

EXEMPT

STATE OF LOUISIANA

NO: 2015-13033

DIVISION: H

STATE OF LOUISIANA-DIVISION OF ADMINISTRATION
OFFICE OF COMMUNITY DEVELOPMENT,
DISASTER RECOVERY UNIT -
HAZARD MITIGATION GRANT PROGRAM

FILED

JUL 23 2015

VS.

RHONDA L. TIZENO SORINA & JIMMY J. SORINA
MALISE PRIETO - CLERK
Deputy CONNIE GENARO

**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, Office of Community Development, Disaster Recovery Unit - Hazard Mitigation Grant Program (hereinafter "HMGP"), which respectfully files this Petition for Declaratory Judgment and for Judgment to Recover Hazard Mitigation Grant Program Funds. In support, HMGP respectfully represents:

1.

The Defendants in this case are Rhonda L. Tizeno Sorina and Jimmy J. Sorina, both majors domiciled in St. Tammany Parish, who voluntarily participated in HMGP to mitigate their home after Hurricane Katrina.

MALISE PRIETO
CLERK OF COURT
2015 JUL 23 P 12:56
ST. TAMMANY PARISH
STATE OF LOUISIANA
FILED FOR RECORD

2.

HMGP is a mitigation program funded by FEMA and is administered by the State of Louisiana, the grantee. HMGP assists homeowners whose homes were damaged as a result of Hurricanes Katrina and Rita. It also helps homeowners in coastal Louisiana protect their homes from damage which may occur in future natural disasters by elevating their homes, reconstructing safer structures, or installing individual mitigation measures. The State of Louisiana serves as the funding vehicle by which FEMA funds are awarded to eligible homeowners.

3.

Defendants executed a Voluntary Participation Agreement (hereinafter "VPA") on December 28, 2009, to participate in HMGP and to receive an HMGP grant. Defendants also

agreed to comply with all HMGP guidelines, which includes using HMGP funds for their intended purpose. *Exhibit A.*

4.

FEMA grant funds in the amount of \$26,880.00 (hereinafter "FEMA Grant Funds") were paid to Defendants by HMGP on or about June 14, 2010 for the specific purpose of elevating their home located at 3298 Carey Street, Slidell, LA 70460. *Exhibit B.*

5.

Photographs dated March 25, 2015 show that although the FEMA Grant Funds were received, Defendants' home was not elevated. *Exhibit C.*

6.

Two (2) separate collection letters were mailed to Defendants at 3298 Carey Street, Slidell, LA 70458, which was the address submitted by them when they applied for the HMGP grant. The demand letter dated July 29, 2013 was sent Certified Mail 7012 3460 0000 1290 0896 and informed Defendants that the FEMA Grant Funds had to be returned to the State of Louisiana. Said letter was returned "Unclaimed". *Exhibit D (in globo).*

7.

The April 8, 2015 demand letter was sent by Certified Mail 7014 3490 0000 4613 8219, but returned "Unclaimed". *Exhibit E (in globo).*

8.

Defendants have failed to respond to the letters and have failed to return the funds to the State.

9.

Defendants' failure to return the FEMA Grant Funds has resulted in Defendants owing to HMGP the unearned federal funds, which must be recovered by HMGP, the State program charged with distributing FEMA funds for mitigation projects.

10.

HMGP must account to FEMA for all funds issued to homeowners. Failure of HMGP to recover the FEMA Grant Funds from Defendants will result in reimbursement to FEMA being required by the State of Louisiana.

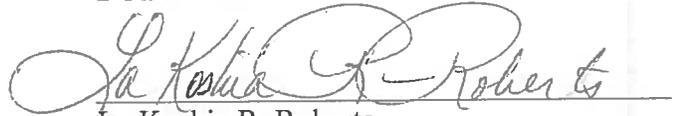
HMGP requests that the debt of \$26,880.00 owed by Rhonda L. Tizeno Sorina and Jimmy J. Sorina to HMGP be recognized and that judgment in favor of HMGP be granted, directing Defendants to return and pay the FEMA Grant Funds to the State, in full.

