

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

**MEETING DATE:** July 12, 2011

**MEMBERS PRESENT:** Ms. Nancy Adcock, Mr. Lamarr Davis, Mr. Carroll DiBenedetto, Sr., Ms. Mary L. Fanara, Ms. Debbie Maggio, Ms. Ann Polak, Ms. Sharon Rodi, Ms. Carolyn Stapleton, Ms. Lucille Williams,

**MEMBERS ABSENT:** Mr. Kenneth Jones, Mr. Jimmy Pohlmann

**STAFF PRESENT:** Bob Wertz, Carla Trahan, Margaret Watson

**GUESTS PRESENT:** Erich Duchmann, PhD., Kent Wolkart, Mechelle Delahoussaye, Tiffany Veal, Katherine Green, Patty Giovingo, Byron Durand, Jr., Latina Jolivett, Steven Van Lear

## **I. CALL TO ORDER**

Mr. Davis called the meeting of the Crime Victims Reparations Board for the date of July 12, 2011 to order at 9:07 a.m.

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

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

### III. APPEALS

#### A 1. Orleans 10-174

The Claimant appeared before the Board to discuss his case. Ms. Polak made a motion to go into Executive Session. Mr. DiBenedetto seconded the motion. The Board entered into Executive Session to discuss the case. Mr. DiBenedetto made a motion to return to Open Session. Ms. Fanara made a motion to uphold the appeal and to award \$7,600.00 for MEDICAL, \$2,400.00 for WAGE. Ms. Polak seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

#### A 2. Orleans 11-022

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.

#### A 3. Orleans 11-026

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

#### A 4. St. Tammany 10-024

Ms. Polak 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.

### IV. EMERGENCY CONFIRM/DENY

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

### V. ITEMS FOR FULL DISCUSSION

#### F 1. Ascension 11-002

Ms. Polak made a motion to award \$4,161.66 for FUNERAL, \$5,838.34 for MEDICAL. Ms. Maggio seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

#### F 2. Caddo 10-050

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

#### F 3. Calcasieu 07-011

Ms. Polak made a motion to award \$937.50 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously.

#### F 4. Calcasieu 11-002

Ms. Polak made a motion to award \$393.75 for MENTAL HEALTH. Ms. Stapleton seconded the motion and the motion passed unanimously.

#### F 4. Calcasieu 11-002

Ms. Polak made a motion to award \$506.25 for MENTAL HEALTH. Ms. Stapleton seconded the motion and the motion passed unanimously.

#### F 5. Calcasieu 11-021

Ms. Polak made a motion to award \$1,771.77 for MEDICAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

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**F 6. Calcasieu 11-024**

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

**F 7. Calcasieu 11-030**

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

**F 8. Claiborne 10-013**

Ms. Fanara made a motion to award \$9,200.00 for MEDICAL, \$800.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Maggio seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

**F 9. East Baton Rouge 10-122**

Ms. Stapleton made a motion to award \$332.10 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

**F 10. East Baton Rouge 11-016**

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

**F 11. Evangeline 11-004**

Ms. Fanara made a motion to award \$8,309.28 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

**F 12. Iberia 11-004**

Ms. Polak made a motion to award \$9,700.00 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Fanara seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

**F 13. Iberia 11-008**

Ms. Adcock made a motion to award \$2,500.00 for FUNERAL, \$2,500.00 for SUPPORT. The claim amounts were reduced by 50 % for contribution. Mr. DiBenedetto seconded the motion and the motion passed 5 to 3 with 1 abstention.

**F 14. Jefferson 10-040**

Ms. Rodi made a motion to award \$600.00 for MENTAL HEALTH. Ms. Polak seconded the motion and the motion passed unanimously.

**F 15. Jefferson 11-013**

Ms. Rodi made a motion to award \$300.00 for AMBULANCE TRANSPORT (MEDICAL), \$978.15 for MEDICAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

**F 17. Jefferson 11-019**

Ms. Rodi made a motion to approve the case. Ms. Polak seconded the motion. The motion failed. Ms. Maggio made a motion to defer ruling awaiting outcome of case. Ms. Adcock seconded the motion and the motion passed 8 to 1 with no abstentions.

