

M I N U T E S

MEETING DATE: December 11, 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

GUESTS PRESENT: Erich Duchmann, Kent Wolkart, Sami Riley, Latina Jolivett, Stephanie Minto

I. CALL TO ORDER

The monthly meeting of the Crime Victims Reparations Board for the date of December 11, 2012 was called to order at 9:05 a.m. by Mr. Davis.

II. APPROVAL OF MINUTES OF PREVIOUS MEETING

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

III. APPEALS

NONE

IV. EMERGENCY CONFIRM/DENY

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

V. ITEMS FOR FULL DISCUSSION

F 1. Caddo 12-029

Ms. Polak made a motion to award \$374.89 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 2. Caddo 12-030

Ms. Fanara made a motion to award \$440.42 for MEDICAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 3. Caddo 12-037

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

F 4. Caddo 12-038

Ms. Polak made a motion to award \$3,040.00 for WAGE. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 5. Caddo 12-040

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

F 6. Caddo 12-041

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

F 7. Calcasieu 12-063

Ms. Polak made a motion to deny under authority of R.S. 46:1809 B(1) (crime definition).
Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 8. Calcasieu 12-066

Ms. Polak made a motion to award \$5,000.00 for FUNERAL. Ms. Stapleton seconded the motion and the motion passed unanimously. The board agreed to waive the one year deadline for applying for reparations.

F 9. Calcasieu 12-067

Ms. Polak made a motion to award \$2,338.53 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Mr. Legendre seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 10. Calcasieu 12-069

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

F 11. Desoto 12-003

Ms. Polak made a motion to defer ruling awaiting Initial Treatment Plan from your mental health provider. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 11. Desoto 12-003

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

F 12. East Baton Rouge 10-088

Mr. DiBenedetto made a motion to award \$375.00 for MENTAL HEALTH. Ms. Polak seconded the motion and the motion passed 5 to 0 with 1 abstention. The board also agreed to request an Updated Mental Health Treatment Plan as of 12/14/12.

F 13. East Baton Rouge 12-049

Mr. Legendre made a motion to award \$4,500.00 for FUNERAL. Mr. DiBenedetto seconded the motion and the motion passed 5 to 0 with 1 abstention.

F 14. East Baton Rouge 12-050

Mr. DiBenedetto made a motion to award \$200.00 for FUNERAL. Ms. Fanara seconded the motion and the motion passed 5 to 0 with 1 abstention.

F 15. East Baton Rouge 12-051

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Fanara seconded the motion and the motion passed 5 to 0 with 1 abstention.

F 16. East Baton Rouge 12-053

Mr. DiBenedetto made a motion to award \$1,925.58 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Mr. Legendre seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 17. East Baton Rouge 12-054

Mr. DiBenedetto made a motion to award \$264.00 for WAGE. Ms. Polak seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 18. East Baton Rouge 12-062

Mr. DiBenedetto made a motion to award \$3,522.42 for FUNERAL. Ms. Fanara seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 19. East Baton Rouge 12-065

Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(1) (crime definition). Ms. Fanara seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 20. Jefferson 12-002

Ms. Rodi made a motion to award \$357.38 for MENTAL HEALTH. Ms. Fanara seconded

V. ITEMS FOR FULL DISCUSSION

the motion and the motion passed unanimously.

F 21. Lafayette 12-024

Mr. DiBenedetto 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 5 to 2 with no abstentions.

F 22. Lafourche 11-108

Ms. Polak made a motion to award \$710.00 for MENTAL HEALTH. Ms. Stapleton seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 01/25/13.

F 23. Lafourche 12-027

Ms. Polak made a motion to award \$202.50 for MENTAL HEALTH, \$103.34 for MEDICAL MILEAGE. Ms. Fanara seconded the motion and the motion passed unanimously.

F 24. Lafourche 12-058

Mr. DiBenedetto made a motion to award \$842.80 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

F 25. Lafourche 12-069

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

F 26. Lafourche 12-070

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

F 27. Lafourche 12-072

Ms. Fanara made a motion to approve the eligibility of this claimant. Ms. Polak seconded the motion and the motion passed unanimously. The Board also requested that the entire case be included with any future claims.

