



# State of Louisiana Crime Victims Reparations Board M I N U T E S

**MEETING DATE:** April 9, 2013

**MEMBERS PRESENT:** Ms. Nancy Adcock, Mr. Lamarr Davis, Mr. Carroll DiBenedetto, Sr., Ms. Mary L. Fanara, Mr. Rustin Legendre, Ms. Ann Polak, Ms. Lucille Williams,

**MEMBERS ABSENT:** Mr. Kenneth Jones, Mr. Jimmy Pohlmann, Ms. Sharon Rodi, Ms. Carolyn Stapleton,

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

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**GUESTS PRESENT:** Erich Duchmann, Kent Wolkart, Sami Riley, Stephanie Minto, Latina Jolivett, Leatrice Wilson

## **I. CALL TO ORDER**

The monthly meeting of the Crime Victims Reparations Board for the date of April 9, 2013, was called to order by Mr. Davis at 9:10 a.m.

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

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

**III. APPEALS**

**NONE**

**IV. EMERGENCY CONFIRM/DENY**

Ms. Adcock 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. Acadia 13-001**

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

**F 2. Allen 13-001**

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

**F 3. Assumption 11-012**

Ms. Polak made a motion to award \$187.50 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 05/21/12.

**F 4. Assumption 13-001**

Ms. Polak made a motion to approve eligibility but to defer payment of claims awaiting documentation of all doctor visits. Ms. Adcock seconded the motion and the motion passed unanimously.

**F 5. Bossier 13-003**

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

**F 6. Caddo 12-022**

Ms. Adcock made a motion to award \$1,585.00 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

**F 7. Caddo 12-047**

Ms. Adcock made a motion to award \$886.83 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**F 8. Caddo 12-048**

Ms. Adcock made a motion to award \$4,830.76 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

**F 9. Caddo 12-055**

Ms. Adcock made a motion to award \$7,478.70 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**V. ITEMS FOR FULL DISCUSSION**

**F 10. Caddo 12-057**

Ms. Adcock made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim contribution) and R.S. 46:1809 B(3)(b) (failed or refused cooperation). Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**F 11. Caddo 12-058**

Ms. Adcock made a motion to award \$585.53 for MEDICAL, \$1,476.24 for WAGE. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**F 12. Caddo 12-061**

Ms. Adcock made a motion to award \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Polak seconded the motion and the motion passed unanimously. The board agreed to waive the one year deadline for applying for reparations.

**F 13. Caddo 12-062**

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

**F 14. Caddo 12-063**

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

**F 15. Caddo 12-065**

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

**F 16. Caddo 13-009**

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

**F 17. Caddo 13-010**

Ms. Adcock 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.

**F 18. Caddo 13-015**

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

**F 19. Caddo 13-017**

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

**F 20. Caddo 13-018**

Ms. Adcock 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 21. Caddo 13-019**

Ms. Adcock made a motion to defer ruling awaiting additional information from law enforcement. Ms. Williams seconded the motion and the motion passed unanimously.

**F 22. Caddo 13-020**

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

**F 23. Calcasieu 11-020**

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

**F 24. Calcasieu 11-032**

Ms. Polak made a motion to award \$400.00 for MENTAL HEALTH and to request a letter from the mental health provider if she feels additional mental health counseling is needed. Ms. Adcock seconded the motion and the motion passed unanimously.

**F 25. Calcasieu 12-044**

Ms. Polak made a motion to award \$150.00 for MENTAL HEALTH. Ms. Williams seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 05/20/13.

**F 26. Calcasieu 12-054**

Ms. Polak made a motion to award \$300.00 for AMBULANCE TRANSPORT (MEDICAL), \$272.23 for MEDICAL, \$690.00 for MENTAL HEALTH but to defer reimbursement of lost wages until proper documentation is received. Ms. Fanara seconded the motion and the motion passed unanimously.. The board also agreed to request an Updated Mental Health Treatment Plan as of 01/27/13.

**F 27. Calcasieu 12-058**

Ms. Polak made a motion to award \$225.00 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously.

**F 28. Calcasieu 12-065**

Ms. Polak made a motion to award \$104.96 for WAGE, \$3,864.04 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously.

**F 29. Calcasieu 12-075**

Ms. Polak made a motion to award \$558.60 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously.

**F 30. Calcasieu 12-081**

Ms. Polak made a motion to award \$2,309.01 for MEDICAL, \$205.00 for MENTAL HEALTH but to defer payment of medication expenses until verification can be made. Ms. Williams seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 04/09/13.

**F 31. Calcasieu 12-096**

Ms. Polak made a motion to deny under authority of R.S. 46:1809 B(4)(a) (victim

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contribution). Ms. Williams seconded the motion and the motion passed unanimously.

**F 32. Calcasieu 12-097**

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

**F 33. Calcasieu 13-007**

Ms. Polak made a motion to defer ruling awaiting supplemental report from law enforcement. Ms. Williams seconded the motion and the motion passed unanimously.

