

M I N U T E S

MEETING DATE: August 10, 2010

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

MEMBERS ABSENT: Ms. Mary L. Fanara, Mr. Kenneth Jones, Mr. Jimmy Pohlmann

STAFF PRESENT: Robert Wertz, Linda Gautier, Carla Trahan

GUESTS PRESENT: Janell Sisolak, Susie Savoie, Mechelle Delahoussaye, Erich Duchmann, PhD, Bonnie Coleman-Polk, Joana Williams, Katherine Green

I. CALL TO ORDER

The meeting of the Crime Victims Reparations Board for the date of August 10, 2010, was called to order at 9:20 a.m. by Mr. Lamarr Davis.

II. APPROVAL OF MINUTES OF PREVIOUS MEETING

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

III. APPEALS

A 1. Orleans 10-028

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

V. ITEMS FOR FULL DISCUSSION

F 1. Bossier 10-013

Ms. Adcock made a motion to award \$898.19 for WAGE. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 2. Bossier 10-024

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

F 3. Caddo 07-060

Ms. Adcock made a motion to award \$116.78 for MEDICAL, \$71.31 for AMBULANCE TRANSPORT (MEDICAL). Ms. Maggio seconded the motion and the motion passed unanimously.

F 4. Caddo 10-014

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

F 5. Calcasieu 07-017

Ms. Polak made a motion to award. Estimate approved for: \$1,022.00 for MEDICAL. Ms. Maggio seconded the motion and the motion passed unanimously.

F 6. Calcasieu 08-006

Ms. Polak made a motion to award \$91.00 for MENTAL HEALTH. Ms. Williams seconded the motion and the motion passed unanimously.

F 7. Calcasieu 09-030

Ms. Polak made a motion to award \$75.00 for MENTAL HEALTH. Ms. Maggio seconded the motion and the motion passed unanimously.

F 8. Calcasieu 09-039

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

F 9. Calcasieu 09-040

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

F 10. Calcasieu 09-049

Ms. Polak made a motion to award \$75.00 for MENTAL HEALTH. Ms. Rodi seconded

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the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 01/01/10.

F 11. Calcasieu 09-066

Ms. Polak made a motion to award \$375.00 for MENTAL HEALTH. Ms. Rodi seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 07/13/10.

F 12. Calcasieu 09-073

Ms. Polak made a motion to award \$825.00 for MENTAL HEALTH. Ms. Rodi seconded the motion and the motion passed unanimously.

F 13. Calcasieu 10-001

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 05/16/10.

F 14. Calcasieu 10-007

Ms. Polak made a motion to award \$28.77 for MEDICAL. Ms. Adcock seconded the motion and the motion passed unanimously.

F 15. Calcasieu 10-009

Ms. Polak made a motion to award \$611.52 for MEDICAL. Ms. Rodi seconded the motion and the motion passed unanimously.

F 16. Calcasieu 10-010

Ms. Polak made a motion to award \$337.50 for MENTAL HEALTH. Ms. Rodi seconded the motion and the motion passed unanimously.

F 17. Calcasieu 10-013

Ms. Polak made a motion to award \$412.50 for MENTAL HEALTH. Mr. DiBenedetto seconded the motion and the motion passed 6 to 2 with no abstentions. The board agreed to waive the one year deadline for applying for reparations and to close the mental health portion of the case.

F 18. Calcasieu 10-014

Ms. Polak made a motion to award \$839.05 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 19. Calcasieu 10-015

Ms. Polak made a motion to award \$2,500.00 for FUNERAL. The claim amounts were reduced by 50 % for contribution (no seatbelt). Ms. Maggio seconded the motion and the motion passed unanimously.

F 20. Calcasieu 10-016

Ms. Polak made a motion to award \$4,036.55 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Adcock seconded the motion and the motion passed unanimously.

F 21. Calcasieu 10-018

Ms. Polak made a motion to award \$5,000.00 for FUNERAL. Ms. Adcock seconded the

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motion and the motion passed unanimously.

F 22. Calcasieu 10-022

Ms. Polak made a motion to defer ruling awaiting investigative report. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 23. Calcasieu 10-023

Ms. Polak made a motion to award \$687.50 for MENTAL HEALTH. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 24. Desoto 10-002

Mr. DiBenedetto made a motion to deny under authority of LAC22: XIII.301(A)(1)(a) (felony convictions). Ms. Adcock seconded the motion and the motion passed 7 to 0 with 1 abstention.

