

M I N U T E S

MEETING DATE: November 13, 2012

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, Margaret Watson

GUESTS PRESENT: Erich Duchmann, Kent Wolkart, Stephanie Minto-Gibson, Daphne Buras, Katherine Green

I. CALL TO ORDER

The monthly meeting of the Crime Victims Reparations Board for the date of November 13, 2012 was called to order by Mr. Davis at 9:10 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 was approved unanimously.

III. APPEALS

A 1. Calcasieu 11-098

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.

A 2. Iberville 12-006

Ms. Polak made a motion to uphold the appeal and approve eligibility and award the claim. The motion died for lack of a second. Mr. DiBenedetto made a motion to deny. Ms. Fanara seconded the motion. The motion failed. Mr. DiBenedetto made a motion to uphold the appeal, approve eligibility, and to award \$2,638.00 for FUNERAL. Ms. Polak seconded the motion and the motion passed 5 to 0 with 1 abstention.

IV. EMERGENCY CONFIRM/DENY

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

V. ITEMS FOR FULL DISCUSSION

F 1. Assumption 11-013

Ms. Polak made a motion to award \$66.30 for MEDICAL MILEAGE. Mr. Legendre seconded the motion and the motion passed unanimously.

F 2. Assumption 12-003

Ms. Fanara made a motion to award \$3,170.99 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 3. Bossier 12-013

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

F 4. Bossier 12-015

Ms. Fanara made a motion to approve the eligibility of this claimant but to pay any future claims only to providers. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 5. Bossier 12-018

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

F 6. Caddo 12-016

Ms. Polak made a motion to award \$50.00 for MEDICAL, \$694.47 for WAGE. Mr. DiBenedetto seconded the motion and the motion passed 6 to 1 with no abstentions.

F 7. Caddo 12-025

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

F 8. Caddo 12-026

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

V. ITEMS FOR FULL DISCUSSION

F 9. Caddo 12-036

Ms. Fanara made a motion to award \$1,212.97 for FUNERAL. Ms. Polak seconded the motion and the motion passed unanimously.

F 10. Calcasieu 01-074

Mr. DiBenedetto made a motion to deny the claim as a non-compensable expense because the Board had previously paid for hearing aids but they were lost. Ms. Rodi seconded the motion and the motion passed unanimously.

F 11. Calcasieu 11-020

Ms. Polak made a motion to award \$450.00 for MENTAL HEALTH. Ms. Rodi seconded the motion and the motion passed unanimously.

F 12. Calcasieu 11-070

Ms. Polak made a motion to defer claims awaiting insurance information (documentation regarding why hasn't insurance paid). Ms. Stapleton seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 11/01/12.

F 13. Calcasieu 11-082

Ms. Polak made a motion to defer claims awaiting insurance information (documentation regarding why insurance hasn't paid). Mr. DiBenedetto seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 10/13/12.

F 14. Calcasieu 12-006

Ms. Polak made a motion to award \$909.00 for FUNERAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

F 15. Calcasieu 12-018

Ms. Polak made a motion to award \$402.49 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 16. Calcasieu 12-047

Ms. Polak made a motion to award \$3,127.80 for FUNERAL. Ms. Rodi seconded the motion and the motion passed unanimously.

F 17. Calcasieu 12-050

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

F 18. Calcasieu 12-053

Ms. Polak made a motion to defer ruling awaiting insurance information (documentation regarding why insurance hasn't paid). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 19. Calcasieu 12-055

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

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motion and the motion passed unanimously.

F 20. Calcasieu 12-058

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

F 21. Calcasieu 12-060

Ms. Polak made a motion to award \$1,585.58 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Fanara seconded the motion and the motion passed 6 to 1 with no abstentions.

F 22. Calcasieu 12-061

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

F 23. Calcasieu 12-062

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 24. Calcasieu 12-064

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

F 25. Calcasieu 12-076

Ms. Polak made a motion to award. Mr. DiBenedetto seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 12/17/11.

F 26. East Baton Rouge 11-041

Ms. Polak made a motion to award \$24,815.00 for WAGE. Ms. Rodi seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 27. East Baton Rouge 12-030

Mr. Legendre made a motion to award \$4,500.00 for FUNERAL. Ms. Polak seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 28. East Baton Rouge 12-052

Ms. Polak made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution / illegal activity) (no documentation provided of legal status in the United States). Mr. DiBenedetto seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 29. East Baton Rouge 12-059

Ms. Polak made a motion to award \$5,000.00 for FUNERAL. Ms. Rodi seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 30. East Baton Rouge 12-060

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 6 to 0 with 1

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abstention.

F 31. East Baton Rouge 12-068

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

F 32. East Baton Rouge 12-077

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 33. East Feliciana 12-012

Ms. Stapleton made a motion to defer ruling awaiting Claim Form for Funeral Expenses. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 34. Iberia 12-017

Ms. Stapleton made a motion to award \$443.87 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

F 35. Iberia 12-019

Ms. Stapleton made a motion to award \$300.00 for AMBULANCE TRANSPORT (MEDICAL), \$791.88 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 36. Iberville 12-001

Ms. Stapleton made a motion to award \$4,856.55 for FUNERAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 37. Iberville 12-004

Ms. Stapleton made a motion to award \$273.60 for WAGE. Ms. Polak seconded the motion and the motion passed unanimously.