ALL PREMISES CONSIDERED, WHEREFORE, HMGP PRAYS:

- a. That this Honorable Court declare that Defendants, Rhonda L. Tizeno Sorina and Jimmy J. Sorina, are non-compliant with the Voluntary Participation Agreement signed by them;
- b. That this Honorable Court declare that Defendants, Rhonda L. Tizeno Sorina and Jimmy J. Sorina, are indebted to HMGP in the amount of \$26,880.00 because of their failure to elevate their home according to their agreement to abide by HMGP guidelines, including using HMGP funds for their intended purpose;
- c. That Defendants, Rhonda L. Tizeno Sorina and Jimmy J. Sorina, be ordered to return the \$26,880.00 HMGP grant to HMGP, in full;
- d. That there be judgment rendered herein in favor of HMGP and against Defendants, Rhonda L. Tizeno Sorina and Jimmy J. Sorina, in the full sum \$26,880.00;
- e. That Defendants, Rhonda L. Tizeno Sorina and Jimmy J. Sorina, be assessed all costs and fees associated with this matter ; and
- f. That the Court grant such other relief as is just and proper.

Respectfully submitted:

FOR HMGP:



La Koshia R. Roberts
Bar Roll No. 26715
State of Louisiana, through
its Division of Administration
2021 Lakeshore Drive, Suite 100
New Orleans, Louisiana 70122
Telephone: (504) 284-4022
Facsimile: (504) 284-4091
LaKoshia.Roberts@la.gov

T. Randolph Richardson (Special Counsel)
Bar Roll No. 11245
Law Office of T. Randolph Richardson
1010 Common Street, Suite 3000
New Orleans, LA 70112
Phone: 504-212-4163
Fax: 504-581-7083
Email: trichar994@aol.com

**PUBLIC ENTITY/FEE EXEMPT
(La.R.S. 13:4521 and 13:5112)**

22ND JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. TAMMANY

NO: 2015-13033 STATE OF LOUISIANA

DIVISION: H

STATE OF LOUISIANA-DIVISION OF ADMINISTRATION
OFFICE OF COMMUNITY DEVELOPMENT,
DISASTER RECOVERY UNIT -
HAZARD MITIGATION GRANT PROGRAM

FILED

JUL 23 2015

VS.

MALISE PRIETO - CLERK

RHONDA L. TIZENO SORINA & JIMMY J. SORINA ~~Deputy~~ ~~SUNNIE GENARO~~

VERIFICATION

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

I, CRAIG P. TAFFARO, JR., Director of the State of Louisiana's Hazard Mitigation
Grant Program, 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 22nd DAY OF July 2015 IN NEW ORLEANS,
LOUISIANA.



Craig P. Taffaro, Jr.



La Koshia Reconda Roberts

Notary Public
Bar Roll No. 26715
My Commission expires at death.



PLEASE SERVE:

RHONDA L. TIZENO SORINA
3298 CAREY STREET
SLIDELL, LA 70460

JIMMY J. SORINA
3298 CAREY STREET
SLIDELL, LA 70460

2015-130334

FILED

JUL 23 2015

MALISE PRIETO - CLERK
Deputy ~~CONNIE GENNARO~~

Office of Statewide Reporting and Accounting Policy **NO Louisiana**

Vendor Search Home | Logoff | Payee Locations | Payee Search | Payments | Help

Payee Detail

Sort the information below by clicking on the column headers. Click on the agency number below for contact information.

