

M I N U T E S

MEETING DATE: May 11, 2010

MEMBERS PRESENT: Ms. Nancy Adcock, Mr. Lamarr Davis, Mr. Carroll DiBenedetto, Sr., Ms. Mary L. Fanara, Mr. Ben Garris, Mr. Kenneth Jones, Jimmy Pohlmann, Ms. Ann Polak, Ms. Lucille Williams

MEMBERS ABSENT: Ms. Sharon Rodi, Ms. Carolyn Stapleton

STAFF PRESENT: Robert Wertz, Linda Gautier, Carla Trahan

GUESTS PRESENT: Mechelle Delahoussaye, Lynn Terrance, Kent Wolkart, Tiffany Veal, Kathy Barnard, Silba Bonin, G. Barnard., Hubert Michel, Latina Jolivett

I. CALL TO ORDER

The meeting of the Crime Victims Reparations Board for the date of May 11, 2010, was called to order at 9:35 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. Jones seconded the motion and the motion passed unanimously.

III. APPEALS

A 1. Livingston 08-007

Mr. Jones made a motion to defer ruling awaiting information on felony convictions and expungement. Jim Pohlmann seconded the motion and the motion passed unanimously.

A 2. Orleans 09-120

Mr. DiBenedetto made a motion to go into Executive Session. Ms. Polak seconded the session. The Board went into Executive Session to discuss the case. Mr. DiBenedetto made a motion to return to Open Session. Ms. Adcock seconded the motion and the Board returned to Open Session. Mr. Jones made a motion to defer ruling awaiting more information on case. The Board suggested the use of an interpreter. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

IV. EMERGENCY CONFIRM/DENY

Ms. Williams made a motion to deny the emergency rulings for the previous month. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 1. Ascension 09-004

Ms. Polak made a motion to award \$9,427.11 for MEDICAL. Mr. Garris seconded the motion and the motion passed unanimously.

F 2. Avoyelles 09-002

Ms. Fanara made a motion to award \$1,398.30 for FUNERAL. Mr. Garris seconded the motion and the motion passed unanimously.

F 3. Avoyelles 10-001

Ms. Fanara made a motion to award \$2,417.80 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

F 4. Bienville 10-001

Ms. Adcock 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 8 to 1 with no abstentions.

F 5. Bossier 10-007

Ms. Adcock made a motion to approve. The motion died for lack of a second. Ms. Adcock rescinded her motion and made a substitute motion to deny under authority of R.S. 46:1809 B(1) (no evidence of crime). Ms. Williams seconded the motion and the motion passed 8 to 1 with no abstentions.

F 6. Bossier 10-008

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

F 7. Bossier 10-012

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

V. ITEMS FOR FULL DISCUSSION

F 8. Bossier 10-013

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

F 9. Caddo 08-066

Ms. Fanara made a motion to award \$130.00 for MENTAL HEALTH. Ms. Williams seconded the motion and the motion passed unanimously. The Board also elected to only pay claims through August.

F 10. Calcasieu 09-017

Ms. Polak made a motion to award \$975.00 for MENTAL HEALTH and to request an updated mental health treatment plan as of 4/13/10. Ms. Fanara seconded the motion and the motion passed unanimously.

F 11. Calcasieu 09-018

Ms. Polak made a motion to defer claims awaiting updated mental health treatment plan as of 3/24/09. Mr. Jones seconded the motion and the motion passed unanimously. The Board also requested that the mental health provider be made aware that the case is nearing the mental health maximum (only \$437 remaining).

F 12. Calcasieu 09-077

Ms. Polak made a motion to award \$131.25 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously.

F 13. Calcasieu 10-003

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

F 14. Calcasieu 10-004

Ms. Williams made a motion to deny. Mr. DiBenedetto seconded the motion. The motion failed. Ms. Polak made a motion to approve. Mr. Jones seconded the motion. The motion failed. Ms. Williams made a motion to deny. Mr. DiBenedetto seconded the motion. The motion failed. Ms. Polak made a motion to approve. Mr. Jones seconded the motion and the motion passed.

Ms. Polak made a motion to award \$300.00 for AMBULANCE TRANSPORT (MEDICAL), \$86.10 for MEDICAL. Mr. Jones seconded the motion and the motion passed 5 to 4 with no abstentions.

F 15. Calcasieu 10-006

Ms. Polak made a motion to award \$712.50 for MENTAL HEALTH and to request an updated mental health treatment plan as of 3/12/10. Ms. Fanara seconded the motion and the motion passed unanimously.

F 16. Calcasieu 10-008

Ms. Polak 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.

