



State of Louisiana
Crime Victims Reparations Board
MINUTES

MEETING DATE: August 11, 2015

MEMBERS PRESENT: Mr. Carroll DiBenedetto, Sr., Mr. Tyler Downing, Ms. Ann Polak, Ms. Sharon Rodi, Ms. Keva Sims, Ms. Amanda Tonkovich,

MEMBERS ABSENT: , , Ms. Nancy Adcock, Mr. Lamarr Davis, Ms. Lucille Williams,

STAFF PRESENT: Robert Wertz, Carla Trahan, Margaret Watson

GUESTS PRESENT: Erich Duchmann, Kent Wolkart, Jane Wood, Rikee Ruffin, Stephanie Minto-Gibson, Jade Mariano

I. CALL TO ORDER

Ms. Rodi called the Crime Victims Reparations Board meeting for the date of August 11, 2015, to order at 9:15 a.m. The five Board members present, acting as a committee,

II. APPROVAL OF MINUTES OF PREVIOUS MEETING

Mr. Downing made a motion to approve the minutes of the previous Board meeting. Ms. Rodi seconded the motion and the motion was passed unanimously.

III. APPEALS

A 1. Lafayette 14-016

Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(iii) (victim contribution). Mr. Downing seconded the motion and the motion passed unanimously.

A 2. Orleans 14-107

Mr. DiBenedetto made a motion to deny for illegal activity. The motion failed. Ms. Sims made a motion to defer ruling awaiting supplemental police report. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

IV. EMERGENCY CONFIRM/DENY

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

V. ITEMS FOR FULL DISCUSSION

F 1. Ascension 14-006

Mr. Downing made a motion to award \$1,225.39 for WAGE, \$8,474.61 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 2. Ascension 15-003

Mr. Downing made a motion to award \$5,000.00 for LOST WAGE REIMBURSEMENT. Ms. Sims seconded the motion and the motion passed unanimously. The board agreed to increase the case maximum to \$25,000.

F 3. Bossier 15-003

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

F 4. Caddo 14-003

Ms. Sims made a motion to award \$2,972.73 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Tonkovich seconded the motion and the motion passed unanimously.

F 5. Caddo 15-035

Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Ms. Sims seconded the motion and the motion passed unanimously.

F 6. Caddo 15-036

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

F 7. Caddo 15-037

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

V. ITEMS FOR FULL DISCUSSION

F 8. Caddo 15-038

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

F 9. Caddo 15-039

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

F 10. Calcasieu 14-002

Ms. Sims made a motion to award \$300.00 for AMBULANCE TRANSPORT (MEDICAL), \$83.05 for MEDICAL. Ms. Tonkovich seconded the motion and the motion passed unanimously.

F 11. Calcasieu 14-003

Mr. Downing made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions) and under authority of R.S. 46:1809 B(3)(b) (failed or refused cooperation). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 12. Calcasieu 14-021

Ms. Sims made a motion to award \$750.00 for MENTAL HEALTH. Ms. Tonkovich seconded the motion and the motion passed unanimously.

F 13. Calcasieu 14-024

Mr. Downing made a motion to award \$415.39 for MEDICAL. Ms. Sims seconded the motion and the motion passed unanimously.

F 14. Calcasieu 14-044

Ms. Tonkovich made a motion to award \$7,013.10 for MEDICAL, \$2,686.90 for WAGE, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Sims seconded the motion and the motion passed unanimously.

F 15. Calcasieu 14-046

Mr. Downing made a motion to award \$612.82 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Tonkovich seconded the motion and the motion passed unanimously.

F 16. Calcasieu 14-070

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

F 16. Calcasieu 14-070

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

F 17. Calcasieu 15-005

Ms. Sims made a motion to award \$25.00 for MENTAL HEALTH. Mr. Downing seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 18. Calcasieu 15-018

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

F 19. Calcasieu 15-037

Ms. Sims made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Mr. Downing seconded the motion and the motion passed unanimously.

F 19. Calcasieu 15-037

Ms. Sims made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Mr. Downing seconded the motion and the motion passed unanimously.

F 19. Calcasieu 15-037

Ms. Sims made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Mr. Downing seconded the motion and the motion passed unanimously.

