-044

Ms. Polak made a motion to award \$4,800.00 for AMBULANCE TRANSPORT (MEDICAL). Mr. Legendre seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 7. Caddo 12-053

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Fanara seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 8. Caddo 12-056

Mr. DiBenedetto made a motion to approve the eligibility of this claimant but pay future claims only to providers. Mr. Legendre seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 9. Calcasieu 12-055

Ms. Polak made a motion to award. Estimate approved for: \$5,901.70 for MEDICAL. Ms. Rodi seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 10. Calcasieu 12-075

Ms. Polak made a motion to award \$630.00 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 11. Calcasieu 12-077

Ms. Polak made a motion to award \$518.08 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 08/02/12.

F 12. Calcasieu 12-078

Ms. Rodi made a motion to approve the eligibility of this claimant. Ms. Fanara seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 13. Calcasieu 12-079

Ms. Polak made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution) and under authority of R.S. 46:1809 B(3)(b) (failed or refused cooperation). Mr. Legendre seconded the motion and the motion passed unanimously.

F 14. Calcasieu 12-080

Ms. Stapleton made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution / illegal activity). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 15. Calcasieu 12-082

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Stapleton seconded the motion and the motion passed unanimously. The board agreed to waive the one year deadline for applying for reparations.

F 16. Calcasieu 12-083

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Stapleton seconded the motion and the motion passed unanimously. The board agreed to waive the one year deadline for applying for reparations.

F 17. Calcasieu 12-085

Ms. Polak made a motion to approve at 50% eligibility. The motion died for lack of a second. Ms. Fanara made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution). Ms. Stapleton seconded the motion and the motion passed unanimously.

F 18. Calcasieu 12-092

Ms. Polak made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution / illegal activity). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 19. East Baton Rouge 10-054

Ms. Polak made a motion to award \$7,069.10 for WAGE. Ms. Rodi seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 20. East Baton Rouge 10-088

Ms. Fanara made a motion to award \$600.00 for MENTAL HEALTH. Mr. DiBenedetto seconded the motion and the motion passed 6 to 0 with 1 abstention. The board also agreed to request an Updated Mental Health Treatment Plan as of 12/14/12.

F 21. East Baton Rouge 11-006

Ms. Polak made a motion to award \$22,601.07 for WAGE. Ms. Fanara seconded the motion and the motion passed 6 to 0 with 1 abstention. The board also agreed to mark the case as "closed".

F 22. East Baton Rouge 11-024

Ms. Fanara made a motion to award \$337.50 for MENTAL HEALTH. Mr. DiBenedetto seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 23. East Baton Rouge 12-070

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Ms. Fanara seconded the motion and the motion passed 6 to 0 with 1 abstention. The board agreed to waive the one year deadline for applying for reparations.

F 24. East Baton Rouge 12-071

Ms. Polak made a motion to deny under authority of R.S. 46:1809 B(3)(b) (failed or refused cooperation). Ms. Fanara seconded the motion and the motion passed 6 to 0 with 1 abstention.

V. ITEMS FOR FULL DISCUSSION

F 25. East Baton Rouge 12-078

Ms. Polak made a motion to approve the eligibility of this claimant. Mr. Legendre seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 26. East Baton Rouge 12-079

Ms. Polak made a motion to approve the eligibility of this claimant. Mr. Legendre seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 27. East Baton Rouge 12-082

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Ms. Fanara seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 28. East Baton Rouge 12-087

Mr. DiBenedetto made a motion to award \$4,492.80 for FUNERAL. Ms. Rodi seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 29. East Baton Rouge 12-089

Ms. Polak made a motion to award \$1,228.80 for WAGE. Mr. Legendre seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 30. East Baton Rouge 12-093

Ms. Fanara made a motion to approve the eligibility of this claimant. Ms. Polak seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 31. East Baton Rouge 12-095

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Ms. Rodi seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 32. East Baton Rouge 12-096

Ms. Polak made a motion to award \$1,920.00 for WAGE. Mr. DiBenedetto seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 33. Iberia 12-021

Ms. Polak made a motion to award \$922.60 for MEDICAL, \$5,000.00 for FUNERAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Stapleton seconded the motion and the motion passed unanimously.