Payee Remittance Address:
3298 CAREY ST
SLIDELL, LA 70458

Check/EFT Number: EF 00000495671
Check/EFT Date: 06/14/2010
Status Change Date: 06/14/2010
Status: Cleared

Check/EFT Line Details:
(click on agency for contact information) **Check/EFT Total:** 26,880.00

Total Number of Lines : 1

Agency	Document ID	Ref Doc ID	Invoice #	Comments	Line Amount
107	PVO00038130		HM0300001312	08HH182424	26,880.00

ISIS Calendar (CY) | Help Desk | GASB 34 and 35 | Search OSRAP | Contacts

2015 JUL 23 P 12:57
 MALISE PRIETO
 CLERK OF COURT
 ST. TAMMANY PARISH
 STATE OF LOUISIANA
 FILED FOR RECORD

EXHIBIT
 B

2015-13033 H

FILED

JUL 23 2015

MALISE PRIETO - CLERK
Deputy S/CONNIE GENNARO

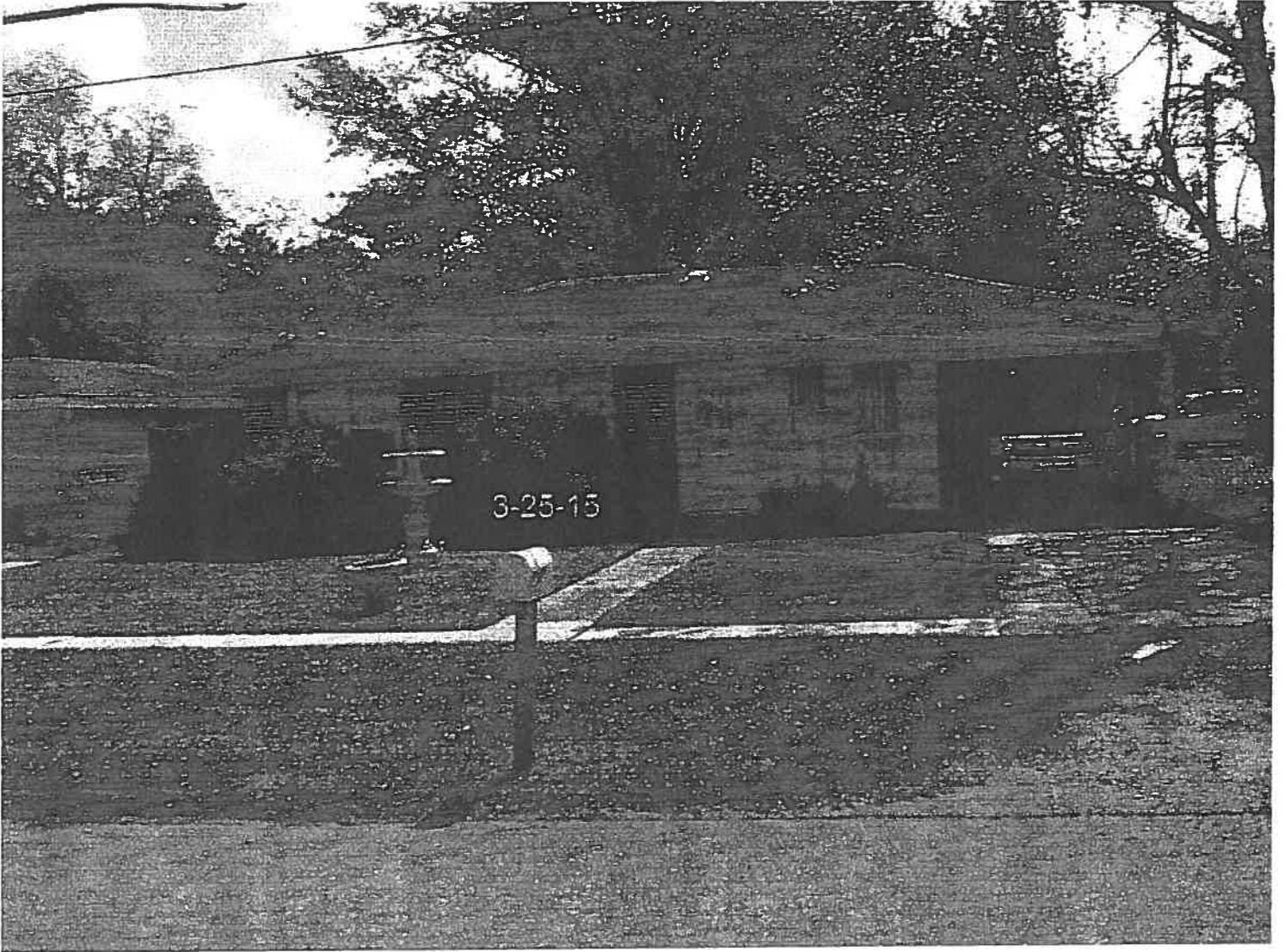
3-25-15

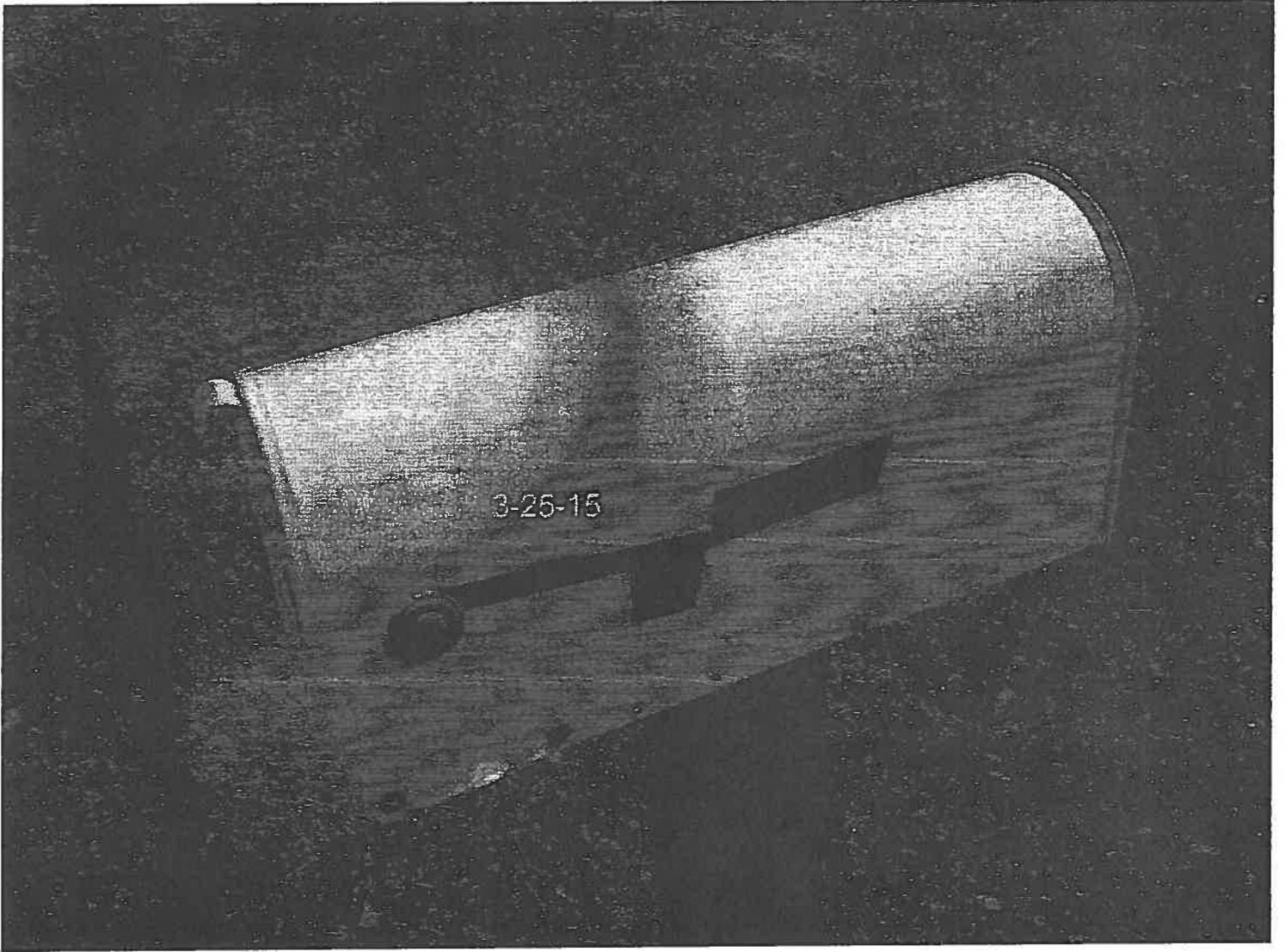
MALISE PRIETO
CLERK OF COURT

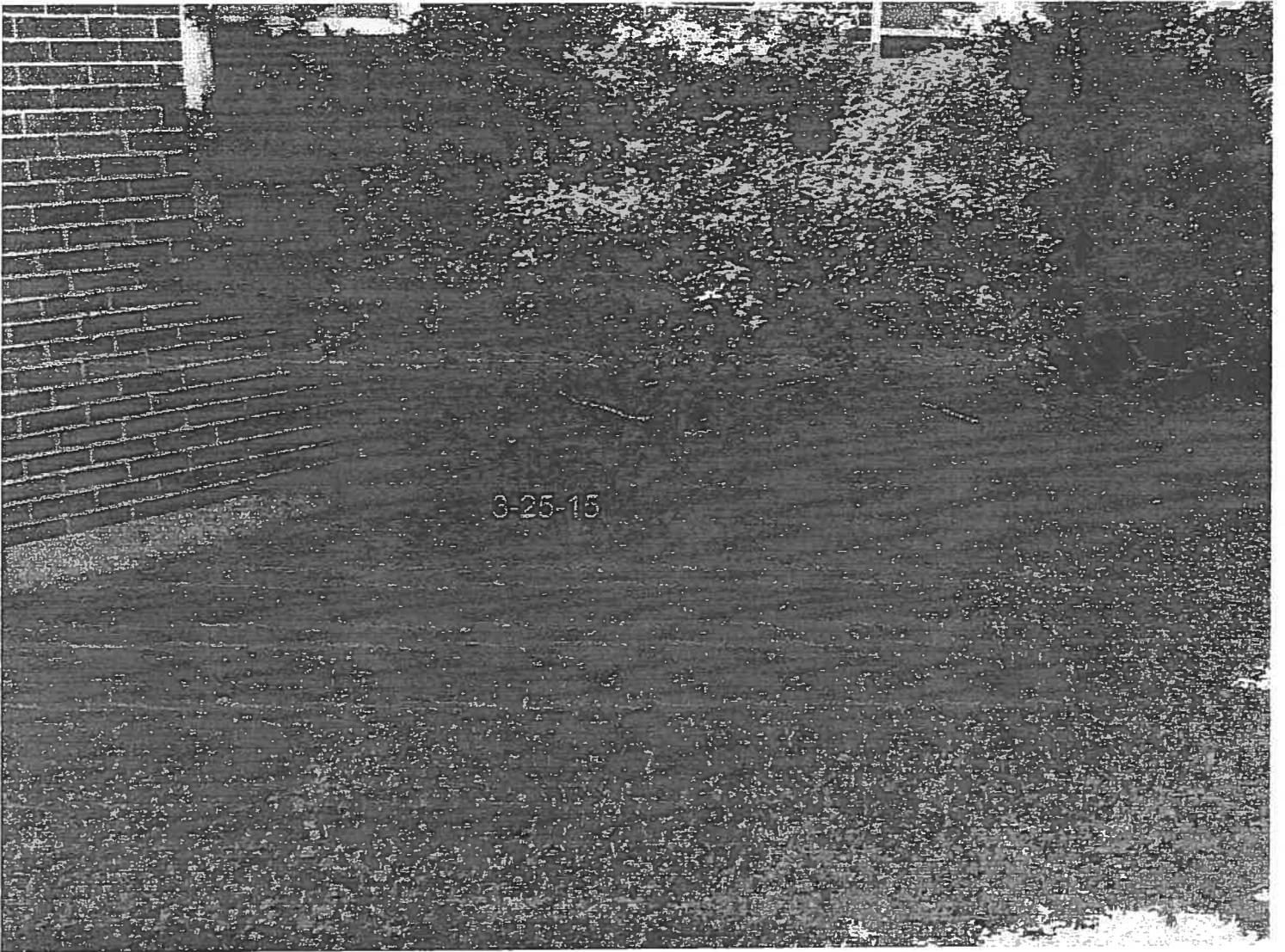
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ST. TAMMANY PARISH
