

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

**MEETING DATE:**           **October 14, 2008**

**MEMBERS PRESENT:**    Mr. Lamarr Davis, Mr. Carroll DiBenedetto, Sr., Ms. Mary L. Fanara,  
Mr. Ben Garris, Mr. Kenneth Jones, Ms. Ann Polak, Ms. Carolyn  
Stapleton,

**MEMBERS ABSENT:**     Ms. Nancy Adcock, Mr. Raymond Harris, Ms. Sharon Rodi, Ms.  
Lucille Williams,

**STAFF PRESENT:**       Linda Gautier, Carla Domingue

**GUESTS PRESENT:**     Erich Duchmann, PhD., Mechelle Delahoussaye

## **I. CALL TO ORDER**

The meeting was called to order by Mr. Lamarr Davis at 9:37 a.m.

## **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. Lafourche 08-062**

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

#### **A 2. Morehouse 08-001**

Ms. Polak made a motion to deny under authority of LAC22: XIII.301(A)(1)(a)i (felony convictions). Mr. Jones seconded the motion and the motion passed 6 to 1 with no abstentions.

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

Mr. Garris made a motion to confirm the emergency rulings for the previous month. Mr. Jones seconded the motion and the motion passed unanimously.

### **V. ITEMS FOR FULL DISCUSSION**

#### **F 1. Ascension 08-002**

Ms. Polak made a motion to award \$1,751.88 for MEDICAL. Mr. Jones seconded the motion and the motion passed unanimously.

#### **F 2. Beauregard 08-003**

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

#### **F 3. Bossier 07-027**

Mr. Jones made a motion to award \$723.80 for MENTAL HEALTH, \$341.60 for MEDICAL MILEAGE. Mr. Garris seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 07/01/08.

#### **F 4. Bossier 08-024**

Mr. Jones made a motion to defer ruling awaiting proof of legal status in the country. Ms. Fanara seconded the motion and the motion passed 6 to 1 with no abstentions.

#### **F 5. Caddo 06-042**

Ms. Polak made a motion to award \$100.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Fanara seconded the motion and the motion passed unanimously.

#### **F 6. Caddo 07-055**

Ms. Stapleton made a motion to award \$237.00 for WAGE. Mr. Jones seconded the motion and the motion passed unanimously.

#### **F 7. Caddo 08-024**

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

#### **F 8. Caddo 08-033**

Ms. Polak made a motion to defer claims awaiting completion of Claim Investigator Review form (are the victim and offender living apart?). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**V. ITEMS FOR FULL DISCUSSION**

**F 9. Caddo 08-041**

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

**F 10. Calcasieu 08-033**

Ms. Polak made a motion to award \$5,763.58 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

**F 11. Calcasieu 08-044**

Ms. Polak made a motion to award \$180.00 for MENTAL HEALTH. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**F 12. Calcasieu 08-045**

Ms. Polak made a motion to award \$180.00 for MENTAL HEALTH. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**F 13. Calcasieu 08-050**

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

**F 14. Calcasieu 08-054**

Ms. Polak made a motion to award \$780.00 for MENTAL HEALTH. Mr. Jones seconded the motion and the motion passed unanimously.

**F 15. Calcasieu 08-055**

Ms. Polak made a motion to award \$1,061.55 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**F 16. Calcasieu 08-056**

Mr. Jones made a motion to defer ruling awaiting information regarding victim's criminal history. Ms. Polak seconded the motion and the motion passed unanimously.

**F 17. Calcasieu 08-057**

Ms. Polak made a motion to defer ruling awaiting information regarding driver's condition (DUI?). Mr. Jones seconded the motion and the motion passed unanimously.

**F 18. Calcasieu 08-065**

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

**F 19. Cameron 08-003**

Ms. Fanara made a motion to award \$1,934.75 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

**F 20. Claiborne 08-007**

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

**V. ITEMS FOR FULL DISCUSSION**

**F 21. Concordia 08-015**

Mr. Garris made a motion to award \$814.45 for MEDICAL. Mr. Jones seconded the motion and the motion passed 5 to 2 with no abstentions.

