

# **M I N U T E S**

**MEETING DATE:** January 19, 2011

**MEMBERS PRESENT:** Ms. Nancy Adcock, Mr. Lamarr Davis, Mr. Carroll DiBenedetto, Sr., Ms. Mary L. Fanara, Mr. Joey Watson, Mr. Jimmy Pohlmann, Ms. Ann Polak, Ms. Sharon Rodi, Ms. Lucille Williams,

**MEMBERS ABSENT:** Mr. Kenneth Jones, Ms. Carolyn Stapleton,

**STAFF PRESENT:** Robert Wertz, Linda Gautier, Carla Trahan

**GUESTS PRESENT:** Erich Duchmann, Mechelle Delahoussaye, Sybil Turner, Carl J. Lane, Wayne Babin, Tiffany Veal, Barbara Bartlett, Jada Keller

## **I. CALL TO ORDER**

The meeting of the Crime Victims Reparations Board was called to order by Mr. Davis at 9:00 a.m.

## **II. APPROVAL OF MINUTES OF PREVIOUS MEETING**

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

### **III. APPEALS**

#### **A 1. Jefferson 10-024**

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

#### **A 2. Jefferson 10-025**

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.

#### **A 3. Lafourche 10-084**

Ms. Rodi made a motion to defer ruling awaiting more information on 2008 felony conviction. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

#### **A 4. Lafourche 10-093**

Ms. Maggio 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.

#### **A 5. Orleans 10-067**

Ms. Adcock made a motion to deny under authority of LAC22: XIII.301(A)(1)(a) (felony convictions). Ms. Williams seconded the motion and the motion passed unanimously.

### **IV. EMERGENCY CONFIRM/DENY**

Ms. Polak 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. Ascension 10-004**

Ms. Polak made a motion to award \$2,625.95 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

#### **F 2. Bossier 10-022**

Ms. Adcock made a motion to award \$787.71 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

#### **F 3. Bossier 10-027**

Ms. Adcock made a motion to deny under authority of LAC22: XIII.301(A)(1)(a) (felony convictions). Ms. Williams seconded the motion and the motion passed 8 to 1 with no abstentions.

#### **F 4. Caddo 10-008**

Ms. Adcock made a motion to award \$180.00 for MENTAL HEALTH. Ms. Williams seconded the motion and the motion passed unanimously.

#### **F 5. Caddo 10-031**

Ms. Adcock made a motion to award \$757.90 for MEDICAL, \$272.40 for AMBULANCE TRANSPORT (MEDICAL). Ms. Williams seconded the motion and the motion passed unanimously.

#### **F 6. Caddo 10-032**

Ms. Adcock made a motion to deny under authority of LAC22: XIII.301(A)(1)(a) (felony

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convictions). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**F 7. Caddo 10-046**

Ms. Adcock made a motion to award \$673.00 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**F 8. Calcasieu 09-026**

Ms. Polak made a motion to award \$150.00 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 04/30/10.

**F 9. Calcasieu 09-040**

Ms. Polak made a motion to award \$300.00 for MENTAL HEALTH. Ms. Maggio seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 10/15/10.

**F 10. Calcasieu 09-073**

Ms. Polak made a motion to award \$750.00 for MENTAL HEALTH. Ms. Rodi seconded the motion and the motion passed unanimously. The Board also requested that the mental health provider be informed that the victim is nearing the out-patient mental health maximum.

**F 11. Calcasieu 10-022**

Ms. Polak made a motion to award \$1,662.50 for MENTAL HEALTH. Ms. Rodi seconded the motion and the motion passed 6 to 3 with no abstentions. The board also agreed to request an Updated Mental Health Treatment Plan as of 11/12/10.

**F 12. Calcasieu 10-039**

Ms. Polak made a motion to award \$562.50 for MENTAL HEALTH. Mr. DiBenedetto seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 12/22/10.

**F 13. Calcasieu 10-040**

Mr. DiBenedetto made a motion to award \$487.50 for MENTAL HEALTH. Ms. Polak seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 12/21/10.

**F 14. Calcasieu 10-047**

Ms. Polak made a motion to award \$3,240.56 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Williams seconded the motion and the motion passed unanimously.

**F 15. Concordia 10-011**

Ms. Fanara made a motion to award \$884.10 for MEDICAL. Ms. Maggio seconded the motion and the motion passed unanimously.