F 20. Calcasieu 15-038

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

F 21. Calcasieu 15-043

Mr. Downing 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 22. Calcasieu 15-044

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

F 23. Calcasieu 15-045

Mr. Downing made a motion to defer ruling awaiting location of victim. Ms. Sims seconded the motion and the motion passed unanimously.

F 24. Calcasieu 15-046

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

F 25. Calcasieu 15-049

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

F 26. Calcasieu 15-050

Mr. DiBenedetto made a motion to defer ruling awaiting outcome of criminal charges. Ms. Sims seconded the motion and the motion passed unanimously.

F 27. Calcasieu 15-053

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

V. ITEMS FOR FULL DISCUSSION

F 28. Calcasieu 15-056

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

F 29. East Baton Rouge 13-087

Mr. DiBenedetto made a motion to award \$2,738.51 for MEDICAL. Mr. Downing seconded the motion and the motion passed 5 to 0 with 1 recusal.

F 30. East Baton Rouge 13-088

Mr. DiBenedetto made a motion to approve eligibility, award \$29.15 for MEDICAL (to Pathology Group of Louisiana), but to defer payment of the claim to Our Lady of the Lake Regional Medical Center until an itemized invoice is received. Mr. Downing seconded the motion and the motion passed 5 to 0 with 1 recusal.

F 31. East Baton Rouge 14-003

Mr. DiBenedetto made a motion to award \$898.33 for MEDICAL, \$150.00 for AMBULANCE TRANSPORT (MEDICAL). The claim amounts were reduced by 50 % for contribution. Mr. Downing seconded the motion and the motion passed 5 to 0 with 1 recusal.

F 32. East Baton Rouge 14-023

Mr. DiBenedetto made a motion to award \$1,103.19 for MEDICAL. Ms. Tonkovich seconded the motion and the motion passed 5 to 0 with 1 recusal.

F 33. East Baton Rouge 14-138

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

F 34. East Carroll 15-001

Mr. Downing made a motion to approve the eligibility of this claimant. Ms. Tonkovich seconded the motion and the motion passed unanimously. The Board also requested that a death certificate be submitted with any future claims.

F 35. Iberia 14-012

Mr. DiBenedetto made a motion to award \$2,340.00 for WAGE. Ms. Sims seconded the motion and the motion passed unanimously.

F 36. Iberia 15-006

Ms. Sims made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 37. Iberia 15-007

Mr. Downing made a motion to approve the eligibility of this claimant. Ms. Tonkovich seconded the motion and the motion passed unanimously. The Board also requested that the entire case be returned to them with any future claims.

F 38. Iberville 15-004

Ms. Sims made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 39. Jefferson 14-004

Mr. Downing made a motion to award \$75.90 for MEDICAL. Ms. Tonkovich seconded the motion and the motion passed unanimously.

F 40. Jefferson 14-041

Ms. Sims made a motion to award \$2,763.01 for WAGE. Ms. Tonkovich seconded the motion and the motion passed unanimously.

F 41. Jefferson 15-014

Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(i) (illegal activity). Ms. Sims seconded the motion and the motion passed unanimously.

F 42. Lafourche 12-015

Ms. Tonkovich made a motion to award \$300.00 for AMBULANCE TRANSPORT (MEDICAL), \$991.38 for MEDICAL. Mr. Downing seconded the motion and the motion passed unanimously.

F 43. Lafourche 15-005

Mr. DiBenedetto made a motion to award \$5,949.60 for WAGE. Mr. Downing seconded the motion and the motion passed unanimously.

F 44. Lafourche 15-018

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

F 45. Lafourche 15-019

Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(1) (no evidence of crime) and under authority of LAC22:8.301(A)(1)(a)(iii) (victim contribution). Ms. Sims seconded the motion and the motion passed unanimously.

F 46. Lafourche 15-020

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

F 47. Orleans 14-007

Mr. DiBenedetto made a motion to award \$5,000.00 for WAGE. Ms. Sims seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

F 48. Orleans 14-011

Ms. Tonkovich made a motion to award \$300.00 for AMBULANCE TRANSPORT (MEDICAL), \$819.84 for MEDICAL. Ms. Sims seconded the motion and the motion passed unanimously.