**F 22. East Baton Rouge 08-038**

Ms. Polak made a motion to award \$3,582.75 for FUNERAL. Mr. Garris seconded the motion and the motion passed 6 to 0 with 1 abstention.

**F 23. East Baton Rouge 08-046**

Ms. Polak made a motion to deny under authority of LAC22: XIII.301(A)(1)(a)i (felony convictions). Mr. DiBenedetto seconded the motion and the motion passed 6 to 0 with 1 abstention.

**F 24. East Baton Rouge 08-047**

Mr. DiBenedetto made a motion to award \$1,083.96 for MEDICAL. Mr. Jones seconded the motion and the motion passed 6 to 0 with 1 abstention.

**F 25. East Baton Rouge 08-054**

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Ms. Fanara seconded the motion and the motion passed 6 to 0 with 1 abstention.

**F 26. East Baton Rouge 08-209**

Mr. DiBenedetto made a motion to award \$100.00 for MEDICAL. Mr. Garris seconded the motion and the motion passed 6 to 0 with 1 abstention.

**F 27. Iberia 08-033**

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

**F 28. Iberia 08-036**

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

**F 29. Iberia 08-037**

Ms. Polak made a motion to award \$3,740.88 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously.

**F 30. Iberia 08-049**

Ms. Polak made a motion to award \$4,237.35 for FUNERAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**F 31. Iberville 08-005**

Ms. Polak made a motion to award \$316.62 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

**F 32. Iberville 08-006**

Ms. Polak made a motion to award \$30.00 for MEDICAL. Mr. Garris seconded the motion and the motion passed 6 to 1 with no abstentions.

**F 33. Jefferson 08-018**

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

**V. ITEMS FOR FULL DISCUSSION**

motion and the motion passed 6 to 1 with no abstentions.

**F 34. Lafayette 08-020**

Ms. Polak made a motion to award \$151.16 for MEDICAL. Mr. Garris seconded the motion and the motion passed 6 to 1 with no abstentions.

**F 35. Lafayette 08-021**

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

**F 36. Lafayette 08-022**

Mr. Jones made a motion to award \$1,776.00 for WAGE, \$182.17 for MEDICAL but to deny the non-compensable requested reimbursement of \$95.11. Ms. Polak seconded the motion and the motion passed unanimously.

**F 37. Lafourche 06-018**

Ms. Polak made a motion to award \$600.00 for MENTAL HEALTH, \$152.32 for MEDICAL MILEAGE and to send a letter to the mental health provider stating that only claims through December 31, 2008, would be considered without prior approval of the CVR Board consultant, Dr. Duchmann. Mr. Jones seconded the motion and the motion passed unanimously.

**F 38. Lafourche 07-067**

Mr. Jones made a motion to award \$720.00 for MENTAL HEALTH, \$158.40 for MEDICAL MILEAGE. Ms. Polak seconded the motion and the motion passed unanimously.

**F 39. Lafourche 07-068**

Ms. Polak made a motion to award \$1,715.00 for MEDICAL. Mr. Jones seconded the motion and the motion passed unanimously.

**F 40. Lafourche 08-036**

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

**F 41. Lafourche 08-063**

Ms. Polak made a motion to award \$7,367.79 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

**F 42. Lafourche 08-068**

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

**F 43. Lafourche 08-069**

Mr. Jones made a motion to award \$2,122.56 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously.

**F 44. Lafourche 08-070**

Mr. Jones 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 45. Lafourche 08-072**

Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution). Ms. Fanara seconded the motion and the motion passed 5 to 2 with no abstentions.

**F 46. Lafourche 08-073**

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

**F 47. Lafourche 08-074**

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

**F 48. Lafourche 08-075**

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

**F 49. Lafourche 08-076**

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

**F 50. Lincoln 08-004**

Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(4)(a) (career criminal). Mr. Jones seconded the motion and the motion passed unanimously.

**F 51. Morehouse 08-003**

Mr. Jones made a motion to award \$2,731.00 for FUNERAL, \$103.65 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

**F 52. Orleans 06-073**

Mr. DiBenedetto made a motion to award \$4,000.00 for FUNERAL. Mr. Jones seconded the motion and the motion passed unanimously. The board agreed to waive the one year deadline for applying for reparations.

