



State of Louisiana
Crime Victims Reparations Board
MINUTES

MEETING DATE: October 14, 2014

MEMBERS PRESENT: Mr. Lamarr Davis, Mr. Carroll DiBenedetto, Sr., Mr. Tyler Downing, Ms. Mary L. Fanara, Ms. Ann Polak, Ms. Sharon Rodi

MEMBERS ABSENT: Ms. Nancy Adcock, Ms. Carolyn Stapleton, Ms. Lucille Williams

STAFF PRESENT: Bob Wertz, Carla Trahan, Margaret Watson, Haley Plauche

GUESTS PRESENT: Erich Duchmann, Jessica Thornhill, Stephanie Minto, Ed Gonzales, Mrs. Lamarr Davis, Dana Dangerfield

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES OF PREVIOUS MEETING

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

III. APPEALS

A 1. Calcasieu 14-023

Mr. Downing made a motion to uphold it's prior decision and to deny under authority of LAC22:8.301(A)(1)(a)(iii) (victim contribution) and under authority of R.S. 46:1809 B(1) (no evidence of crime). Mr. DiBenedetto seconded the motion and the motion passed 5 to 0 with 1 abstention.

A 2. East Baton Rouge 14-020

Ms. Polak made a motion to overturn the previous decision. Motion died for lack of a second. Mr. Downing made a motion reverse the previous decision, to approve eligibility and to award \$3,030.00 for FUNERAL. Ms. Rodi seconded the motion and the motion passed 5 to 1 with no abstentions.

A 2. East Baton Rouge 14-020

Ms. Polak made a motion to overturn the previous decision. Motion died for lack of a second. Mr. Downing made a motion reverse the previous decision, to approve eligibility and to award \$723.00 for FUNERAL. Ms. Rodi seconded the motion and the motion passed 5 to 1 with no abstentions.

A 3. East Baton Rouge 14-089

Ms. Polak made a motion to overturn the previous decision and to approve the eligibility of this claimant. Mr. Downing seconded the motion and the motion passed unanimously.

A 4. Jefferson 13-034

Ms. Polak made a motion to reverse the previous decision to deny the claim for loss wages and to award \$6,227.20 for WAGE. Ms. Rodi seconded the motion and the motion passed unanimously.

A 5. Lafourche 14-001

Mr. DiBenedetto made a motion uphold the board's previous decision to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Ms. Rodi seconded the motion and the motion passed unanimously.

A 6. Sabine 13-010

Ms. Polak made a motion reverse the boards previous decision, to approve eligibilty, and to award \$2,287.66 for FUNERAL. Ms. Fanara seconded the motion and the motion passed 5 to 1 with no abstentions.

IV. EMERGENCY CONFIRM/DENY

Ms. Rodi made a motion to confirm the emergency rulings for the previous month. Mr. Downing seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 1. Assumption 14-002

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

V. ITEMS FOR FULL DISCUSSION

F 2. Bossier 14-003

Ms. Rodi made a motion to award \$1,572.00 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 2. Bossier 14-003

Ms. Rodi made a motion to award \$472.26 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 2. Bossier 14-003

Ms. Rodi made a motion to award \$1,081.60 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 3. Caddo 12-054

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Rodi seconded the motion and the motion passed unanimously. The board agreed to increase the case maximum to \$25,000.

F 4. Caddo 14-008

Ms. Polak made a motion to award \$3,750.14 for WAGE. Ms. Rodi seconded the motion and the motion passed unanimously.

F 5. Caddo 14-029

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

F 6. Caddo 14-041

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

F 7. Caddo 14-051

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

F 8. Caddo 14-052

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

F 9. Caddo 14-053

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

F 10. Caddo 14-054

Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Ms. Polak seconded the motion and the motion passed unanimously.