F 25. East Baton Rouge 09-036

Ms. Polak made a motion to award \$397.50 for MENTAL HEALTH. Ms. Adcock seconded the motion and the motion passed 6 to 0 with 1 abstention.

F 26. East Baton Rouge 09-088

Mr. DiBenedetto made a motion to award \$9,700.00 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Maggio seconded the motion and the motion passed 7 to 0 with 1 abstention.

F 27. East Baton Rouge 10-046

Mr. DiBenedetto made a motion to award \$1,765.81 for WAGE. Ms. Adcock seconded the motion and the motion passed 7 to 0 with 1 abstention.

F 28. East Baton Rouge 10-061

Mr. DiBenedetto made a motion to award \$2,680.00 for FUNERAL. Ms. Williams seconded the motion and the motion passed 7 to 0 with 1 abstention.

F 29. Evangeline 10-001

Ms. Rodi made a motion to award \$1,121.40 for MEDICAL. Ms. Maggio seconded the motion and the motion passed unanimously.

F 30. Iberia 10-004

Ms. Stapleton made a motion to award \$195.00 for MENTAL HEALTH, \$4,480.00 for WAGE, \$5,325.00 for MEDICAL. Ms. Adcock seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

F 31. Iberia 10-019

Ms. Polak made a motion to award \$637.44 for MEDICAL. Ms. Williams seconded the motion and the motion passed 7 to 1 with no abstentions.

F 32. Jefferson 09-037

Mr. DiBenedetto made a motion to award \$1,649.20 for MEDICAL. Ms. Stapleton seconded the motion and the motion passed 7 to 1 with no abstentions.

F 33. Jefferson 10-001

Ms. Rodi made a motion to deny under authority of R.S. 46:1809 B(1) (not a

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compensable expense). Ms. Williams seconded the motion and the motion passed unanimously.

F 34. Jefferson 10-018

Ms. Adcock made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution / illegal activity (concealed weapon without evidence of a permit)). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 35. Lafourche 08-001

Ms. Stapleton made a motion to award \$525.00 for MENTAL HEALTH, \$33.60 for MEDICAL MILEAGE. Ms. Adcock seconded the motion and the motion passed unanimously. The Board also voted to close the mental health portion of the case.

F 36. Lafourche 08-028

Ms. Polak made a motion to award \$120.00 for MENTAL HEALTH. Ms. Williams seconded the motion and the motion passed unanimously. The Board also voted to close the mental health portion of the case.

F 37. Lafourche 09-003

Ms. Polak made a motion to award \$600.00 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 05/02/10.

F 38. Lafourche 09-068

Ms. Maggio made a motion to award \$148.88 for MEDICAL. Ms. Stapleton seconded the motion and the motion passed unanimously.

F 39. Lafourche 09-069

Ms. Polak made a motion to defer claims awaiting . Ms. Williams seconded the motion and the motion passed unanimously.

F 40. Lafourche 09-098

Ms. Polak made a motion to award \$306.31 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously.

F 41. Lafourche 10-017

Ms. Polak made a motion to defer claims awaiting insurance information and information on mental health dates. Ms. Maggio seconded the motion and the motion passed unanimously.

F 42. Lafourche 10-034

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Williams seconded the motion and the motion passed 7 to 1 with no abstentions.

F 43. Lafourche 10-036

Ms. Rodi made a motion to approve the eligibility of this claimant. Ms. Williams seconded the motion and the motion passed 7 to 1 with no abstentions.

F 44. Lafourche 10-038

Mr. DiBenedetto made a motion to defer ruling awaiting investigative report. Ms. Williams seconded the motion and the motion passed unanimously.

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F 45. Lafourche 10-045

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

F 46. Lafourche 10-047

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

F 47. Lafourche 10-053

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

F 48. Lafourche 10-054

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

F 49. Lafourche 10-055

Ms. Rodi made a motion to approve the eligibility of this claimant. Ms. Stapleton seconded the motion and the motion passed 6 to 2 with no abstentions.

F 50. Lafourche 10-056

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

F 51. Lafourche 10-059

Ms. Williams made a motion to defer ruling awaiting investigative report and insurance information. Ms. Rodi seconded the motion and the motion passed 7 to 1 with no abstentions.

