

M I N U T E S

MEETING DATE: July 10, 2012

MEMBERS PRESENT: Ms. Nancy Adcock, Mr. Lamarr Davis, Mr. Carroll DiBenedetto, Sr., Ms. Mary L. Fanara, Mr. Rustin Legendre, Ms. Ann Polak, Ms. Carolyn Stapleton, Ms. Lucille Williams,

MEMBERS ABSENT: Mr. Kenneth Jones, Mr. Jimmy Pohlmann, Ms. Sharon Rodi,

STAFF PRESENT: Robert Wertz, Carla Trahan, Margaret Watson

GUESTS PRESENT: Kent Wolkart, Tiffany A. Veal, Sami Riley, Erich Duchmann, PhD, James Miles, Sr., Amanda Miles, Charles Mosley

I. CALL TO ORDER

The monthly meeting of the Crime Victims Reparations Board for the date of July 10, 2012, was called to order by Mr. Davis at 9:25 a.m.

II. APPROVAL OF MINUTES OF PREVIOUS MEETING

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

III. APPEALS

A 1. Lafourche 12-001

Ms. Polak made a motion to approve eligibility. The motion died for lack of a second. Ms. Adcock made a motion to go into Executive Session. Mr. DiBenedetto seconded the motion. The Board went into Executive Session to discuss the case. Ms. Polak made a motion to return to General Session. Mr. DiBenedetto seconded the motion. The Board returned to General Session. Mr. DiBenedetto made a motion to uphold the appeal and approve eligibility with a 50% reduction for contribution. Ms. Stapleton seconded the motion and the motion passed 7 to 1 with no abstentions. Future claim amounts will be reduced by 50%.

IV. EMERGENCY CONFIRM/DENY

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

V. ITEMS FOR FULL DISCUSSION

F 2. Ascension 11-003

Mr. DiBenedetto made a motion to award \$3,400.00 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously.

F 3. Ascension 12-006

Ms. Stapleton made a motion to award \$10,000.00 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed."

F 4. Assumption 11-008

Ms. Stapleton made a motion to approve eligibility. Ms. Stapleton withdrew her motion. Ms. Williams made a motion to deny under authority of R.S. 46:1809 B(1) (no evidence of crime). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 5. Avoyelles 12-003

Ms. Fanara made a motion to award \$4,515.85 for MEDICAL. Mr. Legendre seconded the motion and the motion passed unanimously.

F 6. Bossier 11-027

Ms. Stapleton made a motion to defer claims awaiting insurance information. Ms. Polak seconded the motion and the motion passed unanimously. The board requested an Updated Mental Health Treatment Plan as of 03/15/12. The Board also stated that, having reviewed the additional information that was received, the claimant would be eligible to file claims for catastrophic loss.

F 7. Bossier 11-033

Ms. Adcock made a motion to award \$55.69 for MEDICAL MILEAGE, \$440.70 for WAGE. Ms. Williams seconded the motion and the motion passed unanimously.

F 8. Bossier 12-003

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

V. ITEMS FOR FULL DISCUSSION

F 9. Bossier 12-004

Ms. Adcock made a motion to approve the eligibility of this claimant with a 50% reduction of payment on any future claims due to contribution. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 10. Bossier 12-005

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

F 11. Bossier 12-010

Ms. Adcock made a motion to defer ruling awaiting court decision. Ms. Polak seconded the motion and the motion passed unanimously.

F 12. Caddo 11-063

Ms. Adcock made a motion to award \$526.05 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously.

F 13. Caddo 11-072

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

F 14. Caddo 11-078

Ms. Adcock made a motion to defer ruling awaiting complete claimant information on application (claimant signature is not the victim), supplemental police report, and trial results. Mr. Legendre seconded the motion and the motion passed unanimously.

F 15. Caddo 12-008

Ms. Adcock made a motion to award \$70.00 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 16. Caddo 12-011

Ms. Adcock made a motion to approve the eligibility of this claimant. Ms. Williams seconded the motion and the motion passed unanimously. The board agreed to waive the one year deadline for applying for reparations. The board also requested a death certificate before paying any future claims.

F 17. Caddo 12-013

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

F 18. Calcasieu 11-021

Ms. Polak made a motion to award \$108.08 for MEDICAL. Ms. Adcock seconded the motion and the motion passed unanimously.