F 28. Natchitoches 12-004

Mr. Legendre 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. The Board also requested that the victim be referred to D.O.V.E.S.

F 29. Orleans 11-124

Ms. Polak made a motion to award. Estimate approved for: \$2,350.00 for MEDICAL. Ms. Rodi seconded the motion and the motion passed unanimously.

F 30. Orleans 12-029

Ms. Fanara made a motion to award \$82.25 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 31. Orleans 12-048

Ms. Rodi made a motion to award \$3,921.65 for FUNERAL. Ms. Polak seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 32. Orleans 12-087

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 33. Orleans 12-089

Ms. Rodi made a motion to award \$3,499.00 for FUNERAL. Ms. Polak seconded the motion and the motion passed unanimously. The board agreed to waive the one year deadline for applying for reparations.

F 34. Rapides 12-021

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 35. Sabine 12-005

Ms. Fanara made a motion to award \$291.20 for MEDICAL. Estimate approved for: \$345.80 for MEDICAL. Ms. Rodi seconded the motion and the motion passed unanimously.

F 36. St. Charles 12-021

Ms. Fanara made a motion to award \$300.00 for MENTAL HEALTH. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 37. St. Charles 12-033

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

F 38. St. John The Baptist 12-006

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

F 39. St. John The Baptist 12-007

Ms. Fanara made a motion to award \$1,900.00 for WAGE. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 40. St. Landry 12-002

Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(1) (no evidence of crime). Mr. Legendre seconded the motion and the motion passed 5 to 2 with no abstentions.

F 41. St. Martin 12-006

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

F 42. St. Tammany 11-019

Ms. Stapleton made a motion to award \$680.00 for MENTAL HEALTH, \$108.81 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 01/19/13.

V. ITEMS FOR FULL DISCUSSION

F 43. Vernon 12-003

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

VI. LATE ADDITIONS

L 1. Acadia 12-004

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.

L 2. Calcasieu 10-023

Ms. Polak made a motion to award \$337.50 for MENTAL HEALTH. Ms. Stapleton seconded the motion and the motion passed unanimously.

L 3. Calcasieu 11-032

Ms. Polak made a motion to defer claims awaiting treatment update from your mental health provider. Ms. Stapleton seconded the motion and the motion passed unanimously.

L 4. Claiborne 12-001

Ms. Polak made a motion to award \$936.80 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Mr. Legendre seconded the motion and the motion passed unanimously.

L 5. East Baton Rouge 11-074

Mr. DiBenedetto made a motion to defer claims awaiting treatment update. Ms. Rodi seconded the motion and the motion passed 6 to 0 with 1 abstention.

L 6. East Baton Rouge 12-029

Mr. DiBenedetto made a motion to award \$9,500.00 for CATASTROPHIC PROPERTY. Ms. Polak seconded the motion and the motion passed 6 to 0 with 1 abstention.

L 7. East Baton Rouge 12-064

Ms. Polak made a motion to award \$10,000.00 for MEDICAL. Ms. Rodi seconded the motion and the motion passed 5 to 1 with 1 abstention.

L 8. East Baton Rouge 12-066

Mr. DiBenedetto made a motion to award \$4,495.00 for FUNERAL. Ms. Fanara seconded the motion and the motion passed 6 to 0 with 1 abstention.

L 9. East Baton Rouge 12-067

Mr. DiBenedetto made a motion to award \$4,495.00 for FUNERAL. Ms. Rodi seconded the motion and the motion passed 6 to 0 with 1 abstention.

L 10. East Baton Rouge 12-072

Mr. DiBenedetto made a motion to award \$2,300.00 for WAGE. Ms. Rodi seconded the motion and the motion passed 6 to 0 with 1 abstention.

VI. LATE ADDITIONS

L 11. Iberia 12-020

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.

L 12. Iberville 12-007

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

L 13. Jefferson 12-023

Ms. Polak made a motion to approve. The motion died for lack of a second. Mr. DiBenedetto made a motion to deny. The motion died for lack of a second. Mr. DiBenedetto made a motion to award \$896.00 for WAGE. The claim amounts were reduced by 50 % for contribution. Mr. Legendre seconded the motion and the motion passed 6 to 1 with no abstentions.