F 52. Lafourche 10-060

Ms. Maggio made a motion to award \$613.13 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Polak seconded the motion and the motion passed unanimously.

F 53. Lafourche 10-062

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

F 54. Lafourche 10-064

Ms. Rodi made a motion to approve the eligibility of this claimant. Ms. Williams seconded the motion and the motion passed unanimously. The Board also requested that an investigative report be submitted along with any future claims on this case.

F 55. Lafourche 10-065

Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution - no fault could be determined). Ms. Williams seconded the motion and the motion passed unanimously.

F 56. Lafourche 10-067

Mr. DiBenedetto 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 57. Lafourche 10-068

Ms. Polak made a motion to approve eligibility but to defer claims awaiting information from dental provider. Ms. Adcock seconded the motion and the motion passed unanimously.

F 58. Lafourche 10-069

Ms. Rodi made a motion to approve the eligibility of this claimant. Ms. Polak seconded the motion and the motion passed 7 to 1 with no abstentions.

F 59. Lafourche 10-070

Ms. Adcock made a motion to award eligibility but to defer claims awaiting insurance information (EOBs). Ms. Williams seconded the motion and the motion passed unanimously.

F 60. Lafourche 10-071

Ms. Maggio 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 7 to 1 with no abstentions.

F 61. Lafourche 10-072

Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(1) (no evidence of crime). Ms. Maggio seconded the motion and the motion passed 7 to 1 with no abstentions.

F 62. Lafourche 10-073

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

F 63. Lafourche 10-076

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

F 64. Lafourche 10-078

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

F 65. Livingston 08-007

Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 A (claimant had no losses). Ms. Williams seconded the motion and the motion passed unanimously.

F 66. Livingston 10-006

Ms. Adcock made a motion to defer ruling awaiting death certificate. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 67. Natchitoches 10-003

Ms. Adcock made a motion to award \$3,557.80 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Polak seconded the motion and the motion passed unanimously.

F 68. Natchitoches 10-009

Ms. Adcock made a motion to deny under authority of R.S. 46:1809 B(1) (no evidence of

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crime). Ms. Maggio seconded the motion and the motion passed unanimously.

F 69. Orleans 09-155

Ms. Adcock made a motion to award \$5,139.00 for WAGE. Ms. Maggio seconded the motion and the motion passed unanimously.

F 70. Orleans 10-014

Ms. Adcock made a motion to defer claims awaiting extra-duty information. Ms. Rodi seconded the motion and the motion passed unanimously.

F 71. Orleans 10-019

Ms. Adcock made a motion to award \$4,819.04 for WAGE. Ms. Rodi seconded the motion and the motion passed unanimously.

F 72. Orleans 10-055

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

F 73. Orleans 10-081

Ms. Rodi made a motion to award. Estimate approved for: \$700.00 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously.

F 74. Orleans 10-084

Ms. Adcock made a motion to approve the eligibility of this claimant. Ms. Rodi seconded the motion and the motion passed 6 to 2 with no abstentions.

F 75. Orleans 10-085

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

F 76. Orleans 10-087

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. The claim amounts were reduced by 50 % for contribution. Ms. Williams seconded the motion and the motion passed unanimously. The board agreed to waive the one year deadline for applying for reparations.

F 77. Orleans 10-088

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

F 78. Orleans 10-090

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

F 79. Orleans 10-091

Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution / illegal activity (drugs found on scene)). Ms. Adcock seconded the motion and the motion passed unanimously.

F 80. Orleans 10-093

Ms. Adcock 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 81. Orleans 10-115

Ms. Rodi made a motion to defer ruling awaiting investigative report. Ms. Adcock seconded the motion and the motion passed unanimously.

F 82. Orleans 10-116

Ms. Maggio made a motion to award \$5,000.00 for FUNERAL. Ms. Williams seconded the motion and the motion passed 6 to 2 with no abstentions.

F 83. Orleans 10-119

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

F 84. Orleans 10-131

Ms. Rodi made a motion to award \$1,670.00 for FUNERAL. The claim amounts were reduced by 50 % for contribution. Ms. Maggio seconded the motion and the motion passed unanimously.

F 85. Ouachita 10-007

Ms. Polak made a motion to award \$4,447.01 for FUNERAL. Ms. Maggio seconded the motion and the motion passed unanimously.