**F 18. Lafayette 11-004**

Ms. Polak made a motion to award \$2,052.22 for MEDICAL. Ms. Adcock seconded the

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motion and the motion passed unanimously.

**F 19. Lafayette 11-009**

Ms. Fanara made a motion to award \$9,200.24 for MEDICAL, \$749.76 for MEDICAL MILEAGE, \$50.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Maggio seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

**F 20. Lafourche 10-088**

Ms. Polak made a motion to award \$420.00 for MENTAL HEALTH dates of service through 12/6/10 and to request an updated mental health treatment plan as of 12/9/10. Ms. Fanara seconded the motion and the motion passed unanimously.

**F 21. Lafourche 10-113**

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

**F 22. Lafourche 10-138**

Ms. Adcock made a motion to award \$1,664.25 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**F 23. Lafourche 10-145**

Ms. Adcock made a motion to defer claims awaiting information on payer (who should be reimbursed). Ms. Stapleton seconded the motion and the motion passed unanimously.

**F 24. Lafourche 11-032**

Ms. Polak made a motion to award \$5,000.00 for FUNERAL. Ms. Rodi seconded the motion and the motion passed 8 to 1 with no abstentions.

**F 25. Lafourche 11-036**

Ms. Polak made a motion to award \$1,457.31 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Williams seconded the motion and the motion passed unanimously.

**F 26. Lafourche 11-044**

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 11-045**

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

**F 28. Lafourche 11-046**

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

**F 29. Lafourche 11-047**

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

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**F 30. Lafourche 11-048**

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

**F 31. Lafourche 11-049**

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

**F 32. Lafourche 11-050**

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

**F 33. Lafourche 11-054**

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

**F 34. Lafourche 11-055**

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

**F 35. Lafourche 11-056**

Ms. Polak made a motion to approve the eligibility of this claimant but to only pay providers on any future claims. Ms. Fanara seconded the motion and the motion passed unanimously.

**F 36. Livingston 10-014**

Ms. Polak made a motion to award \$786.39 for WAGE. Ms. Adcock seconded the motion and the motion passed unanimously.

**F 38. Orleans 11-007**

Mr. DiBenedetto made a motion to award \$1,309.55 for MEDICAL. Ms. Maggio seconded the motion and the motion passed unanimously.

**F 39. Orleans 11-011**

Ms. Fanara made a motion to award \$853.00 for MENTAL HEALTH, \$32.00 for MEDICAL. Ms. Stapleton seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 04/22/11.

**F 40. Orleans 11-031**

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

**F 41. Orleans 11-036**

Ms. Rodi made a motion to award \$960.00 for WAGE. Ms. Stapleton seconded the motion and the motion passed unanimously.

**F 42. Orleans 11-042**

Ms. Rodi made a motion to award \$1,040.00 for WAGE. Ms. Fanara seconded the motion and the motion passed unanimously.

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**F 43. Ouachita 11-004**

Ms. Fanara made a motion to award \$5,824.22 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

**F 44. Rapides 10-029**

Ms. Fanara made a motion to award \$9,700.00 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Polak seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

**F 45. Rapides 11-002**

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

**F 46. St. Charles 11-019**

Ms. Polak made a motion to award \$10,000.00 for CATASTROPHIC PROPERTY. Ms. Rodi seconded the motion and the motion passed unanimously.

**F 47. St. Charles 11-020**

Ms. Fanara made a motion to award \$600.00 for AMBULANCE TRANSPORT (MEDICAL), \$452.20 for MEDICAL. Ms. Rodi seconded the motion and the motion passed unanimously.

**F 48. St. Landry 11-004**

Ms. Fanara made a motion to award \$1,901.90 for MEDICAL. Ms. Maggio seconded the motion and the motion passed unanimously.

**F 49. St. Landry 11-005**

Ms. Rodi made a motion to award \$5,138.59 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

**F 50. St. Martin 10-013**

Ms. Fanara made a motion to award \$595.94 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

**F 51. St. Tammany 10-003**

Ms. Maggio 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 04/21/11.

**F 53. Terrebonne 11-007**

Ms. Fanara made a motion to award \$622.24 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

**L 1. Caddo 10-021**

Ms. Polak made a motion to award \$60.00 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously.