V. ITEMS FOR FULL DISCUSSION

F 17. Calcasieu 10-009

Ms. Polak made a motion to award \$240.00 for MEDICAL. Mr. Jones seconded the motion and the motion passed unanimously.

F 18. Concordia 10-003

Ms. Polak made a motion to award \$593.40 for MEDICAL. Mr. Garris seconded the motion and the motion passed unanimously.

F 19. Concordia 10-005

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

F 20. Concordia 10-006

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

F 21. Desoto 09-004

Ms. Adcock made a motion to defer claims awaiting insurance information. Ms. Williams seconded the motion and the motion passed unanimously.

F 22. Desoto 10-001

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

F 23. East Baton Rouge 09-022

Mr. DiBenedetto made a motion to award \$4,942.40 for MEDICAL, \$57.60 for MEDICAL MILEAGE. Mr. Jones seconded the motion and the motion passed unanimously.

F 24. East Baton Rouge 09-029

Mr. DiBenedetto made a motion to award \$120.00 for MENTAL HEALTH and to request an updated mental health treatment plan for 12/18/09. Mr. Jones seconded the motion and the motion passed unanimously.

F 25. East Baton Rouge 09-066

Mr. DiBenedetto made a motion to award \$630.35 for WAGE, \$1,443.69 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

F 26. East Baton Rouge 09-093

Mr. DiBenedetto made a motion to award \$1,788.75 for FUNERAL. Mr. Jones seconded the motion and the motion passed unanimously.

F 27. East Baton Rouge 09-103

Mr. DiBenedetto made a motion to award \$4,360.28 for MEDICAL. Mr. Garris seconded the motion and the motion passed unanimously.

F 28. East Baton Rouge 10-009

Mr. DiBenedetto made a motion to award \$4,595.20 for FUNERAL. Jim Pohlmann seconded the motion and the motion passed unanimously.

F 29. East Baton Rouge 10-012

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Mr. Jones

V. ITEMS FOR FULL DISCUSSION

seconded the motion and the motion passed unanimously.

F 30. East Baton Rouge 10-014

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

F 31. East Baton Rouge 10-015

Mr. DiBenedetto made a motion to award \$1,429.70 for MEDICAL. Mr. Jones seconded the motion and the motion passed unanimously.

F 32. East Baton Rouge 10-024

Mr. DiBenedetto made a motion to deny. Ms. Williams seconded the motion. The motion failed. Mr. Garris made a motion to approve the eligibility of this claimant. Jim Pohlmann seconded the motion and the motion passed 6 to 3 with no abstentions.

F 33. East Baton Rouge 10-046

Mr. DiBenedetto made a motion to award \$397.46 for WAGE. Ms. Fanara seconded the motion and the motion passed unanimously.

F 34. East Carroll 10-002

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

F 35. East Feliciana 10-004

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

F 36. Jefferson 09-037

Ms. Fanara made a motion to award \$4,592.00 for MEDICAL. Mr. Garris seconded the motion and the motion passed unanimously.

F 37. Jefferson 10-001

Mr. DiBenedetto made a motion to defer claims awaiting a letter from the dentist regarding cause of dental problems and an estimate of future dental costs. Mr. Jones seconded the motion and the motion passed unanimously.

F 38. Jefferson 10-008

Mr. DiBenedetto made a motion to award \$1,554.48 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Mr. Jones seconded the motion and the motion passed unanimously.

F 39. Jefferson 10-009

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

F 40. Jefferson 10-016

Mr. Jones made a motion to deny under authority of R.S. 46:1809 B(1) (no evidence of crime). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 41. Lafayette 07-007

Ms. Polak made a motion to award \$56.39 for MEDICAL. Mr. Jones seconded the motion and the motion passed unanimously.

F 42. Lafayette 08-010

Ms. Fanara made a motion to award \$1,309.75 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

F 43. Lafayette 09-021

Ms. Polak made a motion to award \$3,163.25 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 44. Lafayette 09-029

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

F 45. Lafayette 09-036

Mr. Jones made a motion to award \$360.00 for MENTAL HEALTH. Mr. Garris seconded the motion and the motion passed unanimously.

F 46. Lafourche 09-030

Mr. Jones made a motion to award \$525.00 for MENTAL HEALTH. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 47. Lafourche 09-051

Mr. Jones made a motion to award \$200.00 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously.

F 48. Lafourche 10-018

Ms. Williams 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.

