

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO: 15-8907

DIVISION: L-6

STATE OF LOUISIANA -  
GOVERNOR'S OFFICE OF HOMELAND SECURITY  
AND EMERGENCY PREPAREDNESS

VS.

MARTHA MAE THOMAS

FILED  
2015 SEP 15 P 4:41  
CIVIL DISTRICT COURT

**PETITION FOR DECLARATORY JUDGMENT AND FOR  
JUDGMENT TO RECOVER HAZARD MITIGATION  
GRANT PROGRAM FUNDS**

NOW INTO COURT, through undersigned counsel, comes Petitioner, the State of Louisiana - Governor's Office of Homeland Security and Emergency Preparedness (hereinafter "GOHSEP"), which respectfully files this Petition for Declaratory Judgment and for Judgment to Recover Hazard Mitigation Grant Program Funds and respectfully represents:

1.

The Defendant(s) named herein are person(s) of the full age of the majority and are domiciled in Orleans Parish.

2.

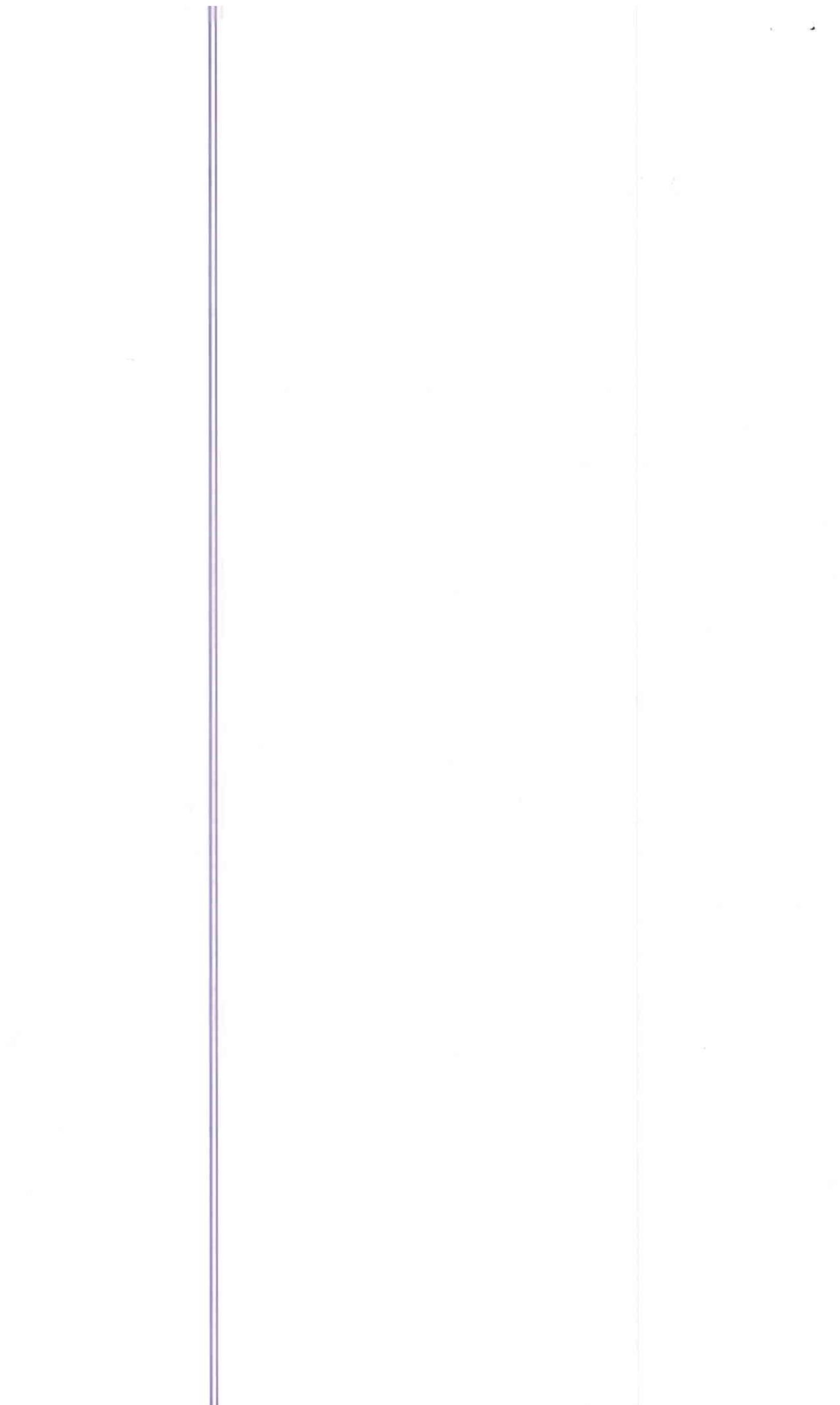
The Defendant(s) voluntarily participated in the Hazard Mitigation Grant Program (hereinafter "HMGP") which was a federally funded mitigation program administered by the State of Louisiana as the grantee through the Division of Administration, Office of Community Development Disaster Recovery Unit-Hazard Mitigation Grant Program (hereinafter "OCD/DRU").