F 34. Iberia 12-023

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Ms. Rodi seconded the motion and the motion passed unanimously.

F 35. Iberia 12-026

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 36. Jefferson 12-020

Ms. Rodi made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution / illegal activity). Ms. Polak seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 37. Jefferson 12-024

Mr. DiBenedetto made a motion to deny under authority of LAC22: XIII.301(A)(1)(a) (felony convictions). Mr. Legendre seconded the motion and the motion passed unanimously.

F 38. Jefferson 12-025

Ms. Rodi made a motion to award \$3,509.75 for FUNERAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 39. Lafayette 12-025

Ms. Polak made a motion to deny under authority of LAC22: XIII.301(A)(1)(a) (felony convictions). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 40. Lafayette 12-028

Ms. Polak made a motion to deny under authority of LAC22: XIII.301(A)(1)(a) (felony convictions). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 41. Lafourche 11-014

Mr. DiBenedetto made a motion to award \$270.00 for MENTAL HEALTH. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 42. Lafourche 11-099

Ms. Polak made a motion to award \$225.00 for MENTAL HEALTH, \$183.60 for MEDICAL MILEAGE. Ms. Fanara seconded the motion and the motion passed unanimously.

F 43. Lafourche 12-035

Ms. Polak made a motion to award \$438.40 for MEDICAL. Ms. Rodi seconded the motion and the motion passed unanimously.

F 44. Lafourche 12-074

Ms. Polak made a motion to deny under authority of LAC22: XIII.301(A)(1)(a) (felony convictions). Ms. Rodi seconded the motion and the motion passed unanimously.

F 45. Lafourche 12-075

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 46. Lafourche 12-077

Ms. Stapleton made a motion to approve the eligibility of this claimant. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 47. Lafourche 12-079

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 48. Lafourche 12-080

Ms. Stapleton made a motion to award \$1,510.00 for FUNERAL. Ms. Polak seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 49. Lafourche 12-085

Ms. Polak made a motion to approve the eligibility of this claimant. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 50. Lafourche 12-086

Ms. Polak made a motion to approve the eligibility of this claimant. Mr. Legendre seconded the motion and the motion passed unanimously.

F 51. Lafourche 12-087

Ms. Polak made a motion to approve the eligibility of this claimant. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 52. Lafourche 12-088

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 53. Lafourche 12-089

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 54. Lafourche 12-090

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 55. Lafourche 12-091

Ms. Rodi made a motion to approve the eligibility of this claimant. Ms. Polak seconded the motion and the motion passed unanimously.

F 56. Lafourche 12-093

Ms. Rodi made a motion to approve the eligibility of this claimant. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 57. Lafourche 12-095

Ms. Fanara made a motion to approve the eligibility of this claimant. Ms. Polak seconded the motion and the motion passed unanimously.

F 58. Lafourche 12-096

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Fanara seconded the motion and the motion passed unanimously.

F 59. Livingston 12-002

Ms. Polak made a motion to award \$3,628.50 for FUNERAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 60. Orleans 12-062

Ms. Rodi made a motion to award \$4,500.00 for FUNERAL. Ms. Polak seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 61. Orleans 12-092

Ms. Rodi made a motion to award \$4,500.00 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 62. Orleans 12-096

Ms. Fanara made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution / gangs) and under authority of LAC22: XIII.301(A)(1)(a) (felony convictions (of the claimant)). Ms. Stapleton seconded the motion and the motion passed 5 to 2 with no abstentions.

F 63. Orleans 12-105

Ms. Rodi made a motion to approve eligibility but to defer the medical claim awaiting confirmation of insurance information. Ms. Polak seconded the motion and the motion passed unanimously.

F 64. Orleans 12-108

Ms. Rodi made a motion to award \$5,000.00 for FUNERAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 65. Orleans 12-111

Ms. Rodi made a motion to deny under authority of LAC22: XIII.301(A)(1)(a) (felony convictions). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 66. Orleans 12-120

Ms. Polak made a motion to deny under authority of LAC22: XIII.301(A)(1)(a) (felony convictions). Ms. Stapleton seconded the motion and the motion passed unanimously.