**L 2. Caddo 10-063**

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

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**L 3. Caddo 11-008**

Ms. Maggio made a motion to deny under authority of R.S. 46:1809 A (no verification of lost wages). Ms. Fanara seconded the motion and the motion passed unanimously.

**L 4. Calcasieu 09-066**

Ms. Polak made a motion to award \$375.00 for MENTAL HEALTH, \$1,237.50 for MEDICAL but to deny DENTAL EXPENSES. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**L 5. Calcasieu 11-017**

Ms. Polak made a motion to award \$213.00 for CRIME EVIDENCE. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**L 6. Calcasieu 11-023**

Ms. Polak made a motion to defer ruling awaiting more information from law enforcement regarding lack of cooperation. Mr. DiBenedetto seconded the motion and the motion passed 8 to 1 with no abstentions.

**L 7. East Baton Rouge 10-024**

Ms. Polak made a motion to award \$185.00 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously.

**L 8. East Baton Rouge 10-149**

Ms. Polak made a motion to award \$694.35 for MEDICAL, \$768.96 for MEDICAL MILEAGE, \$536.27 for WAGE. Ms. Maggio seconded the motion and the motion passed unanimously.

**L 9. Franklin 11-001**

Mr. DiBenedetto made a motion to deny. The motion died for lack of a second. Ms. Polak made a motion to award \$1,387.35 for MEDICAL, \$387.50 for AMBULANCE TRANSPORT (MEDICAL). The claim amounts were reduced by 50 % for contribution. Ms. Fanara seconded the motion and the motion passed unanimously.

**L 10. Iberville 11-003**

Ms. Fanara made a motion to award \$802.88 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Polak seconded the motion and the motion passed unanimously.

**L 11. Lafourche 10-047**

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

**L 12. Lafourche 10-168**

Ms. Fanara made a motion to award \$562.50 for MENTAL HEALTH. Ms. Williams seconded the motion and the motion passed unanimously.

**L 13. Lafourche 10-172**

Ms. Maggio made a motion to award \$105.00 for MEDICAL, \$223.38 for WAGE. Ms. Adcock seconded the motion and the motion passed unanimously.

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**L 14. Orleans 09-061**

Ms. Polak made a motion to award \$418.62 for MEDICAL MILEAGE, \$4.20 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously. The Board deferred the eligibility request for total and permanent disability pending further investigation.

**L 15. Orleans 11-024**

Ms. Fanara made a motion to award \$2,670.90 for FUNERAL. Ms. Rodi seconded the motion and the motion passed unanimously.

**L 16. Orleans 11-023**

Ms. Fanara made a motion to award \$1,842.60 for FUNERAL. Ms. Rodi seconded the motion and the motion passed unanimously.

**L 17. Rapides 11-006**

Ms. Fanara made a motion to award \$319.08 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**L 18. Rapides 11-010**

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

**L 19. St. Tammany 07-007**

Ms. Polak made a motion to award \$1,070.00 for MENTAL HEALTH. Ms. Rodi seconded the motion and the motion passed unanimously.

**L 20. St. Tammany 09-011**

Ms. Rodi made a motion to award \$202.00 for MENTAL HEALTH. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**L 21. St. Tammany 11-004**

Ms. Adcock made a motion to award \$1,270.34 for MEDICAL, \$53.02 for MEDICAL MILEAGE. Ms. Fanara seconded the motion and the motion passed unanimously.

**L 22. Tangipahoa 10-019**

Ms. Maggio made a motion to award \$480.00 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously.

**L 23. Terrebonne 08-009**

Ms. Polak made a motion to award \$1,938.35 for MEDICAL. Ms. Maggio seconded the motion and the motion passed unanimously.

**L 24. Orleans 10-196**

Ms. Fanara made a motion to award \$2,800.00 for WAGE, \$408.44 for MEDICAL. Ms. Adcock seconded the motion and the motion passed unanimously.

## **VII. OTHER BUSINESS**

At the beginning of the meeting, the Board discussed allowing Ms. Stapleton to vote on the East Baton Rouge Parish cases in which she did not act as Claim Investigator. The Board voted unanimously to allow this.

Ms. Williams made a motion to adjourn the meeting. Ms. Maggio seconded the motion. Mr. Davis adjourned the meeting at 11:15 a.m.