**F 16. Concordia 10-015**

Ms. Adcock made a motion to defer ruling awaiting investigative report and information on a possible civil suit against the hospital. Ms. Fanara seconded the motion and the motion passed unanimously.

**V. ITEMS FOR FULL DISCUSSION**

**F 17. East Baton Rouge 10-024**

Ms. Polak made a motion to award \$900.00 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously. The Board also requested that the mental health provider be informed that the victim is nearing the out-patient mental health maximum.

**F 18. East Baton Rouge 10-044**

Mr. DiBenedetto made a motion to award \$1,833.30 for MEDICAL, \$960.00 for WAGE, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Maggio seconded the motion and the motion passed unanimously.

**F 19. East Baton Rouge 10-050**

Mr. DiBenedetto made a motion to award \$4,287.00 for FUNERAL. Ms. Maggio seconded the motion and the motion passed unanimously.

**F 20. East Baton Rouge 10-102**

Mr. DiBenedetto made a motion to award \$2,250.00 for FUNERAL. The claim amounts were reduced by 50 % for contribution. Ms. Williams seconded the motion and the motion passed unanimously.

**F 21. East Baton Rouge 10-122**

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

**F 22. East Baton Rouge 10-123**

Mr. DiBenedetto made a motion to award \$3,087.71 for FUNERAL. Ms. Adcock seconded the motion and the motion passed unanimously.

**F 23. East Baton Rouge 10-127**

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

**F 24. East Baton Rouge 10-129**

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

**F 25. East Baton Rouge 10-140**

Mr. DiBenedetto made a motion to award \$1,760.00 for WAGE. Ms. Williams seconded the motion and the motion passed unanimously.

**F 26. Iberia 10-023**

Mr. Maggio made a motion to award \$252.00 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**F 27. Jefferson 10-029**

Ms. Rodi made a motion to deny under authority of LAC22: XIII.301(A)(1)(a) (felony convictions). Ms. Williams seconded the motion and the motion passed unanimously.

**F 28. Jefferson Davis 10-002**

Mr. DiBenedetto 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.

**V. ITEMS FOR FULL DISCUSSION**

**F 29. Lafayette 10-029**

Ms. Polak made a motion to award \$1,422.42 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Mr. Maggio seconded the motion and the motion passed unanimously.

**F 30. Lafourche 09-059**

Ms. Rodi made a motion to award \$710.00 for MENTAL HEALTH, \$79.00 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously.

**F 31. Lafourche 09-078**

Ms. Polak made a motion to award \$951.37 for MENTAL HEALTH, \$172.80 for MEDICAL MILEAGE. Ms. Rodi seconded the motion and the motion passed unanimously.

**F 32. Lafourche 10-081**

Ms. Polak made a motion to approve. Ms. Maggio seconded the motion. The motion failed. Ms. Adcock made a motion to defer ruling awaiting disposition of case on harboring a fugitive. Mr. Pohlmann seconded the motion and the motion passed 7 to 2 with no abstentions.

**F 33. Lafourche 10-092**

Mr. Maggio made a motion to award \$93.75 for MENTAL HEALTH, \$17.28 for MEDICAL MILEAGE, \$224.37 for MEDICAL. The claim amounts were reduced by 50 % for contribution. Ms. Fanara seconded the motion and the motion passed unanimously.

**F 34. Lafourche 10-115**

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

**F 35. Lafourche 10-117**

Ms. Polak made a motion to defer ruling awaiting clarification on cooperation. Ms. Adcock seconded the motion and the motion passed unanimously.

**F 36. Lafourche 10-118**

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

**F 37. Lafourche 10-119**

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

**F 38. Lafourche 10-120**

Ms. Polak made a motion to approve the eligibility of this claimant. Ms.. Maggio seconded the motion and the motion passed 8 to 1 with no abstentions.

**F 39. Lafourche 10-121**

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

**F 40. Lafourche 10-122**

Ms. Maggio made a motion to approve the eligibility of this claimant. Mr. Pohlmann

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seconded the motion and the motion passed unanimously.

**F 41. Natchitoches 10-014**

Ms. Adcock 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 42. Orleans 09-153**

Ms. Fanara made a motion to award \$35.00 for MEDICAL. Ms. Maggio seconded the motion and the motion passed unanimously.