F 11. Calcasieu 14-012

Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Ms. Rodi seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 12. Calcasieu 14-016

Mr. DiBenedetto made a motion to award \$3,580.35 for FUNERAL. Ms. Polak seconded the motion and the motion passed unanimously.

F 13. Calcasieu 14-019

Ms. Polak made a motion to award \$201.53 for MEDICAL, \$1,848.00 for WAGE. The claim amounts were reduced by 50 % for contribution. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 14. Calcasieu 14-049

Ms. Polak made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Ms. Fanara seconded the motion and the motion passed unanimously.

F 15. Calcasieu 14-051

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

F 16. Calcasieu 14-055

Ms. Polak made a motion to award \$941.86 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 17. Calcasieu 14-056

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

F 18. Calcasieu 14-060

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

F 19. Calcasieu 14-061

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

F 20. Calcasieu 14-063

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

F 21. Calcasieu 14-064

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

F 22. Calcasieu 14-066

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

F 23. Claiborne 14-002

Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Mr. Downing seconded the motion and the motion passed unanimously.

V. ITEMS FOR FULL DISCUSSION

F 24. Concordia 13-001

Ms. Polak made a motion to award \$3,063.00 for FUNERAL. Mr. Downing seconded the motion and the motion passed unanimously.

F 25. East Baton Rouge 10-032

Mr. DiBenedetto made a motion to award \$1,765.84 for MEDICAL. Mr. Downing seconded the motion and the motion passed unanimously.

F 26. East Baton Rouge 14-078

Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(iii) (victim contribution) and under authority of LAC22:8.301(A)(1)(a)(i) (illegal activity). Mr. Downing seconded the motion and the motion passed unanimously.

F 27. East Baton Rouge 14-083

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

F 28. East Baton Rouge 14-107

Ms. Polak made a motion to approve the eligibility of this claimant. Mr. Downing seconded the motion and the motion passed unanimously. The board agreed to waive the one year deadline for applying for reparations.

F 29. Franklin 14-001

Ms. Polak made a motion to award \$4,831.46 for MEDICAL. Ms. Rodi seconded the motion and the motion passed unanimously.

F 30. Iberia 14-012

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

F 31. Iberia 14-013

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

F 32. Iberville 14-005

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

F 33. Iberville 14-006

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

F 34. Iberville 14-007

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

F 35. Jefferson 14-028

Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Ms. Polak seconded the motion and the motion passed

V. ITEMS FOR FULL DISCUSSION

unanimously.

F 36. Lafourche 14-004

Ms. Rodi made a motion to award \$11.99 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

F 37. Lafourche 14-023

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

F 38. Lafourche 14-033

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

F 39. Lafourche 14-034

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Rodi seconded the motion and the motion passed 5 to 1 with no abstentions.

F 40. Lafourche 14-035

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

F 41. Lafourche 14-041

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

F 42. Lafourche 14-042

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

F 43. Lafourche 14-043

Mr. DiBenedetto made a motion to approve the eligibility of this claimant. Mr. Downing seconded the motion and the motion passed 5 to 1 with no abstentions.

F 44. Orleans 13-063

Ms. Rodi made a motion to award \$5,000.00 for WAGE. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 45. Orleans 13-102

Ms. Polak made a motion to award \$3,920.60 for FUNERAL. Ms. Rodi seconded the motion and the motion passed unanimously.

F 46. Orleans 14-024

Ms. Rodi made a motion to award \$1,598.85 for MEDICAL. Ms. Polak seconded the motion and the motion passed 4 to 2 with no abstentions.

F 47. Orleans 14-025

Ms. Polak made a motion to award \$258.56 for AMBULANCE TRANSPORT (MEDICAL), \$50.00 for MEDICAL. Ms. Rodi seconded the motion and the motion passed 5 to 1 with no abstentions.