**F 53. Orleans 07-143**

Mr. Jones made a motion to award \$654.91 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL), \$4,500.00 for FUNERAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**F 54. Orleans 08-014**

Mr. Jones made a motion to award \$4,500.00 for FUNERAL. Mr. Garris seconded the motion and the motion passed 5 to 2 with no abstentions.

**F 55. Orleans 08-038**

Mr. DiBenedetto made a motion to award \$30.61 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

**F 56. Orleans 08-041**

Mr. Jones 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 unanimously.

**V. ITEMS FOR FULL DISCUSSION**

**F 57. Orleans 08-053**

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

**F 57. Orleans 08-053**

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

**F 58. Orleans 08-059**

Mr. Jones made a motion to deny under authority of R.S. 46:1809 B(4)(a) (career criminal). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**F 59. Orleans 08-065**

Mr. DiBenedetto made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution / illegal activity). Mr. Garris seconded the motion and the motion passed 6 to 1 with no abstentions.

**F 60. Orleans 08-070**

Ms. Polak made a motion to award \$4,500.00 for FUNERAL. Mr. DiBenedetto seconded the motion and the motion passed 6 to 1 with no abstentions.

**F 61. Orleans 08-073**

Mr. Jones made a motion to award \$2,428.40 for FUNERAL. Ms. Polak seconded the motion and the motion passed unanimously.

**F 62. Orleans 08-092**

Mr. Jones made a motion to award \$4,500.00 for FUNERAL. Ms. Polak seconded the motion and the motion passed 5 to 2 with no abstentions.

**F 63. Orleans 08-095**

Mr. Jones made a motion to deny under authority of R.S. 46:1809 B(4)(a) (career criminal). Ms. Fanara seconded the motion and the motion passed 6 to 1 with no abstentions.

**F 64. Orleans 08-096**

Mr. Jones made a motion to award \$4,085.00 for FUNERAL. Ms. Polak seconded the motion and the motion passed 6 to 1 with no abstentions.

**F 65. Orleans 08-098**

Mr. Jones made a motion to award \$4,500.00 for FUNERAL. Mr. Garris seconded the motion and the motion passed unanimously.

**F 66. Ouachita 08-020**

Ms. Polak made a motion to award \$4,410.95 for FUNERAL. Mr. Jones seconded the motion and the motion passed unanimously.

**F 67. Pointe Coupee 08-002**

Ms. Polak made a motion to award \$3,883.00 for FUNERAL. Mr. Garris seconded the motion and the motion passed 5 to 2 with no abstentions.

**V. ITEMS FOR FULL DISCUSSION**

**F 68. Rapides 07-015**

Ms. Fanara made a motion to award \$5,500.00 for SUPPORT. Ms. Polak seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

**F 69. Rapides 08-007**

Ms. Fanara made a motion to award \$1,999.20 for MEDICAL. Mr. Jones seconded the motion and the motion passed unanimously.

**F 70. Rapides 08-015**

Ms. Fanara made a motion to award \$3,565.10 for MEDICAL. Mr. Jones seconded the motion and the motion passed unanimously.

**F 71. St. Charles 07-014**

Ms. Polak made a motion to award \$195.00 for MEDICAL. Mr. Garris seconded the motion and the motion passed unanimously.

**F 72. St. John The Baptist 08-010**

Mr. Garris made a motion to award \$2,534.00 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**F 74. St. Mary 08-004**

Ms. Polak made a motion to award \$5,468.93 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Mr. Garris seconded the motion and the motion passed unanimously.

**F 75. St. Tammany 08-032**

Ms. Polak made a motion to award \$180.00 for MENTAL HEALTH. Mr. Jones seconded the motion and the motion passed unanimously.

**F 76. Terrebonne 07-007**

Mr. DiBenedetto made a motion to award \$2,750.00 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

**F 77. Terrebonne 08-009**

Ms. Polak made a motion to award \$1,044.07 for WAGE, \$2,590.95 for MEDICAL. Mr. Garris seconded the motion and the motion passed unanimously.