**F 34. Calcasieu 13-008**

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

**F 35. Calcasieu 13-012**

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

**F 36. Catahoula 12-001**

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

**F 37. Catahoula 12-002**

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

**F 38. Catahoula 12-003**

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

**F 39. Claiborne 12-002**

Ms. Adcock made a motion to award \$1,232.50 for MENTAL HEALTH. Ms. Williams seconded the motion and the motion passed unanimously. The board also agreed to request an Updated Mental Health Treatment Plan as of 10/23/12.

**F 40. East Baton Rouge 12-032**

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

**F 41. East Baton Rouge 12-043**

Mr. DiBenedetto made a motion to award \$4,132.37 for FUNERAL. Ms. Williams seconded the motion and the motion passed unanimously.

**F 42. East Baton Rouge 13-003**

Mr. DiBenedetto made a motion to award \$2,679.50 for MEDICAL, \$1,275.41 for WAGE. Ms. Fanara seconded the motion and the motion passed unanimously.



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**F 43. East Baton Rouge 13-004**

Ms. Polak made a motion to award \$7,384.14 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL), \$616.00 for WAGE. Ms. Fanara seconded the motion and the motion passed unanimously.

**F 44. East Baton Rouge 13-012**

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

**F 45. Franklin 12-003**

Mr. DiBenedetto made a motion to award \$2,306.04 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

**F 46. Iberia 12-023**

Ms. Fanara made a motion to award \$6,640.00 for WAGE, \$1,320.19 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

**F 47. Iberia 13-001**

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

**F 48. Iberia 13-003**

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

**F 49. Jefferson 12-002**

Ms. Polak made a motion to award \$45.00 for MENTAL HEALTH. Ms. Williams seconded the motion and the motion passed unanimously.

**F 50. Lafayette 13-003**

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

**F 51. Lafourche 10-094**

Ms. Polak made a motion to award \$469.00 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

**F 52. Lafourche 11-038**

Ms. Polak made a motion to award \$150.00 for MENTAL HEALTH and to advise the mental health provider that service dates older than one year from the date of the meeting may be denied. Ms. Adcock seconded the motion and the motion passed unanimously.

**F 53. Lafourche 12-082**

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

**F 54. Lafourche 12-096**

Ms. Polak made a motion to award \$6,164.06 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

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**F 55. Lafourche 13-001**

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

**F 56. Lafourche 13-002**

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

**F 57. Lafourche 13-003**

Ms. Fanara made a motion to award \$175.19 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**F 58. Lafourche 13-004**

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

**F 59. Lafourche 13-005**

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

**F 60. Lafourche 13-006**

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

**F 61. Lafourche 13-007**

Ms. Polak made a motion to defer ruling awaiting more information from law enforcement. Ms. Fanara seconded the motion and the motion passed unanimously.

**F 62. Lafourche 13-008**

Ms. Fanara made a motion to award \$300.00 for AMBULANCE TRANSPORT (MEDICAL), \$178.50 for MEDICAL. Ms. Polak seconded the motion and the motion passed unanimously.

**F 63. Lafourche 13-009**

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

**F 64. Lafourche 13-015**

Ms. Polak made a motion to approve the eligibility of this claimant. Any future claim amounts will be reduced by 50 % for contribution. Ms. Adcock seconded the motion and the motion passed unanimously.

**F 65. Orleans 11-175**

Ms. Polak made a motion to award \$9,672.00 for MEDICAL, \$323.71 for WAGE. Ms. Fanara seconded the motion and the motion passed unanimously.

**F 66. Orleans 12-046**

Mr. DiBenedetto made a motion to award \$814.75 for FUNERAL. Ms. Polak seconded



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the motion and the motion passed unanimously.

**F 67. Orleans 12-080**

Ms. Polak made a motion to award \$1,762.67 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously. The board agreed to waive the one year deadline for applying for reparations.

**F 68. Orleans 12-083**

Ms. Polak made a motion to award \$2,025.00 for FUNERAL. Ms. Adcock seconded the motion and the motion passed unanimously.

**F 68. Orleans 12-083**

Ms. Polak made a motion to award \$2,475.00 for FUNERAL. Ms. Adcock seconded the motion and the motion passed unanimously.

**F 69. Orleans 12-095**

Ms. Polak made a motion to defer ruling awaiting supplemental report from law enforcement. Ms. Williams seconded the motion and the motion passed unanimously.

**F 70. Orleans 12-098**

Mr. DiBenedetto made a motion to award \$10,000.00 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

**F 71. Orleans 12-103**

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

**F 72. Orleans 12-116**

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

**F 73. Orleans 12-118**

Ms. Polak made a motion to award \$4,302.52 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously.

**F 74. Orleans 12-129**

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

**F 75. Orleans 12-130**

Ms. Polak made a motion to defer ruling awaiting more information from law enforcement. Ms. Adcock seconded the motion and the motion passed unanimously.

**F 76. Orleans 13-004**

Ms. Polak made a motion to award \$4,402.25 for FUNERAL. Ms. Fanara seconded the motion and the motion passed unanimously.