F 86. St. Charles 10-008

Ms. Polak made a motion to award \$525.00 for MENTAL HEALTH. Ms. Rodi seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

F 87. St. Charles 10-013

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

F 88. St. Charles 10-014

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

F 89. St. Charles 10-016

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

F 90. St. Charles 10-017

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

F 91. St. Charles 10-023

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

F 92. St. Charles 10-024

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

V. ITEMS FOR FULL DISCUSSION

F 93. St. Charles 10-025

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

F 94. St. Charles 10-026

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

F 95. St. Charles 10-027

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

F 96. St. Charles 10-033

Ms. Rodi made a motion to award \$8,539.84 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL), \$720.00 for WAGE. Ms. Polak seconded the motion and the motion passed unanimously.

F 97. St. Helena 10-003

Ms. Polak made a motion to award \$2,251.20 for MEDICAL. Ms. Adcock seconded the motion and the motion passed unanimously.

F 98. St. Tammany 10-003

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

F 99. Tangipahoa 10-008

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

F100. Vermilion 09-018

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

F101. Vermilion 10-006

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

VI. LATE ADDITIONS

L 1. East Baton Rouge 09-030

Ms. Polak made a motion to award \$9,700.00 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Mr. DiBenedetto seconded the motion and the motion passed 7 to 0 with 1 abstention.

L 2. East Baton Rouge 09-049

Ms. Polak made a motion to award \$360.00 for MENTAL HEALTH. Ms. Maggio seconded the motion and the motion passed 6 to 0 with 1 abstention.

V. ITEMS FOR FULL DISCUSSION

L 3. East Baton Rouge 10-024

Ms. Rodi made a motion to award \$740.00 for MENTAL HEALTH, \$38.40 for MEDICAL MILEAGE. Ms. Polak seconded the motion and the motion passed 6 to 2 with no abstentions. The board also agreed to request an Updated Mental Health Treatment Plan as of 06/18/10.

VI. LATE ADDITIONS

L 4. East Baton Rouge 10-041

Ms. Polak made a motion to award \$1,575.00 for MENTAL HEALTH. Mr. DiBenedetto seconded the motion and the motion passed 7 to 0 with 1 abstention. The board also agreed to request an Updated Mental Health Treatment Plan as of 03/01/10.

L 5. East Baton Rouge 10-045

Ms. Adcock made a motion to deny under authority of R.S. 46:1809 A (claimant had no losses). Mr. DiBenedetto seconded the motion and the motion passed 7 to 0 with 1 abstention.

L 6. East Baton Rouge 10-051

Ms. Polak made a motion to award \$522.00 for FUNERAL. Ms. Rodi seconded the motion and the motion passed 7 to 0 with 1 abstention.

L 7. East Baton Rouge 10-060

Ms. Adcock made a motion to approve the eligibility of this claimant. Ms. Williams seconded the motion and the motion passed 7 to 0 with 1 abstention.

L 8. East Baton Rouge 10-070

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Rodi seconded the motion and the motion passed 7 to 0 with 1 abstention. The board agreed to waive the one year deadline for applying for reparations.

L 9. East Baton Rouge 10-071

Ms. Rodi made a motion to approve the eligibility of this claimant. Ms. Williams seconded the motion and the motion passed 7 to 0 with 1 abstention.

L 10. East Baton Rouge 10-072

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Ms. Rodi seconded the motion and the motion passed 7 to 0 with 1 abstention.

L 11. East Feliciana 10-004

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

L 12. Orleans 09-181

Ms. Polak made a motion to award \$9,228.81 for WAGE. Ms. Adcock seconded the motion and the motion passed unanimously.

L 13. St. Martin 08-004

Ms. Adcock made a motion to award \$330.70 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

VI. LATE ADDITIONS

L 14. St. Tammany 08-018

Ms. Maggio made a motion to award \$496.32 for MEDICAL MILEAGE. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

L 15. Orleans 09-007

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

VII. OTHER BUSINESS

Review ORLE09-131. This case was denied, denied on appeal, then brought to a judicial hearing. The judge ordered the Board to review the case again. In the review, on this day, the case was denied for Illegal Activity.

Mr. DiBenedetto made a motion to adjourn the meeting. Ms. Adcock seconded the motion. Mr. Davis adjourned the meeting at 1:50 p.m.