

M I N U T E S

MEETING DATE: July 9, 2013

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

MEMBERS ABSENT: Ms. Nancy Adcock, Mr. Kenneth Jones, Mr. Jimmy Pohlmann, Ms. Sharon Rodl, Ms. Lucille Williams,

STAFF PRESENT: Robert Wertz, Carla Trahan

GUESTS PRESENT: Erich Duchmann, Sami Riley, Jessica Thornhill, Stephanie Minto-Gibson, Vickie Johnson, Daphne Buras

I. CALL TO ORDER

The monthly meeting of the Crime Victims Reparations Board for the date of July 9, 2013, was called to order at 9:10 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. Ms. Fanara seconded the motion and the motion passed unanimously.

III. APPEALS

A 1. Orleans 13-029

Ms. Polak 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.

IV. EMERGENCY CONFIRM/DENY

Mr. DiBenedetto 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. Bossier 12-016

Ms. Polak made a motion to defer claims awaiting receipt of Disability Verification Form. Ms. Fanara seconded the motion and the motion passed unanimously.

F 2. Bossier 13-003

Ms. Fanara made a motion to award \$248.54 for MENTAL HEALTH. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 3. Caddo 12-047

Ms. Stapleton made a motion to award \$2,800.00 for WAGE. Mr. Legendre seconded the motion and the motion passed unanimously.

F 4. Caddo 12-063

Ms. Polak made a motion to award \$1,933.53 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 5. Caddo 13-008

Mr. DiBenedetto made a motion to award \$665.50 for MEDICAL. Mr. Legendre seconded the motion and the motion passed unanimously.

F 6. Caddo 13-009

Ms. Stapleton made a motion to award \$10,000.00 for MEDICAL. Mr. Legendre seconded the motion and the motion passed unanimously.

F 7. Caddo 13-017

Ms. Stapleton made a motion to award \$63.55 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 8. Caddo 13-018

Ms. Stapleton made a motion to award \$278.50 for WAGE. Ms. Polak seconded the motion and the motion passed unanimously.

F 9. Caddo 13-019

Ms. Stapleton made a motion to award \$300.00 for AMBULANCE TRANSPORT (MEDICAL), \$830.15 for MEDICAL. Mr. Legendre seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 10. Caddo 13-021

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

F 11. Caddo 13-022

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

F 12. Caddo 13-025

Ms. Stapleton made a motion to award \$300.00 for AMBULANCE TRANSPORT (MEDICAL), \$6,234.61 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 13. Calcasieu 08-022

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

F 14. Calcasieu 11-016

Ms. Polak made a motion to award \$57.50 for MENTAL HEALTH. Mr. Legendre seconded the motion and the motion passed unanimously.

F 15. Calcasieu 11-020

Ms. Polak made a motion to award \$300.00 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 09/13/13.

F 16. Calcasieu 11-021

Ms. Polak made a motion to award \$80.10 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 17. Calcasieu 11-088

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

F 18. Calcasieu 12-054

Ms. Polak made a motion to award \$134.63 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 19. Calcasieu 12-068

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

F 20. Calcasieu 12-094

Ms. Polak made a motion to award. Estimate approved for: \$2,145.00 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 21. Calcasieu 13-010

Ms. Polak made a motion to award \$525.00 for MENTAL HEALTH. Mr. Legendre seconded the motion and the motion passed unanimously. The board also agreed to request

V. ITEMS FOR FULL DISCUSSION

an Updated Mental Health Treatment Plan as of 09/27/13.

F 22. East Baton Rouge 08-039

Ms. Stapleton made a motion to award \$412.50 for MENTAL HEALTH. Ms. Polak seconded the motion and the motion passed unanimously.

F 23. East Baton Rouge 11-053

Ms. Polak 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 24. East Baton Rouge 12-070

Ms. Polak made a motion to defer claims awaiting Initial Treatment Plan and Mental Health Treatment Update as of 4/20/13. Mr. Legendre seconded the motion and the motion passed unanimously.