**F 78. Vermilion 07-007**

Mr. DiBenedetto made a motion to award \$35.80 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

**F 79. Vernon 08-004**

Mr. Jones made a motion to award \$3,757.60 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Polak seconded the motion and the motion passed unanimously.

**F 80. Vernon 08-005**

Ms. Polak made a motion to award \$4,255.02 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Mr. Jones seconded the motion and the motion passed unanimously.

**V. ITEMS FOR FULL DISCUSSION**

**F 81. Washington 08-005**

Mr. DiBenedetto made a motion to award \$4,500.00 for FUNERAL. Ms. Polak seconded the motion and the motion passed 6 to 1 with no abstentions.

**F 82. Washington 08-013**

Ms. Polak made a motion to award \$258.76 for FUNERAL. Mr. Jones seconded the motion and the motion passed unanimously.

**F 83. Washington 08-014**

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

**VI. LATE ADDITIONS**

**L 1. Bossier 08-009**

Ms. Polak made a motion to award \$615.00 for MENTAL HEALTH. Mr. Garris seconded the motion and the motion passed unanimously.

**L 2. Caddo 07-064**

Ms. Polak made a motion to defer claims awaiting completion of Claim Investigator Review form (are the victim and offender living apart?). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**L 3. Caddo 08-001**

Mr. Garris made a motion to award \$540.00 for MENTAL HEALTH. Mr. Jones seconded the motion and the motion passed unanimously.

**L 4. Caddo 08-016**

Ms. Polak made a motion to award \$1,410.00 for MENTAL HEALTH, \$1,088.00 for WAGE, \$1,571.27 for MEDICAL. Mr. Garris seconded the motion and the motion passed unanimously.

**V. ITEMS FOR FULL DISCUSSION**

**L 5. Caddo 08-020**

Mr. DiBenedetto made a motion to award \$4,000.00 for FUNERAL. Mr. Garris seconded the motion and the motion passed unanimously.

**VI. LATE ADDITIONS**

**L 6. Caddo 08-025**

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

**L 7. Caddo 08-029**

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

**L 8. Caddo 08-031**

Mr. Garris made a motion to award \$2,114.84 for WAGE. Mr. Jones seconded the motion and the motion passed 6 to 1 with no abstentions.

**VI. LATE ADDITIONS**

**L 9. Desoto 08-002**

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

**L 10. East Baton Rouge 08-034**

Ms. Polak made a motion to award \$9,500.00 for CATASTROPHIC PROPERTY. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**L 11. East Baton Rouge 08-052**

Ms. Fanara made a motion to award \$204.80 for WAGE. Mr. Jones seconded the motion and the motion passed unanimously.

**L 12. Jefferson 02-019**

Mr. Jones 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 unanimously. The Board also voted to send a request to the claimant for repayment of funds received through fraudulent means (falsifying of invoices).

**L 13. Lafayette 03-002**

Mr. Jones made a motion to award \$1,170.81 for MEDICAL and to deny non-compensable expense reimbursement of \$37.97. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**L 14. Orleans 98-044**

Ms. Polak made a motion to award \$1,244.62 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**L 15. Orleans 08-033**

Mr. Jones made a motion to award \$10.00 for MEDICAL, \$316.79 for WAGE. Ms. Polak seconded the motion and the motion passed unanimously.

**L 16. Tangipahoa 07-010**

Ms. Polak made a motion to award \$699.59 for MEDICAL. Mr. Garris seconded the motion and the motion passed unanimously.

**L 17. St. Tammany 08-009**

Ms. Polak made a motion to award \$1,005.00 for MENTAL HEALTH, \$97.05 for MEDICAL, \$88.00 for MEDICAL MILEAGE. Mr. Garris seconded the motion and the motion passed unanimously.

**L 18. West Feliciana 08-004**

Mr. Jones made a motion to award \$3,788.58 for FUNERAL, \$430.00 for CHILD CARE. Ms. Polak seconded the motion and the motion passed unanimously.

## **VII. OTHER BUSINESS**

The subject of the eligibility of undocumented victims was discussed. The Board decided to further research the topic before issuing a formal ruling.