



State of Louisiana Crime Victims Reparations Board M I N U T E S

MEETING DATE: October 8, 2013

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

MEMBERS ABSENT: N/A

STAFF PRESENT: Robert Wertz, Carla Trahan, Margaret Watson

GUESTS PRESENT: Erich Duchmann, Keva Vessel, Jessica Thornhill

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES OF PREVIOUS MEETING

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

MINUTES

III. APPEALS

A 1. Acadia 13-002

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

A 2. Lafayette 12-029

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

A 3. St. Charles 13-003

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

A 3. St. Charles 13-003

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

IV. EMERGENCY CONFIRM/DENY

Ms. Adcock 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 1. Beauregard 13-001

Ms. Adcock made a motion to deny the claimant's appeal regarding the 50% reduction for contribution and to defer payment of loss of support claim awaiting receipt of the death certificate and the itemized funeral services invoice. Ms. Williams seconded the motion and the motion passed unanimously.

F 2. Caddo 12-016

Ms. Williams made a motion to award \$632.50 for MEDICAL. Ms. Adcock seconded the motion and the motion passed unanimously.

F 3. Caddo 12-054

Ms. Adcock made a motion to award \$692.61 for MEDICAL, \$100.00 for AMBULANCE TRANSPORT (MEDICAL), \$9,207.39 for WAGE, but deferred the decision on total and permanent disability until a verification letter is received. Ms. Polak seconded the motion and the motion passed unanimously.

F 4. Caddo 13-028

Ms. Adcock made a motion to award \$4,585.28 for MEDICAL, \$734.40 for MEDICAL MILEAGE. Ms. Williams seconded the motion and the motion passed unanimously.

F 5. Caddo 13-047

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 6. Calcasieu 11-070

Ms. Polak made a motion to award \$591.50 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

F 7. Calcasieu 12-032

Ms. Polak made a motion to award \$210.00 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously. The board agreed to waive the one year deadline for applying for reparations.

F 8. Calcasieu 13-040

Ms. Polak made a motion to approve. Motion died for lack of a second. Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(1) (no evidence of crime) and under authority of R.S. 46:1809 B(3)(b) (failed or refused cooperation). Ms. Fanara seconded the motion and the motion passed unanimously.

F 9. Calcasieu 13-041

Mr. DiBenedetto made a motion to award \$2,528.74 for MEDICAL. Ms. Adcock seconded the motion and the motion passed unanimously.

F 10. Calcasieu 13-042

Ms. Polak made a motion to award \$9,700.00 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Stapleton seconded the motion and the motion passed 8 to 1 with no abstentions.

F 11. Calcasieu 13-043

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

F 12. Calcasieu 13-046

Ms. Polak made a motion to award \$300.00 for AMBULANCE TRANSPORT (MEDICAL), \$2,180.06 for MEDICAL. Ms. Fanara seconded the motion and the motion passed 8 to 0 with 1 abstention.

F 13. East Baton Rouge 11-073

Ms. Stapleton made a motion to award \$5,000.00 for WAGE. Ms. Polak seconded the motion and the motion passed unanimously. The board agreed to increase the case maximum to \$25,000.

F 14. East Baton Rouge 13-035

Ms. Stapleton 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 15. East Baton Rouge 13-041

Ms. Stapleton made a motion to award \$9,500.00 for WAGE. Ms. Fanara seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 16. East Baton Rouge 13-043

Ms. Stapleton made a motion to award \$2,398.00 for FUNERAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 17. East Baton Rouge 13-044

Ms. Stapleton made a motion to award \$5,000.00 for FUNERAL, \$2,400.00 for CHILD CARE. Ms. Fanara seconded the motion and the motion passed unanimously.

F 18. Iberia 13-010

Ms. Polak made a motion to award \$2,671.83 for FUNERAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 19. Iberville 13-002

Ms. Stapleton made a motion to award \$9,700.00 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Adcock seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

F 20. Jefferson 13-021

Ms. Rodi made a motion to award \$484.01 for FUNERAL. The claim amounts were reduced by 50 % for contribution. Ms. Polak seconded the motion and the motion passed unanimously.

F 20. Jefferson 13-021

Ms. Rodi made a motion to award \$881.31 for FUNERAL. The claim amounts were reduced by 50 % for contribution. Ms. Polak seconded the motion and the motion passed unanimously.