F 25. East Baton Rouge 12-089

Ms. Polak made a motion to award \$677.50 for MENTAL HEALTH. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 26. East Baton Rouge 13-006

Ms. Stapleton 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 27. East Baton Rouge 13-009

Ms. Polak made a motion to award \$2,286.06 for WAGE, \$1,200.00 for MEDICAL but to defer payment of EMS charges pending insurance payment. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 28. East Baton Rouge 13-015

Ms. Stapleton made a motion to deny under authority of R.S. 46:1809 B(1) (not a compensable expense). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 29. East Baton Rouge 13-018

Ms. Stapleton made a motion to award \$4,269.15 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 30. East Baton Rouge 13-022

Ms. Stapleton made a motion to approve eligibility but to defer claims awaiting proof of extra-duty pay. Ms. Polak seconded the motion and the motion passed unanimously.

F 31. Iberia 13-006

Ms. Stapleton made a motion to award \$502.19 for MEDICAL. Estimate approved for: \$475.00 for MEDICAL. Mr. Legendre seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 32. Jefferson 13-004

Mr. DiBenedetto 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 33. Jefferson 13-007

Ms. Polak made a motion to approve eligibility but to defer the mental health claim pending receipt of a Claim Form for Mental Health Expenses. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 34. Lafayette 12-029

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

F 35. Lafayette 13-002

Mr. DiBenedetto 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 36. Lafourche 12-036

Mr. DiBenedetto made a motion to award \$150.00 for MENTAL HEALTH. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 37. Lafourche 13-001

Ms. Fanara made a motion to award \$137.45 for MEDICAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 38. Lafourche 13-017

Ms. Polak made a motion to approve the eligibility of this claimant. Mr. DiBenedetto seconded the motion and the motion passed unanimously. The board agreed to waive the one year deadline for applying for reparations.

F 39. Lafourche 13-018

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

F 40. Lafourche 13-020

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.

F 41. Lafourche 13-021

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

F 42. Orleans 11-137

Mr. DiBenedetto 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

V. ITEMS FOR FULL DISCUSSION

unanimously.

F 43. Orleans 12-011

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 44. Orleans 12-110

Ms. Polak made a motion to defer ruling awaiting more information from law enforcement, vehicle insurance information and a Funeral Verification Form. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 45. Orleans 13-028

Ms. Stapleton made a motion to defer claims awaiting letter of Total and Permanent Disability from the victim's doctor and proof of extra-duty wages. Mr. Legendre seconded the motion and the motion passed unanimously.

F 46. Orleans 13-052

Mr. Legendre 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 47. Ouachita 13-003

Ms. Stapleton made a motion to award \$561.16 for CRIME EVIDENCE, \$5,000.00 for FUNERAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 48. Ouachita 13-007

Ms. Stapleton made a motion to award \$4,465.72 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 49. Ouachita 13-012

Ms. Stapleton made a motion to award \$2,472.86 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 50. Plaquemines 13-001

Ms. Stapleton made a motion to award \$4,611.00 for FUNERAL. Ms. Polak seconded the motion and the motion passed unanimously.

F 51. Rapides 12-009

Ms. Polak made a motion to award \$102.18 for MEDICAL, \$147.14 for MENTAL HEALTH, \$1,360.00 for WAGE. Ms. Stapleton seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 08/06/12.

F 52. Rapides 13-004

Ms. Stapleton made a motion to award \$4,254.66 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 53. Sabine 13-005

Ms. Stapleton made a motion to award \$2,396.85 for MEDICAL, \$80.00 for AMBULANCE TRANSPORT (MEDICAL). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 54. St. Bernard 12-002

Ms. Polak made a motion to award \$1,142.81 for MEDICAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 55. St. Bernard 12-003

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

F 56. St. Bernard 13-002

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

F 57. St. Bernard 13-003

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 58. St. Charles 11-073

Ms. Polak made a motion to award \$140.00 for MENTAL HEALTH but to defer payment of six mental health sessions awaiting receipt of Mental Health Treatment Update from the mental health provider. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 59. St. Charles 12-001

Mr. Legendre made a motion to award \$450.00 for MENTAL HEALTH. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 60. St. Charles 12-021

Ms. Stapleton made a motion to award \$300.00 for MENTAL HEALTH. Ms. Polak seconded the motion and the motion passed unanimously.