3.

In accordance with an interagency agreement between OCD/DRU and GOHSEP, OCD/DRU has transferred its authority to pursue its interest in this matter to GOHSEP.

4.

In accordance with federal regulations, GOHSEP is the administrator and the fiduciary of the federal grant funds and is required to account to FEMA for those funds issued to homeowners for the HMGP. Any funds not used in compliance with the guidelines of the program, as agreed upon by the Defendant(s) must be returned to GOHSEP, who in turn must return them to FEMA. Failure by



GOHSEP to recover funds not used in compliance with the HMGP guidelines and returned to FEMA will result in a debt to FEMA by the State of Louisiana.

5.

The purpose of the HMGP was to provide mitigation assistance to homeowners whose homes were damaged as a result of Hurricanes Katrina and Rita. The mitigation assistance consisted of certain actions such as elevation and other individual mitigation actions which would protect the home from future damages in the event of another disaster.

6.

On December 20, 2010, the Defendant(s) executed a Voluntary Participation Agreement (hereinafter "VPA") in order to participate in the HMGP. In addition to the VPA, the Defendant(s) signed additional documents whereby the Defendant(s) agreed to comply with all HMGP guidelines, which includes the use of HMGP funds for their intended purpose, i.e. elevation or other mitigation measures.

7.

Federal grant funds in the amount of \$49,900.00 were received by the Defendant(s) from the HMGP on or about March 25, 2011 for the specific purpose of providing elevation measures to the home of the Defendant(s) located at 2816 Hamilton Street, New Orleans, Louisiana, 70118.

8.