F 20. Jefferson 13-021

Ms. Rodi made a motion to award \$440.65 for FUNERAL. The claim amounts were reduced by 50 % for contribution. Ms. Polak seconded the motion and the motion passed unanimously.

F 20. Jefferson 13-021

Ms. Rodi made a motion to award \$694.03 for FUNERAL. The claim amounts were reduced by 50 % for contribution. Ms. Polak seconded the motion and the motion passed unanimously.

F 21. Jefferson 13-023

Ms. Rodi made a motion to award \$2,243.00 for FUNERAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 22. Lafourche 13-040

Ms. Stapleton made a motion to award \$561.22 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 23. Orleans 08-078

Ms. Polak made a motion to award the claim. Ms. Rodi seconded the motion. Motion was withdrawn. Ms. Stapleton made a motion to defer claims awaiting letter from secondary victim's/claimant's physician verifying which medications were prescribed as a direct result

V. ITEMS FOR FULL DISCUSSION

of health conditions caused by the homicide of the secondary victim's/claimant's son. Ms. Rodi seconded the motion and the motion passed unanimously.

F 24. Orleans 13-028

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

F 25. Orleans 13-031

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

F 26. Orleans 13-060

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

F 27. Orleans 13-065

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

F 28. Orleans 13-070

Ms. Polak made a motion to award \$5,000.00 for FUNERAL. Ms. Adcock seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

F 29. Orleans 13-077

Ms. Polak made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution / illegal activity) (No documentation of legal status in the United States). Mr. Legendre seconded the motion and the motion passed unanimously.

F 30. Ouachita 13-006

Ms. Stapleton made a motion to award \$4,300.00 for WAGE. Ms. Fanara seconded the motion and the motion passed unanimously.

F 31. Ouachita 13-015

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

F 32. Ouachita 13-016

Ms. Rodi 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.

F 33. Ouachita 13-017

Ms. Polak made a motion to award \$399.66 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 34. St. Charles 13-017

Ms. Fanara made a motion to award \$2,509.46 for MEDICAL, \$400.00 for WAGE. Ms. Polak seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 35. St. Charles 13-025

Ms. Williams made a motion to award \$2,854.95 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 36. St. Charles 13-030

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

F 37. St. James 13-001

Mr. DiBenedetto 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 38. St. Mary 13-010

Ms. Adcock made a motion to defer ruling awaiting relationship status (are the victim and offender together?). Ms. Fanara seconded the motion and the motion passed unanimously.

F 39. St. Tammany 13-007

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

F 40. Tangipahoa 13-002

Ms. Fanara made a motion to award \$5,000.00 for FUNERAL, \$313.42 for CRIME SCENE CLEANUP. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 41. Terrebonne 13-002

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

F 42. Terrebonne 13-011

Ms. Williams made a motion to award \$236.21 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

VI. LATE ADDITIONS

L 1. Calcasieu 02-019

Ms. Polak made a motion to defer approval of estimate awaiting a letter from the victim's dentist verifying that the requested dental work is a direct result of the victimization. Ms. Williams seconded the motion and the motion passed unanimously.

VII. OTHER BUSINESS

CALC11-032 -- Claimant is requesting extended mental health counseling. Ms. Polak made a motion to approve extending the mental health cap on this case from \$2,500 up to a maximum of \$5,000.

ORLE11-096 -- Claimant is requesting clarification of the Board's reimbursement requirement regarding restitution he received. The Board requested a copy of the restitution order to enable them to review the basis for the restitution.

The Board discussed U-Visas and made the decision that a victim with a U-Visa would not be denied as being an illegal immigrant.

The Board discussed how to handle cases in which the victim has no felony history in the past five years, but the claimant does. The Board decided that the providers would be paid first, then any remaining reimbursement would be paid to the claimant.

The Board discussed the "Obama Care" act, the effect it might have on medical claims, and how to handle cases in which the victims failed to procure health insurance.

The Board requested deletion of the denial code for Victim Contribution -- Gang Activity.

The Board requested that inability to check criminal histories in NCIC be revisited to see if anything can be done to allow access to those records.

Mr. DiBenedetto made a motion to adjourn the meeting. Ms. Williams seconded the motion. Mr. Davis adjourned the meeting at 11:30 a.m.