F 19. Calcasieu 11-080

Ms. Polak made a motion to award \$240.00 for AMBULANCE TRANSPORT (MEDICAL), \$1,077.59 for MEDICAL. Ms. Stapleton seconded the motion and the motion passed unanimously. The Board also requested that a letter be sent to the DA's office regarding restitution.

V. ITEMS FOR FULL DISCUSSION

F 20. Calcasieu 12-008

Ms. Polak made a motion to award \$562.50 for MENTAL HEALTH and est. of \$1,937.50. Ms. Adcock seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 12/24/11.

F 21. Calcasieu 12-012

Ms. Polak made a motion to award \$374.47 for MEDICAL, \$150.00 for AMBULANCE TRANSPORT (MEDICAL). The claim amounts were reduced by 50 % for contribution. Ms. Williams seconded the motion and the motion passed unanimously.

F 22. Calcasieu 12-019

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Williams seconded the motion and the motion passed unanimously. The Board also requested that the whole case be sent back to the Board with future claims.

F 23. Concordia 12-002

Ms. Fanara made a motion to award \$122.00 for CRIME EVIDENCE. Ms. Polak seconded the motion and the motion passed unanimously.

F 24. Concordia 12-003

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

F 25. Concordia 12-004

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

F 26. Concordia 12-005

Mr. DiBenedetto made a motion to award \$1,333.80 for WAGE. Ms. Fanara seconded the motion and the motion passed unanimously.

F 27. Concordia 12-006

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

F 28. East Baton Rouge 08-033

Ms. Stapleton made a motion to award \$606.50 for MENTAL HEALTH. Ms. Polak seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 01/01/12.

F 29. East Baton Rouge 10-063

Ms. Stapleton made a motion to award \$1,319.58 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 30. East Baton Rouge 10-088

Ms. Stapleton made a motion to award \$1,155.03 for MEDICAL MILEAGE, \$375.00 for MENTAL HEALTH. Ms. Polak seconded the motion and the motion passed unanimously.

F 31. East Baton Rouge 10-140

Mr. DiBenedetto made a motion to award \$441.44 for WAGE. Ms. Fanara seconded the

V. ITEMS FOR FULL DISCUSSION

motion and the motion passed unanimously.

F 32. East Baton Rouge 11-024

Ms. Stapleton made a motion to defer claims awaiting Initial Treatment Plan from the mental health provider. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 33. East Baton Rouge 11-059

Ms. Stapleton made a motion to award \$147.50 for MENTAL HEALTH. Ms. Adcock seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 12/08/11.

F 34. East Baton Rouge 11-074

Ms. Stapleton made a motion to award \$935.00 for MENTAL HEALTH. Ms. Adcock seconded the motion and the motion passed unanimously.

F 35. East Baton Rouge 12-004

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

F 36. East Baton Rouge 12-009

Mr. DiBenedetto made a motion to award \$2,216.90 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

F 37. East Baton Rouge 12-018

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

F 38. East Baton Rouge 12-019

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

F 39. East Baton Rouge 12-020

Ms. Stapleton made a motion to award \$9,193.23 for WAGE. Ms. Fanara seconded the motion and the motion passed unanimously.

F 40. East Baton Rouge 12-034

Ms. Stapleton made a motion to approve eligibility but to deny the claim under authority of R.S. 46:1809 B(4)(b) (collateral source). (Since this crime happened while the victim was hospitalized, the expenses should be paid for by the hospital.) Ms. Williams seconded the motion and the motion passed unanimously.

F 41. East Baton Rouge 12-037

Ms. Williams made a motion to deny. Ms. Williams withdrew her motion. Ms. Polak made a motion to award \$5,000.00 for FUNERAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 42. East Baton Rouge 12-041

Ms. Stapleton made a motion to award \$10,000.00 for CATASTROPHIC PROPERTY. Ms. Adcock seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed."

V. ITEMS FOR FULL DISCUSSION

F 43. East Carroll 12-001

Ms. Polak made a motion to award \$674.94 for FUNERAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 44. Grant 06-011

Ms. Stapleton made a motion to award \$3,293.97 for MEDICAL but to defer the mental health outpatient claim for insurance information. Ms. Polak seconded the motion and the motion passed 7 to 1 with no abstentions.