**F 43. Orleans 10-055**

Ms. Maggio made a motion to award \$995.46 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Fanara seconded the motion and the motion passed unanimously.

**F 44. Orleans 10-087**

Ms. Adcock made a motion to award \$368.48 for MEDICAL, \$150.00 for AMBULANCE TRANSPORT (MEDICAL), \$800.00 for WAGE. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**F 45. Orleans 10-126**

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

**F 46. Orleans 10-137**

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

**F 47. Orleans 10-138**

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

**F 48. Orleans 10-152**

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

**F 49. Orleans 10-153**

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

**F 50. Orleans 10-171**

Ms. Adcock made a motion to defer ruling awaiting supplemental police report. Ms. Williams seconded the motion and the motion passed unanimously.

**F 51. Ouachita 10-013**

Ms. Adcock made a motion to defer ruling awaiting supplemental police report and claim investigator recommendation. Ms. Williams seconded the motion and the motion passed unanimously.

## V. ITEMS FOR FULL DISCUSSION

### F 52. Rapides 10-025

Ms. Adcock made a motion to award \$478.80 for MEDICAL, \$150.00 for AMBULANCE TRANSPORT (MEDICAL). The claim amounts were reduced by 50 % for contribution. Ms. Williams seconded the motion and the motion passed unanimously.

### F 53. St. Charles 09-014

Ms. Polak made a motion to award \$650.92 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

### F 54. St. Charles 09-033

Ms. Adcock made a motion to award \$50.00 for MEDICAL. Ms. Rodi seconded the motion and the motion passed unanimously.

### F 55. St. Charles 09-043

Ms. Polak made a motion to defer ruling awaiting initial mental health treatment plan. Ms. Adcock seconded the motion and the motion passed unanimously.

### F 56. St. Landry 09-016

Ms. Rodi made a motion to award \$650.00 for FUNERAL. Ms. Polak seconded the motion and the motion passed 7 to 1 with no abstentions.

### F 57. St. Tammany 09-011

Ms. Polak made a motion to award \$675.00 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously. The board also requested an Updated Mental Health Treatment Plan as of 11/28/10 and requested that the mental health provider be informed that the victim is nearing the out-patient mental health maximum.

### F 58. St. Tammany 10-012

Ms. Rodi made a motion to award \$3,705.00 for MEDICAL, \$2,021.58 for MEDICAL TRAVEL (MEDICAL). Ms. Polak seconded the motion and the motion passed unanimously.

### F 59. West Feliciana 10-003

Ms. Polak made a motion to approve. Ms. Rodi seconded the motion. The motion failed. Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution / illegal activity). Ms. Fanara seconded the motion and the motion passed 7 to 0 with 1 abstention.

### L 1. Vernon 10-001

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

## VI. LATE ADDITIONS

### L 2. St. Tammany 10-017

Ms. Polak made a motion to award \$105.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Fanara seconded the motion and the motion passed unanimously.

### L 3. Orleans 10-060

Ms. Polak made a motion to award \$4,500.00 for FUNERAL. Mr. DiBenedetto seconded

## VI. LATE ADDITIONS

the motion and the motion passed unanimously.

### L 4. Orleans 10-059

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

### L 5. Calcasieu 10-031

Ms. Polak made a motion to approve. Ms. Rodi seconded. The motion failed. Ms. Adcock made a motion to approve at 50%. The motion died for lack of a second. Ms. Fanara made a motion to deny under authority of R.S. 46:1809 B(3)(b) (failed or refused cooperation). Mr. DiBenedetto seconded the motion and the motion passed 6 to 1 with 1 abstention.

### L 6. East Baton Rouge 10-138

Mr. DiBenedetto made a motion to award \$4,333.36 for FUNERAL. Ms. Polak seconded the motion and the motion passed unanimously.

## VII. OTHER BUSINESS

TAMM10-009 - Ms. Rodi made a motion to rescind the decision of the previous meeting and to deny to case for crime definition. Ms. Polak seconded the motion and the motion passed unanimously.

The Board discussed rule changes that were brought up at the December, 2010 Board meeting. After a brief discussion, Mr. DiBenedetto made a motion to leave the wording of the rule as previously agreed upon. Ms. Fanara seconded the motion and the motion passed unanimously.