F 67. Ouachita 12-009

Ms. Polak made a motion to award \$5,000.00 for FUNERAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 68. Plaquemines 12-005

Ms. Stapleton made a motion to defer ruling awaiting proof of legal status in the United States. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 69. Plaquemines 12-006

Ms. Stapleton made a motion to defer ruling awaiting proof of legal status in the United States. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 70. St. Charles 12-038

Ms. Rodi made a motion to approve the eligibility of this claimant. Ms. Polak seconded the motion and the motion passed unanimously.

F 71. St. Charles 12-040

Ms. Polak made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution / illegal activity). Ms. Stapleton seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 72. St. Charles 12-042

Ms. Stapleton made a motion to approve the eligibility of this claimant. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 73. St. Landry 12-004

Ms. Polak made a motion to award \$4,750.00 for MEDICAL, \$250.00 for AMBULANCE TRANSPORT (MEDICAL). The claim amounts were reduced by 50 % for contribution. Mr. Legendre seconded the motion and the motion passed unanimously.

F 74. St. Martin 12-012

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 75. St. Mary 12-008

Ms. Polak made a motion to defer ruling awaiting results from blood-alcohol content test. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 76. St. Tammany 12-014

Ms. Stapleton made a motion to award \$4,500.00 for FUNERAL. Ms. Polak seconded the motion and the motion passed unanimously.

F 77. Terrebonne 12-005

Ms. Stapleton made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution / illegal activity). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 78. Winn 12-002

Ms. Stapleton made a motion to approve the eligibility of this claimant. Ms. Fanara seconded the motion and the motion passed unanimously.

VI. LATE ADDITIONS

L 1. Assumption 12-003

Mr. DiBenedetto made a motion to award \$2,800.00 for WAGE. Ms. Rodi seconded the motion and the motion passed unanimously.

L 2. Caddo 12-026

Ms. Polak made a motion to award \$2,962.00 for WAGE. Mr. Legendre seconded the motion and the motion passed unanimously.

L 3. East Baton Rouge 12-077

Ms. Polak made a motion to award \$300.00 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

L 4. Jefferson 12-026

Ms. Rodi made a motion to enter into Executive Session. Ms. Polak seconded the motion. The Board entered into Executive Session. Ms. Ms. Rodi made a motion to return to Open Session. Mr. DiBenedetto seconded the motion. The Board returned to Open Session. Ms. Stapleton made a motion to defer ruling awaiting additional investigative information.

VI. LATE ADDITIONS

Ms. Fanara seconded the motion and the motion passed unanimously.

L 5. Jefferson Davis 12-004

Ms. Stapleton made a motion to defer claims awaiting Initial Treatment Plan. Ms. Rodi seconded the motion and the motion passed unanimously.

L 6. Lafayette 03-002

Ms. Polak made a motion to award \$3,098.30 for WAGE. Mr. Legendre seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

L 7. Orleans 10-020

Ms. Polak made a motion to award \$4,315.00 for FUNERAL. Ms. Rodi seconded the motion and the motion passed unanimously.

L 8. Orleans 11-189

Ms. Rodi made a motion to award \$5,000.00 for FUNERAL. Ms. Polak seconded the motion and the motion passed unanimously.

L 9. Orleans 12-002

Ms. Stapleton made a motion to defer ruling awaiting investigative report. Ms. Rodi seconded the motion and the motion passed unanimously.

L 10. Orleans 12-065

Ms. Rodi made a motion to award \$5,000.00 for FUNERAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

L 11. Orleans 12-068

Ms. Polak made a motion to award \$4,500.00 for FUNERAL. Ms. Rodi seconded the motion and the motion passed unanimously.

L 12. Orleans 12-077

Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution / gangs). Ms. Stapleton seconded the motion and the motion passed unanimously.

L 13. Orleans 12-081

Mr. DiBenedetto made a motion to award \$2,800.00 for WAGE, \$2,415.70 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Rodi seconded the motion and the motion passed unanimously.

L 14. Rapides 12-013

Ms. Fanara made a motion to award \$1,421.00 for FUNERAL, \$1,579.81 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Estimate approved for: \$1,270.00 for FUNERAL. Ms. Polak seconded the motion and the motion passed unanimously.

VII. OTHER BUSINESS

Ms. Fanara made a motion to adjourn the meeting. Mr. Legendre seconded the motion.
Mr. Davis adjourned the meeting at 11:35 a.m.