V. ITEMS FOR FULL DISCUSSION

F 48. Orleans 14-029

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

F 49. Orleans 14-087

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

F 50. St. Charles 13-019

Ms. Rodi made a motion to award \$550.00 for MENTAL HEALTH. Ms. Polak seconded the motion and the motion passed unanimously. The board also requested a mental health treatment update as of 12/10/13 from the mental health provider.

F 51. St. Charles 14-001

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

F 52. St. Charles 14-030

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

F 53. St. Charles 14-031

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

F 54. St. Charles 14-036

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

F 55. St. Charles 14-037

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

F 56. St. Charles 14-038

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

F 57. St. Charles 14-039

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

F 58. St. Charles 14-040

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

F 59. St. Charles 14-041

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

V. ITEMS FOR FULL DISCUSSION

F 60. St. Charles 14-042

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

F 61. St. Charles 14-043

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

F 62. St. Charles 14-044

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

F 63. St. Charles 14-045

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

F 64. St. Landry 14-006

Ms. Polak made a motion to deny under authority of LAC22:8.301(A)(1)(a)(i) (illegal activity). Mr. Downing seconded the motion and the motion passed unanimously.

F 65. St. Tammany 14-001

Ms. Polak made a motion to award \$5,000.00 for WAGE. Ms. Rodi seconded the motion and the motion passed unanimously. The board agreed to increase the case maximum to \$25,000.

F 66. Terrebonne 14-009

Ms. Polak made a motion to award \$42.50 for MENTAL HEALTH, \$988.38 for MEDICAL MILEAGE, \$3,750.00 for SUPPORT. The loss of support payment is being split in half with the remainder to be paid in November. Mr. Downing seconded the motion and the motion passed unanimously. The board also requested a mental health treatment update as of 08/05/14 from the mental health provider.

F 67. Vermilion 14-001

Ms. Rodi made a motion to deny under authority of LAC22:8.301(A)(1)(a)(i) (illegal activity). Ms. Polak seconded the motion and the motion passed unanimously.

F 67. Vermilion 14-001

Ms. Rodi made a motion to deny under authority of LAC22:8.301(A)(1)(a)(i) (illegal activity). Ms. Polak seconded the motion and the motion passed unanimously.

VI. LATE ADDITIONS

L 1. East Baton Rouge 14-066

Ms. Polak made a motion to award \$424.32 for MEDICAL MILEAGE. Ms. Rodi seconded the motion and the motion passed unanimously.

L 2. Morehouse 14-001

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

VI. LATE ADDITIONS

L 3. Orleans 13-024

Ms. Polak made a motion to award \$2,734.94 for WAGE, \$1,082.55 for MEDICAL but to defer a decision on the dental expenses until verification is received regarding relationship of dental expenses to the victimization. Mr. DiBenedetto seconded the motion and the motion passed unanimously. The board agreed to waive the one year deadline for applying for reparations.

L 4. Natchitoches 14-006

Mr. DiBenedetto made a motion to deny under authority of LAC22:8.301(A)(1)(a)(ii) (felony convictions). Mr. Downing seconded the motion and the motion passed unanimously.

VII. OTHER BUSINESS

Ms. Polak made a motion to amend the agenda to allow Mr. Ed Gonzales, attorney for J. Smith and K. Pogue, to speak regarding the Smith and Pogue cases. Ms. Rodi seconded the motion. He spoke regarding getting an independent mental health evaluation done for his clients through Dr. Brandon Romano and the possibilities of his clients being eligible for total and permanent disability.

Mr. Wertz discussed meetings that he had attended as well as planned future meetings concerning sexual assault victims and how best to serve them regarding medical expenses. He discussed possible changes to the statutes mostly regarding reporting of sexual assaults to law enforcement and what alternative could be used to show that a sexual assault had occurred. He also discussed different methods of paying the medical expenses and who could possibly have that responsibility (CVR, DHH, etc.)

Mr. Downing made a motion to adjourn the meeting. Ms. Polak seconded the motion. Mr. Davis adjourned the meeting at 11:10 a.m.