



State of Louisiana
Crime Victims Reparations Board
MINUTES

MEETING DATE: November 10, 2015

MEMBERS PRESENT: Ms. Nancy Adcock, Mr. Carroll DiBenedetto, Sr., Mr. Tyler Downing, Ms. Ann Polak, Ms. Sharon Rodi, Ms. Amanda Tonkovich, Ms. Lucille Williams

MEMBERS ABSENT: Ms. Keva Sims

STAFF PRESENT: Robert Wertz, Carla Trahan, Margaret Watson

GUESTS PRESENT: Erich Duchmann, Jeddie Smith, Kent Wolkart, Jane Wood, and Rikee Ruffin

I. CALL TO ORDER

The Crime Victims Reparations Board meeting for November 10, 2015 was called to order at 9:05 a.m.

II. APPROVAL OF MINUTES OF PREVIOUS MEETING

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

III. APPEALS

NONE

IV. EMERGENCY CONFIRM/DENY

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

V. ITEMS FOR FULL DISCUSSION

F 1. Ascension 15-004

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

F 2. Bossier 15-007

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

F 3. Caddo 14-051

Ms. Adcock made a motion to award \$9,250.55 for MEDICAL, \$749.45 for WAGE. Ms. Williams seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

F 4. Caddo 15-015

Ms. Adcock made a motion to award \$1,056.00 for WAGE. Ms. Williams seconded the motion and the motion passed unanimously.

F 5. Caddo 15-029

Ms. Adcock made a motion to award \$450.00 for MENTAL HEALTH. Mr. Downing seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 10/13/15.

F 6. Caddo 15-031

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

F 7. Caddo 15-040

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

F 8. Caddo 15-042

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

F 9. Caddo 15-043

Ms. Adcock 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 10. Caddo 15-044

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

F 11. Calcasieu 13-010

Ms. Tonkovich made a motion to award \$525.00 for MENTAL HEALTH. Ms. Rodi seconded the motion and the motion passed unanimously. The Board also stated that, since the Mental Health Treatment Update documents that the victim has made good progress, they will only consider payment of claims through January 31, 2016.

F 12. Calcasieu 13-067

Mr. Downing made a motion to award \$225.00 for MENTAL HEALTH. Ms. Adcock seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 09/10/15.

F 13. Calcasieu 15-022

Ms. Adcock made a motion to defer claims awaiting Mental Health Initial Treatment Plan and revised invoice listing more information: only one primary victim should be listed on each invoice; invoice should list the procedural code for each date of service; each date of service should also list the type of counseling (individual/family/group, etc.). Ms. Williams seconded the motion and the motion passed unanimously.

F 14. Calcasieu 15-027

Ms. Adcock made a motion to defer claims awaiting Mental Health Initial Treatment Plan. Ms. Williams seconded the motion and the motion passed unanimously.

F 15. Calcasieu 15-036

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

F 16. Calcasieu 15-047

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

F 17. Calcasieu 15-055

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

F 18. Calcasieu 15-057

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

F 19. Calcasieu 15-058

Ms. Williams 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 20. Calcasieu 15-064

Mr. Downing made a motion to approve the eligibility of this claimant, with payment of any future invoices to providers only. Ms. Tonkovich seconded the motion and the motion passed unanimously.

F 21. Calcasieu 15-068

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

F 22. Calcasieu 15-085

Ms. Rodi made a motion to approve eligibility but to deny the claim under authority of R.S. 46:1809 B(1) (not a compensable expense). Ms. Williams seconded the motion and the motion passed unanimously.

F 23. Calcasieu 15-089

Ms. Rodi made a motion to award \$9,500.00 for WAGE. Mr. Downing seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

F 24. Claiborne 15-001

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

F 25. East Baton Rouge 14-105

Ms. Williams made a motion to award \$170.00 for MENTAL HEALTH. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 26. East Baton Rouge 14-115

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

F 27. East Baton Rouge 15-013

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

F 28. East Baton Rouge 15-045

Ms. Adcock made a motion to award \$920.69 for one week of LOST WAGES, but to defer payment of the remaining LOST WAGES until a proper Disability Verification Form is received and to defer approval of the mental health claim until a more legible invoice is received. Ms. Williams seconded the motion and the motion passed unanimously.