F 49. Orleans 14-016

Ms. Sims made a motion to award \$6,046.70 for MEDICAL. Ms. Tonkovich seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 50. Orleans 14-018

Ms. Tonkovich made a motion to award \$300.05 for MEDICAL. Ms. Sims seconded the motion and the motion passed unanimously.

F 51. Orleans 14-078

Mr. Downing made a motion to deny under authority of LAC22:8.301(A)(1)(a)(i) (illegal activity). Ms. Sims seconded the motion and the motion passed unanimously.

F 52. Orleans 14-102

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

F 53. Orleans 14-108

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

F 54. Orleans 14-115

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

F 55. Orleans 14-119

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

F 56. Orleans 14-122

Mr. Downing made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 57. Orleans 14-146

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

F 58. Orleans 14-163

Mr. Downing made a motion to approve the eligibility of this claimant. Ms. Tonkovich seconded the motion and the motion passed 5 to 1 with no abstentions.

F 59. Sabine 13-014

Ms. Tonkovich made a motion to award \$432.06 for MEDICAL. Ms. Sims seconded the motion and the motion passed unanimously.

F 60. Sabine 14-004

Ms. Sims made a motion to defer claims awaiting a completed and signed Disability Verification Form signed by the victim's doctor (not by the victim) and documentation from the health provider showing dates of service matching the medical mileage claim. Mr. Downing seconded the motion and the motion passed unanimously.

F 61. St. Bernard 15-002

Mr. Downing made a motion to deny under authority of LAC22:8.301(A)(1)(a)(iii) (victim contribution). Ms. Tonkovich seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 62. St. Charles 15-010

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

F 63. St. Charles 15-017

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

F 64. St. Charles 15-018

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

F 65. St. Charles 15-019

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

F 66. St. Charles 15-020

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

F 67. St. Charles 15-022

Mr. Downing made a motion to defer ruling awaiting an update on the victim's living situation (is she still living with the offender?). Ms. Tonkovich seconded the motion and the motion passed unanimously.

F 68. St. Charles 15-023

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

F 69. St. Charles 15-024

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

F 70. St. Charles 15-025

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

F 71. St. Charles 15-026

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

F 72. St. Charles 15-027

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

F 73. St. Charles 15-028

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

V. ITEMS FOR FULL DISCUSSION

F 74. St. Charles 15-029

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

F 75. St. Charles 15-030

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

F 76. St. Charles 15-031

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

F 77. St. Charles 15-032

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

F 78. St. Charles 15-033

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

F 79. St. Charles 15-034

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

F 80. St. Charles 15-035

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

F 81. St. Charles 15-038

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

F 82. St. Charles 15-039

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

F 83. St. Charles 15-040

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

F 84. St. Charles 15-041

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

F 85. St. Helena 12-003

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

V. ITEMS FOR FULL DISCUSSION

F 86. St. James 14-003

Ms. Sims made a motion to award \$9,700.00 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Tonkovich seconded the motion and the motion passed unanimously.

F 87. St. Mary 13-005

Ms. Sims made a motion to award \$9,400.00 for MEDICAL, \$600.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Tonkovich seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

F 88. St. Mary 13-014

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

F 89. St. Tammany 15-008

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

F 90. St. Tammany 15-009

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

F 91. St. Tammany 15-010

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

F 92. St. Tammany 15-011

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

F 93. Tangipahoa 14-003

Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Mr. Downing seconded the motion and the motion passed unanimously.

F 94. Washington 14-005

Mr. Downing made a motion to award \$325.60 for MEDICAL. Ms. Sims seconded the motion and the motion passed unanimously.

VII. OTHER BUSINESS

When the sixth Board member, who was unavoidably detained, arrived, she took control of the meeting and reviewed the recommendations of the committee. Mr. Downing made a motion to make the recommendations permanent. Ms. Rodi seconded the motion. The motion passed unanimously.

CHAR13-029 -- Mr. Downing made a motion to extend the mental health treatment maximum from \$2,500 to a maximum of up to \$5,000. Ms. Sims seconded the motion and the motion passed unanimously.

Mr. Wertz discussed new rules regarding sexual assault.

Mr. Downing made a motion to adjourn the meeting. Ms. Tonkovich seconded the motion. Ms. Polak adjourned the meeting at 11:25 a.m.