L 14. Lafayette 08-010

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

L 15. Lafayette 12-016

Mr. DiBenedetto made a motion to deny. The motion died for lack of a second. Ms. Polak made a motion to approve the eligibility of this claimant. The claim amounts were reduced by 50 % for contribution. Ms. Stapleton seconded the motion and the motion passed unanimously.

L 16. Lafayette 12-023

Ms. Polak made a motion to award \$3,501.91 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL), \$800.00 for WAGE. Ms. Rodi seconded the motion and the motion passed unanimously.

L 17. Lafayette 12-027

Ms. Fanara made a motion to award \$866.67 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

L 18. Lafourche 12-037

Ms. Stapleton made a motion to award \$3,833.97 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

L 19. Lafourche 12-066

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

L 20. Lafourche 12-071

Ms. Polak made a motion to award \$337.50 for MENTAL HEALTH. Ms. Rodi seconded the motion and the motion passed unanimously.

VI. LATE ADDITIONS

L 21. Lafourche 12-081

Ms. Stapleton made a motion to award \$9,332.55 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

L 22. Natchitoches 12-005

Ms. Polak made a motion to award \$400.00 for WAGE, \$45.28 for MEDICAL. Ms. Rodi seconded the motion and the motion passed unanimously.

L 23. Ouachita 12-003

Ms. Fanara made a motion to award \$3,923.68 for MEDICAL. Estimate approved for: \$1,565.00 for MEDICAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

L 24. St. Helena 12-001

Ms. Polak made a motion to award \$8,254.61 for MEDICAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

L 25. St. Martin 12-007

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

L 26. Washington 12-004

Ms. Stapleton made a motion to award \$4,500.00 for FUNERAL, \$2,581.67 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

L 27. Calcasieu 12-018

Ms. Polak made a motion to award \$49.00 for MEDICAL but to defer the claim of \$140.00 for MENTAL HEALTH expenses awaiting an Initial Treatment Plan from your mental health provider. Ms. Stapleton seconded the motion and the motion passed unanimously.

L 28. Calcasieu 12-072

Mr. Legendre 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.

L 29. East Baton Rouge 12-010

Mr. DiBenedetto made a motion to award \$8,938.91 for WAGE. Ms. Polak seconded the motion and the motion passed 6 to 0 with 1 abstention.

L 30. East Baton Rouge 12-061

Mr. DiBenedetto made a motion to award \$951.62 for MEDICAL. Ms. Rodi seconded the motion and the motion passed 6 to 0 with 1 abstention.

L 31. Iberia 12-016

Ms. Polak made a motion to award \$331.51 for MEDICAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

VI. LATE ADDITIONS

L 32. Jefferson 12-003

Ms. Stapleton made a motion to award \$11,139.69 for WAGE. Ms. Fanara seconded the motion and the motion passed unanimously.

L 33. Lafayette 12-026

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

L 34. Lafourche 11-083

Ms. Stapleton made a motion to award \$1,500.00 for MENTAL HEALTH, \$408.00 for MEDICAL MILEAGE. Ms. Rodi seconded the motion and the motion passed unanimously. The Board would also like the mental health provider to be aware that the mental health expenses are approaching the mental health maximum eligibility.

L 35. Lafourche 12-068

Ms. Stapleton made a motion to award \$4,492.60 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Fanara seconded the motion and the motion passed unanimously.

L 36. St. Landry 11-012

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

L 37. East Baton Rouge 12-006

Ms. Polak made a motion to award \$4,599.90 for WAGE. Ms. Fanara seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

L 38. Lafourche 11-070

Ms. Polak made a motion to award \$40.60 for WAGE. Ms. Fanara seconded the motion and the motion passed unanimously.

L 39. Orleans 12-107

Mr. DiBenedetto made a motion to award \$9,500.00 for WAGE. Mr. Legendre seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

VII. OTHER BUSINESS

The Board discussed proposed changes to child care benefits and lost wage reimbursement.

Ms. Polak made a motion to adjourn the meeting. Mr. Legendre seconded the motion. Mr. Davis adjourned the meeting at 10:30 a.m.