F 29. East Baton Rouge 15-096

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

F 30. Jefferson Davis 15-001

Ms. Rodi made a motion to approve eligibility and to award the mental health claim. Ms. Tonkovich seconded the motion. The motion failed. Mr. Downing made a motion to deny under authority of R.S. 46:1809 B(1) (no evidence of crime). Ms. Adcock seconded

V. ITEMS FOR FULL DISCUSSION

the motion and the motion passed 5 to 2 with no abstentions.

F 31. Lafayette 15-004

Ms. Adcock 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 a traffic report be submitted with any future claims.

F 32. Livingston 14-009

Mr. Downing made a motion to award \$212.71 for MEDICAL, \$80.07 for MEDICAL MILEAGE, \$70.40 for WAGE. Ms. Williams seconded the motion and the motion passed unanimously.

F 33. Natchitoches 13-003

Mr. Downing made a motion to award \$549.39 for MEDICAL, \$9,450.61 for WAGE. Ms. Williams seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

F 34. Orleans 14-098

Mr. Downing made a motion to award \$3,993.60 for MEDICAL, \$4,051.44 for WAGE but to deny the Medical Mileage claim and the Child Care claim as non-compensable expenses. Ms. Williams seconded the motion and the motion passed unanimously.

F 35. Orleans 14-100

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

F 36. Orleans 14-119

Mr. Downing made a motion to award \$3,664.00 for FUNERAL. Ms. Tonkovich seconded the motion and the motion passed unanimously.

F 37. Orleans 14-149

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

F 38. Orleans 14-182

Mr. Downing made a motion to deny under authority of R.S. 46:1809 B(1) (crime definition). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

F 39. Orleans 15-064

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

F 40. Orleans 15-066

Mr. Downing 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 41. Rapides 14-007

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

F 42. St. Bernard 15-005

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

F 43. St. Charles 15-020

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

F 44. St. Charles 15-042

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

F 45. St. Charles 15-043

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

F 46. St. Charles 15-044

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

F 47. St. Charles 15-046

Ms. Adcock made a motion to approve the eligibility of this claimant. Any future claim amounts will be reduced by 50 % for contribution (no seatbelt). Ms. Williams seconded the motion and the motion passed unanimously. The Board also requested that a Traffic Report be submitted with any future claims.

F 48. St. Charles 15-049

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

F 49. St. Martin 12-009

Ms. Williams made a motion to award \$547.60 for MEDICAL. Ms. Adcock seconded the motion and the motion passed unanimously.

F 50. St. Martin 14-011

Mr. Downing made a motion to award \$602.82 for MEDICAL MILEAGE. Ms. Williams seconded the motion and the motion passed unanimously.

F 51. St. Mary 15-002

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

F 52. St. Tammany 14-013

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

V. ITEMS FOR FULL DISCUSSION

F 53. Terrebonne 14-010

Ms. Rodi made a motion to award \$101.99 for MEDICAL. Ms. Adcock seconded the motion and the motion passed unanimously.

VI. LATE ADDITIONS

L 1. Ascension 15-002

Mr. Downing made a motion to award \$9,500.00 for SUPPORT - SA. Ms. Williams seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

L 2. Caddo 15-033

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

L 3. Caddo 15-047

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

L 4. Caddo 15-048

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

L 5. Caddo 15-049

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

L 6. Caddo 15-050

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

L 7. Caddo 15-052

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

L 8. Caddo 15-053

Mr. Adcock made a motion to defer eligibility pending receipt of more information from law enforcement. Ms. Williams seconded the motion. The motion failed. Mr. Downing 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.

L 9. Caddo 15-054

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

L 10. Caddo 15-056

Ms. Adcock made a motion to approve the eligibility of this claimant. Ms. Williams

VI. LATE ADDITIONS

seconded the motion and the motion passed unanimously.