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**F 77. Orleans 13-005**

Ms. Polak made a motion to deny under authority of LAC22: XIII.301(A)(1)(a) (felony convictions). Ms. Williams seconded the motion and the motion passed unanimously.

**F 78. Orleans 13-013**

Ms. Adcock made a motion to deny under authority of LAC22: XIII.301(A)(1)(a) (felony convictions). Ms. Williams seconded the motion and the motion passed unanimously.

**F 79. Orleans 13-016**

Ms. Polak made a motion to award \$560.00 for WAGE, \$5,443.90 for MEDICAL. Ms. Williams seconded the motion and the motion passed unanimously.

**F 80. Orleans 13-018**

Ms. Polak 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 unanimously.

**F 81. Orleans 13-019**

Ms. Polak 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 unanimously.

**F 82. Orleans 13-020**

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

**F 83. Ouachita 12-003**

Ms. Williams made a motion to award \$240.80 for MEDICAL. Mr. DiBenedetto seconded the motion and the motion passed unanimously.

**F 84. Ouachita 13-001**

Ms. Adcock made a motion to award \$140.60 for MEDICAL, \$150.00 for AMBULANCE TRANSPORT (MEDICAL). The claim amounts were reduced by 50 % for contribution. Ms. Williams seconded the motion and the motion passed unanimously.

**F 85. Ouachita 13-003**

Ms. Williams made a motion to defer ruling awaiting supplemental report from law enforcement. Ms. Fanara seconded the motion and the motion passed unanimously.

**F 86. Ouachita 13-004**

Ms. Fanara made a motion to award \$142.80 for MEDICAL. Ms. Adcock seconded the motion and the motion passed unanimously.

**F 87. Red River 12-001**

Ms. Adcock made a motion to defer ruling awaiting supplemental report from law enforcement and Claim Form for Funeral Expenses. Ms. Fanara seconded the motion and the motion passed unanimously.

**F 88. St. Charles 09-007**

Ms. Polak made a motion to award \$3,379.95 for MEDICAL. Ms. Fanara seconded the motion and the motion passed unanimously.

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**F 89. St. Charles 12-039**

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

**F 90. St. Martin 12-009**

Ms. Williams made a motion to award \$257.95 for MEDICAL. Ms. Adcock seconded the motion and the motion passed unanimously.

**F 91. St. Martin 13-002**

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

**F 92. St. Mary 12-004**

Mr. DiBenedetto made a motion to award \$10,000.00 for MEDICAL. Ms. Adcock seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

**F 93. St. Mary 13-004**

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

**F 94. St. Tammany 12-008**

Mr. DiBenedetto made a motion to award \$1,383.91 MEDICAL expenses but to defer reimbursement of lost wages pending receipt of Disability Verification Form for all time missed from work. The claim amounts were reduced by 50 % for contribution. Ms. Fanara seconded the motion and the motion passed unanimously.

**F 95. Vermilion 12-008**

Ms. Williams made a motion to defer ruling awaiting more information from law enforcement. Ms. Polak seconded the motion and the motion passed unanimously.

**F 96. Washington 13-001**

Ms. Polak made a motion to approve the eligibility of this claimant. Ms. Fanara seconded the motion and the motion passed unanimously. The Board also requested that the entire case be sent to them with any future claims.

**F 97. Webster 13-001**

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 unanimously.

**F 98. Webster 13-002**

Ms. Adcock made a motion to award \$3,352.58 for MEDICAL, \$300.00 for AMBULANCE TRANSPORT (MEDICAL). Ms. Fanara seconded the motion and the motion passed unanimously.



**VI. LATE ADDITIONS**

**L 1. Calcasieu 12-018**

Ms. Polak made a motion to award \$46.25 for MEDICAL, \$604.33 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously.

**L 2. Jefferson 11-016**

Ms. Polak made a motion to award \$3,218.10 for WAGE, but to deny the claimant's request for an increase in maximum eligibility to \$25,000 for total and permanent disability. Ms. Williams seconded the motion and the motion passed unanimously. The board also agreed to mark the case as "closed".

**L 3. Lafayette 12-003**

Ms. Polak made a motion to award \$339.23 for MEDICAL, \$1,575.00 for MENTAL HEALTH. Ms. Fanara seconded the motion and the motion passed unanimously. The Board also requested that the mental health provider be reminded of the out-patient maximum.

**L 4. Lafayette 13-001**

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

**L 5. Orleans 11-064**

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

**L 6. St. Landry 12-005**

Ms. Adcock made a motion to award \$881.18 for MEDICAL, \$150.00 for AMBULANCE TRANSPORT (MEDICAL). The claim amounts were reduced by 50 % for contribution. Ms. Williams seconded the motion and the motion passed unanimously.

## VII. OTHER BUSINESS

Ms. Polak made a motion to allow the Board the option to deny mental health claims that have service dates more than one year old. Ms. Adcock seconded the motion and the motion passed unanimously.

Mr. DiBenedetto made a motion to adjourn the meeting. Ms. Williams seconded the motion. Mr. Davis adjourned the meeting at 10:40 a.m.