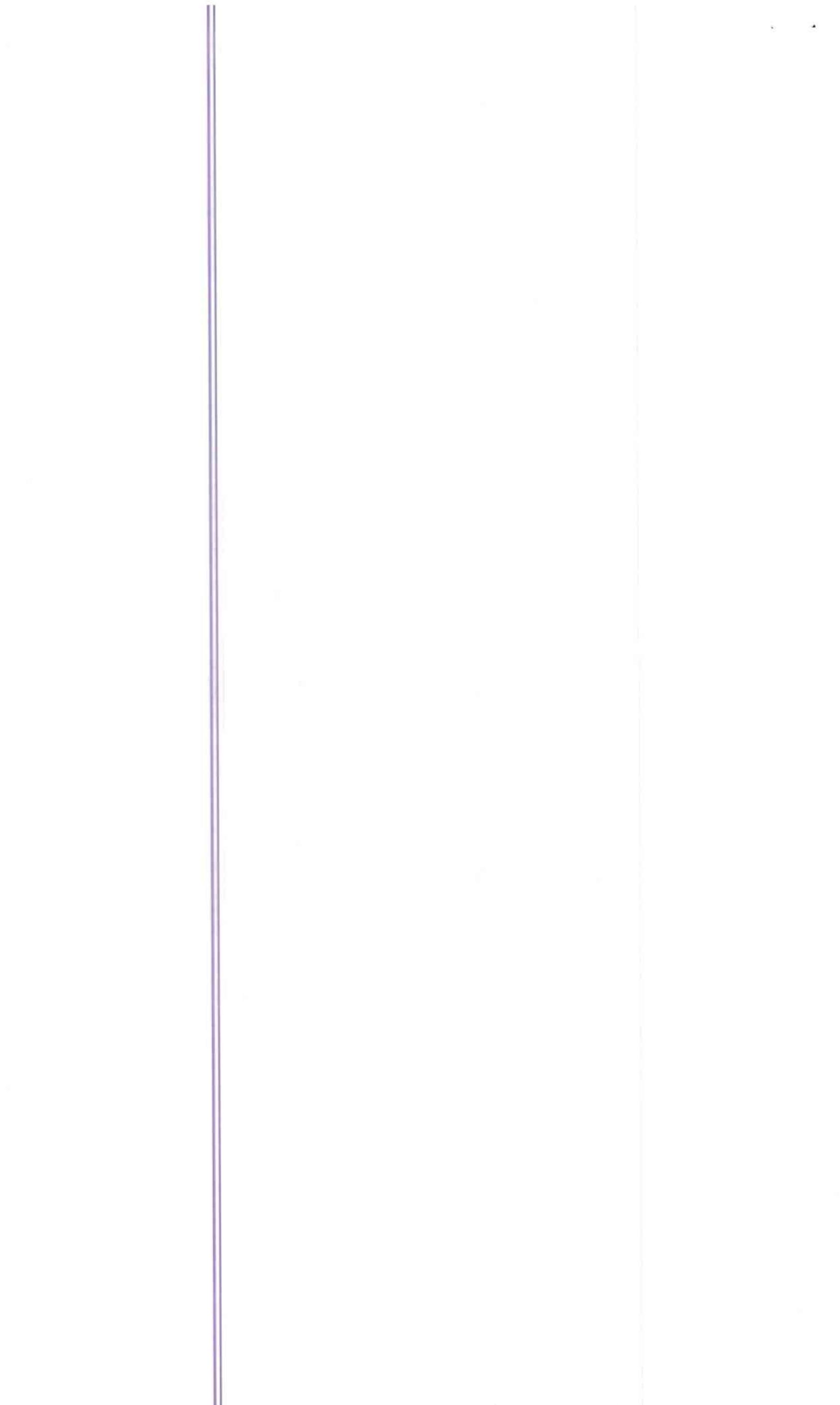
GOHSEP has discovered that the Defendant(s) did not comply with the requirement to elevate the home as required under the HMGP. Photographs of the property taken on May 6, 2015, evidence that the home was not elevated in accordance with the HMGP guidelines as previously agreed to by the Defendant(s).

9.

Subsequently, Defendant(s) was notified by mail that Defendant(s) failed to comply with the requirements of the HMGP and that in accordance with the requirements, the return of the funds received was necessary. The Defendant(s) has not responded to the demand to return the funds.

**WHEREFORE**, Plaintiff prays that after due proceedings:

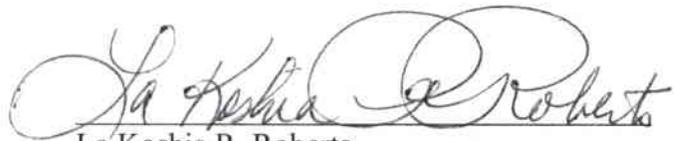
1. This Honorable Court declares the Defendant(s), Martha Mae Thomas, is non-compliant as required by the Voluntary Participant Agreement and other documents executed by the Defendant(s);
2. This Honorable Court declares that the Defendant(s), Martha Mae Thomas, is indebted to GOHSEP in the amount of \$49,900.00 for the Defendant's failure to use the HMGP funds for their intended purpose, namely to elevate the home;



3. There be judgment rendered in favor of GOHSEP and against the Defendant(s), Martha Mae Thomas, in the sum of \$49,900.00, plus all costs and associated fees and judicial interest from date of demand.

Respectfully submitted:

**FOR GOHSEP**



La Koshia R. Roberts

Bar Roll No. 26715

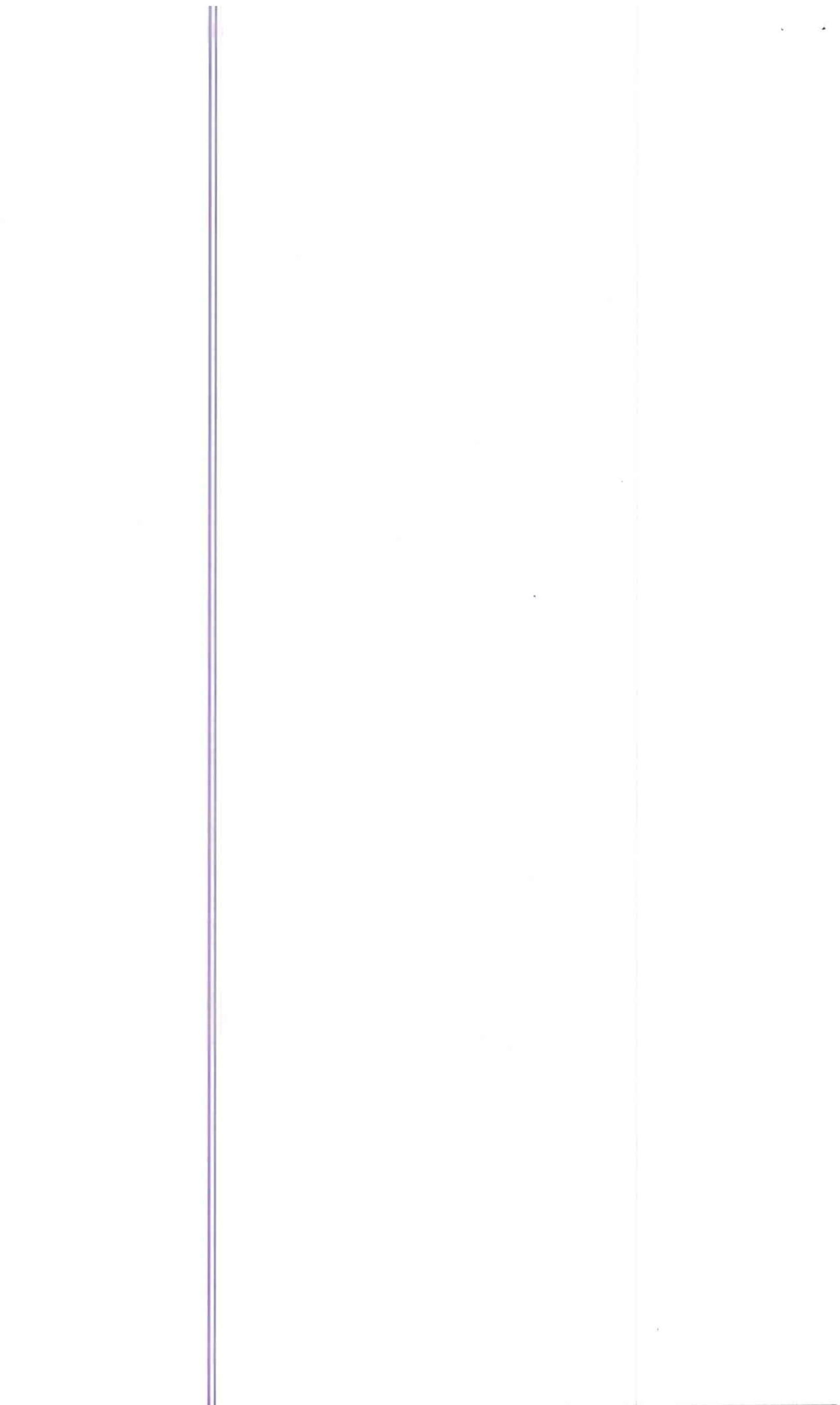
State of Louisiana, through  
its Division of Administration  
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**PUBLIC ENTITY/FEE EXEMPT  
(La.R.S. 13:4521 and 13:5112)**

**PLEASE SERVE:**

**MARTHA MAE THOMAS  
2816 HAMILTON STREET  
NEW ORLEANS, LOUISIANA 70118**



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VERIFICATION

CONSIDERING THE FOREGOING PETITION FOR RECOVERY OF HAZARD  
MITIGATION GRANT PROGRAM FUNDS:

I, WILLIAM HAYGOOD, Section Chief of GOHSEP, declare under penalty of perjury that  
the representations made in the foregoing Petition are true and correct to the best of my knowledge,  
belief and understanding.

THUS DONE ON THIS 15<sup>th</sup> DAY OF September 2015 IN NEW  
ORLEANS, LOUISIANA.

  
William Haygood

  
La Koshia Reconda Roberts  
Notary Public  
Bar Roll No. 26715  
My Commission expires at death.