F 45. Iberia 11-026

Ms. Stapleton made a motion to approve eligibility but to deny the claim under authority of R.S. 46:1809 B(4)(b) (collateral source). (Since this crime happened at the victim's place of employment, the crime-related expenses should be the responsibility of the victim's employer.) Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 46. Iberia 12-002

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

F 47. Iberville 12-001

Ms. Stapleton made a motion to defer ruling awaiting supplemental police report and death certificate. Ms. Adcock seconded the motion and the motion passed unanimously.

F 48. Jefferson 12-003

Ms. Stapleton made a motion to award \$3,860.31 for MEDICAL, \$10,000.00 for WAGE. Ms. Polak seconded the motion and the motion passed unanimously. The board agreed to waive the one year deadline for applying for reparations. The board agreed to increase the case maximum to \$25,000.

F 49. Jefferson 12-012

Mr. DiBenedetto made a motion to award \$3,535.25 for CRIME EVIDENCE. Ms. Adcock seconded the motion and the motion passed unanimously.

F 50. Lafayette 12-004

Ms. Polak made a motion to award \$300.00 for MENTAL HEALTH, \$122.40 for MEDICAL MILEAGE and est. of \$2,200.00. Ms. Adcock seconded the motion and the motion passed unanimously.

F 51. Lafourche 10-047

Ms. Polak made a motion to award \$375.00 for MENTAL HEALTH. Ms. Adcock seconded the motion and the motion passed unanimously.

F 52. Lafourche 10-050

Mr. DiBenedetto made a motion to award \$225.00 for MENTAL HEALTH, \$71.40 for MEDICAL MILEAGE. Ms. Adcock seconded the motion and the motion passed unanimously.

F 53. Lafourche 10-099

Ms. Adcock made a motion to award \$150.00 for MENTAL HEALTH, \$18.36 for MEDICAL MILEAGE. Ms. Polak seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment

V. ITEMS FOR FULL DISCUSSION

Plan as of 01/01/12.

F 54. Lafourche 11-058

Ms. Stapleton made a motion to award \$225.00 for MENTAL HEALTH. Ms. Adcock seconded the motion and the motion passed unanimously. The Board also requested that the mental health provider send mental health treatment updates on the proper CVR forms in the future.

F 55. Lafourche 11-074

Ms. Polak made a motion to award \$1,050.00 for MENTAL HEALTH, \$328.44 for MEDICAL MILEAGE. Ms. Adcock seconded the motion and the motion passed unanimously.

F 56. Lafourche 11-099

Ms. Polak made a motion to award \$262.50 for MENTAL HEALTH, \$183.60 for MEDICAL MILEAGE. Mr. Legendre seconded the motion and the motion passed unanimously.

F 57. Lafourche 12-010

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

F 58. Lafourche 12-014

Ms. Polak made a motion to deny under authority of R.S. 46:1809 B (3) e (filed late) and R.S. 46:1809 B(4)(a) (victim contribution). Mr. Legendre seconded the motion and the motion passed 7 to 1 with no abstentions.

F 59. Lafourche 12-016

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

F 60. Lafourche 12-017

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

F 61. Lafourche 12-042

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

F 62. Lafourche 12-046

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Stapleton seconded the motion and the motion passed unanimously. The Board also wanted to make the victim/claimant aware that since the crime happened at his place of employment, any crime-related expenses should be the responsibility of the victim's employer.

F 63. Lafourche 12-057

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

V. ITEMS FOR FULL DISCUSSION

F 64. Livingston 11-002

Ms. Williams made a motion to award \$402.50 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 65. Livingston 11-009

Ms. Williams made a motion to award \$1,925.52 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously. The Board also requested that a letter be sent to the DA's office regarding restitution.

F 66. Natchitoches 12-003

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

F 67. Orleans 11-133

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

F 68. Orleans 11-165

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

F 69. Orleans 11-166

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

F 70. Orleans 11-169

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

F 71. Orleans 11-178

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

F 72. Orleans 11-180

Mr. DiBenedetto made a motion to award \$1,889.92 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Adcock seconded the motion and the motion passed unanimously.

F 73. Orleans 11-185

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

F 74. Orleans 12-014

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

V. ITEMS FOR FULL DISCUSSION

F 75. Orleans 12-025

Ms. Adcock 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 6 to 1 with no abstentions.