L 11. Calcasieu 15-048

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

L 12. Calcasieu 15-061

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

L 13. Calcasieu 15-062

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

L 14. Calcasieu 15-063

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

L 15. Calcasieu 15-080

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

L 16. Calcasieu 14-070

Mr. Downing made a motion to award \$5,000.00 for SUPPORT. Ms. Williams seconded the motion and the motion passed unanimously.

L 17. East Baton Rouge 10-077

Ms. Adcock made a motion to award \$6,444.73 for MEDICAL, \$1,207.50 for MENTAL HEALTH. Ms. Williams seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

V. ITEMS FOR FULL DISCUSSION

L 18. East Baton Rouge 10-078

Mr. Downing made a motion to award \$765.00 for MENTAL HEALTH, \$238.15 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously.

VI. LATE ADDITIONS

L 19. East Baton Rouge 15-029

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

L 20. Iberia 15-010

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

L 21. Iberville 15-007

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

VI. LATE ADDITIONS

L 22. Jefferson Davis 15-003

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

L 23. Jefferson Davis 15-003

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

L 24. St. Charles 13-029

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

L 25. Orleans 13-120

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

L 26. Orleans 13-124

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

L 27. Orleans 15-046

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

L 28. Orleans 15-054

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

L 29. Orleans 15-077

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

L 30. Richland 15-003

Mr. DiBenedetto made a motion to defer ruling awaiting the outcome of the trial. Mr. Downing seconded the motion and the motion passed unanimously.

L 31. St. Charles 15-008

Ms. Rodi made a motion to award \$375.00 for MENTAL HEALTH. Ms. Williams seconded the motion and the motion passed unanimously.

L 32. St. Charles 15-045

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

L 33. St. Charles 15-048

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

VI. LATE ADDITIONS

L 34. St. Helena 15-002

Ms. Rodi made a motion to defer ruling awaiting the Fire Marshall's Report stating that the fire was caused by arson. Ms. Williams seconded the motion and the motion passed unanimously.

L 35. St. Mary 15-003

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

L 36. Calcasieu 14-058

Mr. Downing made a motion to award \$450.00 for MENTAL HEALTH. Ms. Tonkovich seconded the motion and the motion passed unanimously.

L 37. Calcasieu 15-008

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

L 38. Calcasieu 15-030

Mr. Downing made a motion to award \$150.00 for MENTAL HEALTH. Ms. Williams seconded the motion and the motion passed unanimously.

L 39. Calcasieu 15-069

Mr. Downing made a motion to award \$112.50 for MENTAL HEALTH. Ms. Williams seconded the motion and the motion passed unanimously.

L 40. Calcasieu 15-076

Mr. Downing made a motion to award \$350.00 for MEDICAL. Estimate approved for: \$4,650.00 for MEDICAL. The claim amounts were reduced by 50 % for contribution. Ms. Adcock seconded the motion and the motion passed 6 to 0 with 1 abstention. The board agreed to waive the one year deadline for applying for reparations.

L 41. Jefferson 15-019

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

L 42. Orleans 15-092

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

VII. OTHER BUSINESS

Pre-trial diversion. When a victim has successfully completed a pre-trial diversion program, treat the offense as though it never happened.

Regarding MADI06-005: The Board made the decision to defer the ruling until further documentation is received. Mr. Downing made a motion to allow Mr. Jeddie Smith from the Attorney General's office to contact the victim's attorney. Ms. Rodi seconded it. The vote was unanimous.

Mr. Wertz discussed issues with Sexual Assault cases with the Board.

An election was held to fill the vacancy of Chairman of the CVR Board, due to the retirement of Mr. Lamarr Davis. Mr. DiBenedetto nominated Ms. Polak. Ms. Rodi seconded the nomination. Ms. Polak was voted in as Chairman. Mr. Downing nominated Ms. Rodi as Vice-Chairman, a position now vacant with the voting-in of Ms. Polak for Chairman. Mr. DiBenedetto seconded the nomination. Ms. Rodi was elected to the position of Vice-Chairman.

Ms. Adcock made a motion to adjourn the meeting. Ms. Rodi seconded the motion. Ms. Polak adjourned the meeting at 11:50 a.m.