F 49. Lafourche 10-022

Mr. DiBenedetto 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 50. Lafourche 10-024

Ms. Williams 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 51. Lafourche 10-026

Mr. Garris made a motion to award \$1,737.52 for MEDICAL, \$150.00 for AMBULANCE TRANSPORT (MEDICAL). The claim amounts were reduced by 50 % for contribution. Mr. DiBenedetto seconded the motion and the motion passed 8 to 1 with no abstentions.

F 52. Lafourche 10-066

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

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unanimously.

F 53. Orleans 09-052

Mr. Jones made a motion to award \$300.00 for AMBULANCE TRANSPORT (MEDICAL), \$420.00 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 54. Orleans 10-004

Mr. Jones made a motion to award \$1,440.34 for WAGE. Mr. Garris seconded the motion and the motion passed unanimously.

F 55. Orleans 10-023

Mr. Jones made a motion to defer ruling awaiting more information. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 56. Orleans 10-024

Mr. Jones made a motion to award \$5,000.00 for FUNERAL. Jim Pohlmann seconded the motion and the motion passed unanimously.

F 57. Orleans 10-026

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

F 58. Orleans 10-029

Mr. Jones made a motion to award \$17.99 for MEDICAL, \$494.98 for WAGE. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 59. Orleans 10-030

Mr. Jones made a motion to approve the eligibility of this claimant. The claim amounts were reduced by 50 % for contribution. Mr. Garris seconded the motion and the motion passed unanimously.

F 60. Orleans 10-032

Mr. Jones made a motion to approve eligibility, award \$1,119.30 for MEDICAL, but to defer payment of mental health treatment awaiting a mental health treatment plan. Ms. Fanara seconded the motion and the motion passed unanimously.

F 61. Orleans 10-039

Mr. Jones made a motion to award \$82.72 for WAGE. Ms. Fanara seconded the motion and the motion passed unanimously.

F 62. Orleans 10-040

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

F 63. Orleans 10-042

Mr. Jones made a motion to award \$5,000.00 for FUNERAL. Mr. Garris seconded the motion and the motion passed unanimously.

F 64. Orleans 10-047

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

V. ITEMS FOR FULL DISCUSSION

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

F 65. Ouachita 10-003

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

F 66. Pointe Coupee 09-003

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

F 67. Pointe Coupee 10-001

Ms. Fanara made a motion to award \$516.05 for MEDICAL. Mr. Jones seconded the motion and the motion passed unanimously.

F 68. Rapides 10-004

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

F 69. Rapides 10-005

Ms. Fanara made a motion to award \$300.00 for AMBULANCE TRANSPORT (MEDICAL), \$85.40 for MEDICAL, \$5,000.00 for FUNERAL. Ms. Polak seconded the motion and the motion passed unanimously.

F 70. Rapides 10-008

Ms. Polak made a motion to award \$300.00 for AMBULANCE TRANSPORT (MEDICAL), \$125.30 for MEDICAL, \$3,081.40 for FUNERAL. Mr. Jones seconded the motion and the motion passed unanimously.

F 71. St. Charles 10-003

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

F 72. St. Martin 10-002

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

F 73. St. Tammany 05-029

Mr. Jones made a motion to award \$6,607.62 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

F 74. St. Tammany 09-032

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

F 75. St. Tammany 10-003

Mr. Jones made a motion to award \$250.00 for MENTAL HEALTH. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

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F 76. St. Tammany 10-004

Mr. Jones made a motion to award \$100.00 for MENTAL HEALTH. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 77. Terrebonne 09-033

Mr. DiBenedetto made a motion to award \$1,783.60 for MEDICAL, \$600.00 for AMBULANCE TRANSPORT (MEDICAL). Mr. Jones seconded the motion and the motion passed unanimously.

F 78. Terrebonne 10-005

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

F 79. Vermilion 09-022

Ms. Williams made a motion to award \$1,046.34 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

F 80. Vermilion 09-025

Ms. Williams made a motion to award \$450.89 for MEDICAL, \$43.96 for AMBULANCE TRANSPORT (MEDICAL). Mr. Jones seconded the motion and the motion passed unanimously.

F 81. Vermilion 09-026

Ms. Williams made a motion to award \$8.28 for MEDICAL, \$27.48 for AMBULANCE TRANSPORT (MEDICAL). The claim amounts were reduced by 50 % for contribution. Mr. Jones seconded the motion and the motion passed unanimously.

F 82. Vermilion 10-006

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

F 83. Washington 10-001

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

VII. OTHER BUSINESS

Mr. Pohlmann made a motion to adjourn the meeting. Mr. Jones seconded the motion and the motion passed. Mr. Davis adjourned the meeting at 12:05 p.m.