F 76. Orleans 12-033

Ms. Stapleton made a motion to award \$3,412.05 for FUNERAL. Ms. Williams seconded the motion and the motion passed unanimously.

F 77. Orleans 12-056

Mr. DiBenedetto made a motion to defer ruling awaiting supplemental police report. Ms. Williams seconded the motion and the motion passed unanimously.

F 78. Orleans 12-065

Ms. Williams made a motion to defer ruling awaiting supplemental police report and complete application (page 2 not completely filled out). Ms. Adcock seconded the motion and the motion passed unanimously.

F 79. Orleans 12-066

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

F 80. Pointe Coupee 12-001

Ms. Stapleton made a motion to award \$75.00 for MENTAL HEALTH and est. of \$2,425.00. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 81. Rapides 11-021

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

F 82. Rapides 12-005

Ms. Adcock made a motion to award \$676.61 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously.

F 83. Sabine 11-015

Ms. Adcock made a motion to award \$284.20 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 84. St. Charles 12-017

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

F 85. St. Landry 11-017

Ms. Adcock made a motion to award \$2,582.76 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously.

F 86. St. Landry 11-019

Ms. Adcock made a motion to award. Estimate approved for: \$1,400.00 for MEDICAL. The claim amounts were reduced by 50 % for contribution. Ms. Stapleton seconded the motion and the motion passed unanimously. The board agreed to waive the one year deadline for applying for reparations.

V. ITEMS FOR FULL DISCUSSION

F 87. St. Martin 12-005

Ms. Adcock made a motion to deny under authority of R.S. 46:1809 B (3) e (filed late).
Mr. DiBenedetto seconded the motion and the motion passed 6 to 1 with no abstentions.

F 88. St. Tammany 07-008

Mr. DiBenedetto made a motion to award. Estimate approved for: \$7,205.00 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

F 89. St. Tammany 09-013

Ms. Polak made a motion to defer claims awaiting mental health treatment plan updates for the dates of 1/1/10, 1/1/11, 1/1/12 recording the status of. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 90. St. Tammany 10-011

Mr. DiBenedetto made a motion to award \$610.00 for MENTAL HEALTH. Ms. Williams seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed."

F 91. St. Tammany 10-017

Ms. Stapleton made a motion to award \$20.40 for MEDICAL MILEAGE. Mr. DiBenedetto seconded the motion and the motion passed unanimously. The board agreed to increase the case maximum to \$25,000.

F 92. St. Tammany 11-019

Ms. Stapleton made a motion to award \$777.23 for MEDICAL, \$2,062.50 for MENTAL HEALTH, \$5,273.60 for WAGE. Ms. Williams seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 05/16/12.

F 93. Terrebonne 08-009

Ms. Stapleton made a motion to defer claims awaiting letters from physicians stating that the pharmaceuticals prescribed are related to the crime. Ms. Adcock seconded the motion and the motion passed unanimously.

F 94. Terrebonne 12-001

Ms. Adcock made a motion to deny under authority of R.S. 46:1809 B(1) (no evidence of crime). Mr. Davis seconded the motion and the motion passed unanimously.

F 95. Vernon 12-001

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

F 96. Vernon 12-002

Ms. Adcock made a motion to award \$2,500.00 for FUNERAL. The claim amounts were reduced by 50 % for contribution. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

VII. OTHER BUSINESS

Other Business #1 - EBAT09-013 -- Letter from attorney requesting reduction in repayment from \$6,000 to \$2,000. Ms. Polak made a motion to approve. Ms. Stapleton seconded the motion and the motion passed unanimously.

Other Business #2 - LAND02-008 - Ms. Adcock made a motion to approve mental health counseling for secondary victim, Caleb Guilbeau. Ms. Williams seconded the motion and the motion passed unanimously.

Other Business #3 - Mr. DiBenedetto made a motion to approve the proposal regarding mental health estimates. Ms. Stapleton seconded the motion and the motion passed unanimously.

Other Business #3 - Ms. Stapleton made a motion to pay medical mileage only when the round trip is 40 or more miles and only for medical or mental health visits (not pharmacies).

Other Business #4 - Ms. Polak made a motion to amend the administrative rule regarding Child Care. Ms. Williams seconded the motion and motion passed unanimously.

Ms. Adcock made a motion to adjourn the meeting. Ms. Williams seconded the motion. Mr. Davis adjourned the meeting at 12:35 p.m.