F 61. St. Charles 13-006

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

F 62. St. Charles 13-016

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

F 63. St. Charles 13-017

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 64. St. John The Baptist 12-006

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

F 65. St. John The Baptist 12-008

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 66. St. Landry 12-006

Ms. Stapleton made a motion to award \$3,647.60 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Polak seconded the motion and the motion passed unanimously.

F 67. St. Martin 12-009

Ms. Stapleton made a motion to award \$663.24 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 68. St. Martin 13-004

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

F 69. St. Mary 13-003

Ms. Stapleton made a motion to award \$1,875.00 for MENTAL HEALTH but to defer reimbursement of funeral expenses awaiting information regarding why funeral costs were not paid for by the department. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 70. St. Tammany 11-019

Ms. Polak made a motion to award \$300.00 for AMBULANCE TRANSPORT (MEDICAL), \$36.85 for MEDICAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 71. St. Tammany 12-019

Ms. Polak made a motion to award \$500.00 for MENTAL HEALTH. Ms. Stapleton seconded the motion and the motion passed unanimously. The board agreed to waive the one year deadline for applying for reparations. The board also agreed to request an Updated Mental Health Treatment Plan as of 05/06/13.

F 72. Terrebonne 13-006

Ms. Stapleton made a motion to award \$922.07 for MEDICAL. Mr. Legendre seconded the motion and the motion passed unanimously.

F 73. Washington 13-002

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

VI. LATE ADDITIONS

L 1. Acadia 13-002

Mr. DiBenedetto 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 unanimously.

L 2. Bossier 13-009

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

L 3. Bossier 13-010

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

L 4. Calcasieu 13-021

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

L 5. Calcasieu 13-026

Ms. Polak 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.

L 6. Calcasieu 13-027

Ms. Polak 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.

L 7. East Baton Rouge 10-077

Ms. Stapleton made a motion to award \$3,197.77 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

L 8. Iberia 13-012

Mr. DiBenedetto made a motion to defer ruling awaiting more information from law enforcement. Mr. Legendre seconded the motion and the motion passed unanimously.

L 9. Lafourche 13-019

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

L 10. Lincoln 13-001

Ms. Polak made a motion to award \$781.02 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

L 11. St. Mary 13-006

Mr. DiBenedetto made a motion to award \$5,000.01 for MEDICAL. The claim amounts were reduced by 50 % for contribution. Ms. Stapleton seconded the motion and the motion passed unanimously.

VI. LATE ADDITIONS

L 12. Orleans 12-069

Mr. DiBenedetto made a motion to award \$1,795.77 for MEDICAL, \$117.80 for AMBULANCE TRANSPORT (MEDICAL). Ms. Fanara seconded the motion and the motion passed unanimously.

L 13. Orleans 12-106

Ms. Polak made a motion to award \$6,025.22 for WAGE. Ms. Fanara seconded the motion and the motion passed unanimously.

L 14. Orleans 12-115

Ms. Polak made a motion to award \$815.00 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Fanara seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

L 15. Orleans 13-031

Ms. Polak made a motion to award \$144.37 for MEDICAL, \$9,355.63 for WAGE, but to defer making a decision on Total and Permanent Disability until a letter from the victim's doctor is received. Ms. Stapleton seconded the motion and the motion passed unanimously.

VI. LATE ADDITIONS

L 16. Orleans 13-032

Ms. Polak made a motion to award \$127.48 for MEDICAL. Mr. Legendre seconded the motion and the motion passed unanimously.

L 17. Orleans 13-033

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

L 18. Orleans 13-039

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

VII. OTHER BUSINESS

The Board discussed how long estimates should be approved for. The Board decided that estimates should be approved for a six-month time period.

The Board also discussed whether an unborn child who was killed as a result of a violent crime against his/her mother should be treated as a victim. The Board made the decision that he/she should be treated as a separate victim.

Mr. DiBenedetto made a motion to adjourn the meeting. Ms. Fanara seconded the motion. Mr. Davis adjourned the meeting at 11:10 a.m.