F 38. Iberville 12-008

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

F 39. Jefferson 12-016

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

F 40. Jefferson 12-020

Ms. Stapleton made a motion to defer ruling awaiting more information. Ms. Polak seconded the motion and the motion passed unanimously.

F 41. Jefferson 12-021

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.

V. ITEMS FOR FULL DISCUSSION

F 42. Jefferson Davis 12-003

Ms. Rodi made a motion to approve the eligibility of this claimant. The motion died for lack of a second. Mr. DiBenedetto made a motion to deny eligibility. The motion died for lack of a second. Ms. Fanara made a motion to approve the eligibility of this claimant, but with a 50% reduction for contribution, in payments of any future claims. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 43. Lafayette 11-013

Ms. Polak made a motion to award \$548.04 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 44. Lafayette 12-014

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 45. Lafayette 12-021

Ms. Fanara made a motion to award \$2,160.00 for WAGE. Ms. Polak seconded the motion and the motion passed unanimously.

F 46. Lafayette 12-022

Mr. DiBenedetto made a motion to award \$3,945.00 for MEDICAL. The claim amounts were reduced by 50 % for contribution. Ms. Fanara seconded the motion and the motion passed 5 to 2 with no abstentions.

F 47. Lafourche 11-074

Ms. Stapleton made a motion to award \$525.00 for MENTAL HEALTH, \$164.22 for MEDICAL MILEAGE. Ms. Polak seconded the motion and the motion passed unanimously. The Board also requested that the mental health provider be made aware that the mental health expenses are nearing the maximum allowable.

F 48. Lafourche 12-028

Ms. Fanara made a motion to award \$477.36 for MEDICAL MILEAGE. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 49. Lafourche 12-036

Mr. DiBenedetto made a motion to defer claims awaiting insurance information (documentation regarding why insurance hasn't paid). Ms. Stapleton seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 11/22/12.

F 50. Lafourche 12-064

Mr. DiBenedetto made a motion to award \$113.23 for AMBULANCE TRANSPORT (MEDICAL), \$28.00 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 51. Lafourche 12-065

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

V. ITEMS FOR FULL DISCUSSION

F 52. Lafourche 12-080

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

F 53. Morehouse 12-002

Ms. Polak made a motion to award \$5,000.00 for FUNERAL, \$4,561.43 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 54. Orleans 11-020

Ms. Rodi made a motion to award. Estimate approved for: \$4,453.00 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

F 55. Orleans 11-073

Ms. Rodi made a motion to award \$90.79 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

F 56. Orleans 11-096

Ms. Rodi made a motion to award \$7,604.72 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

F 57. Orleans 11-189

Ms. Fanara made a motion to defer ruling awaiting more information (arrest affidavit). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 58. Orleans 12-023

Ms. Polak 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 59. Orleans 12-061

Ms. Fanara made a motion to award \$3,726.81 for FUNERAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 60. Orleans 12-064

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

F 61. Orleans 12-065

Ms. Rodi made a motion to defer ruling awaiting additional information from law enforcement. Ms. Polak seconded the motion and the motion passed unanimously.

F 62. Orleans 12-068

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

F 63. Orleans 12-078

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

V. ITEMS FOR FULL DISCUSSION

F 64. Orleans 12-082

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 65. Orleans 12-084

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

F 65. Orleans 12-084

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

F 66. Ouachita 12-007

Ms. Fanara made a motion to award \$301.83 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

F 67. Pointe Coupee 12-003

Ms. Fanara made a motion to award \$695.53 for MEDICAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 68. Rapides 12-019

Ms. Fanara 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 69. St. Charles 12-023

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

F 70. St. Charles 12-024

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

F 71. St. Charles 12-025

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

F 71. St. Charles 12-025

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

F 72. St. Charles 12-028

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

F 73. St. Charles 12-029

Mr. DiBenedetto 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 unanimously.

V. ITEMS FOR FULL DISCUSSION

F 74. St. Charles 12-031

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

F 75. St. James 12-001

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

F 76. St. John The Baptist 12-003

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

F 77. St. Tammany 12-002

Ms. Polak made a motion to award \$92.05 for AMBULANCE TRANSPORT (MEDICAL), \$680.44 for MEDICAL, \$228.32 for MEDICAL MILEAGE. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 78. St. Tammany 12-003

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 79. St. Tammany 12-010

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 80. Vermilion 12-007

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

F 81. Washington 12-003

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

F 82. Webster 12-002

Mr. DiBenedetto made a motion to award \$150.00 for AMBULANCE TRANSPORT (MEDICAL), \$158.51 for MEDICAL, \$2,500.00 for FUNERAL. The claim amounts were reduced by 50 % for contribution. Ms. Stapleton seconded the motion and the motion passed unanimously.

VII. OTHER BUSINESS

The Board discussed payment of future lost wages, child care expenses, and dependant care expenses.

Ms. Polak made a motion to adjourn the meeting. Ms. Rodi seconded t he motion. Mr. Davis adjourned the meeting at 11:55 a.m.