STATE OF LOUISIANA
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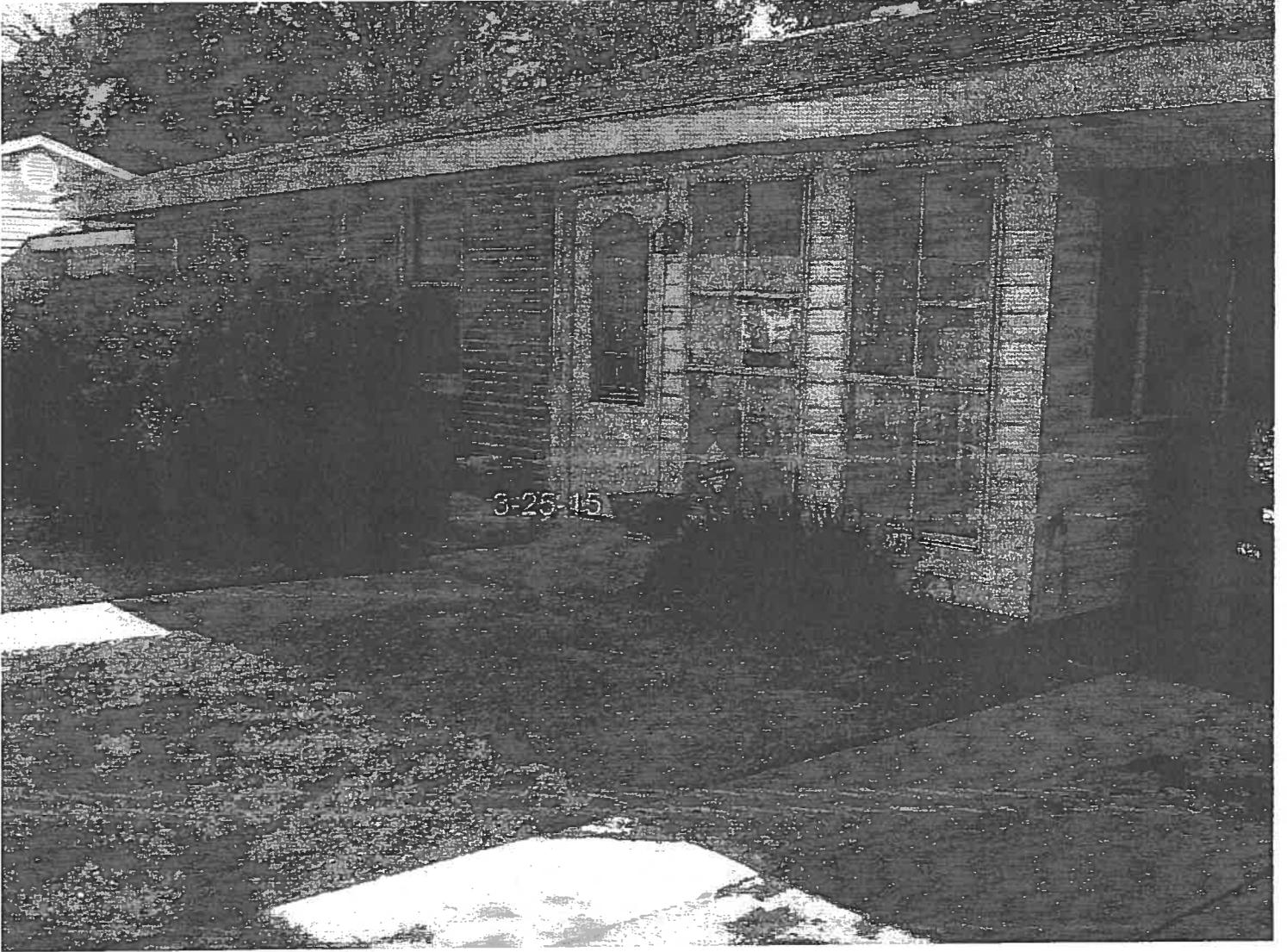
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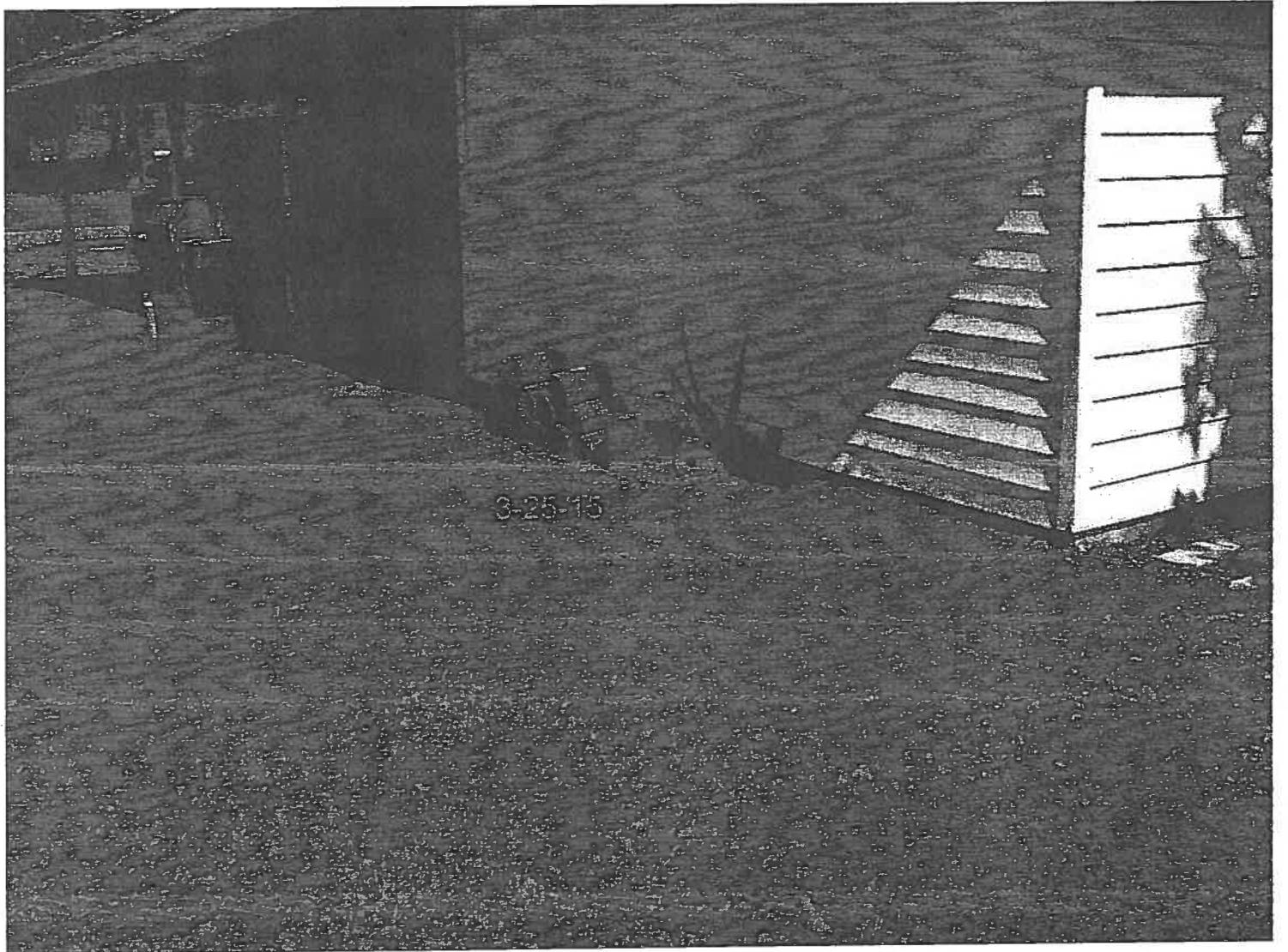




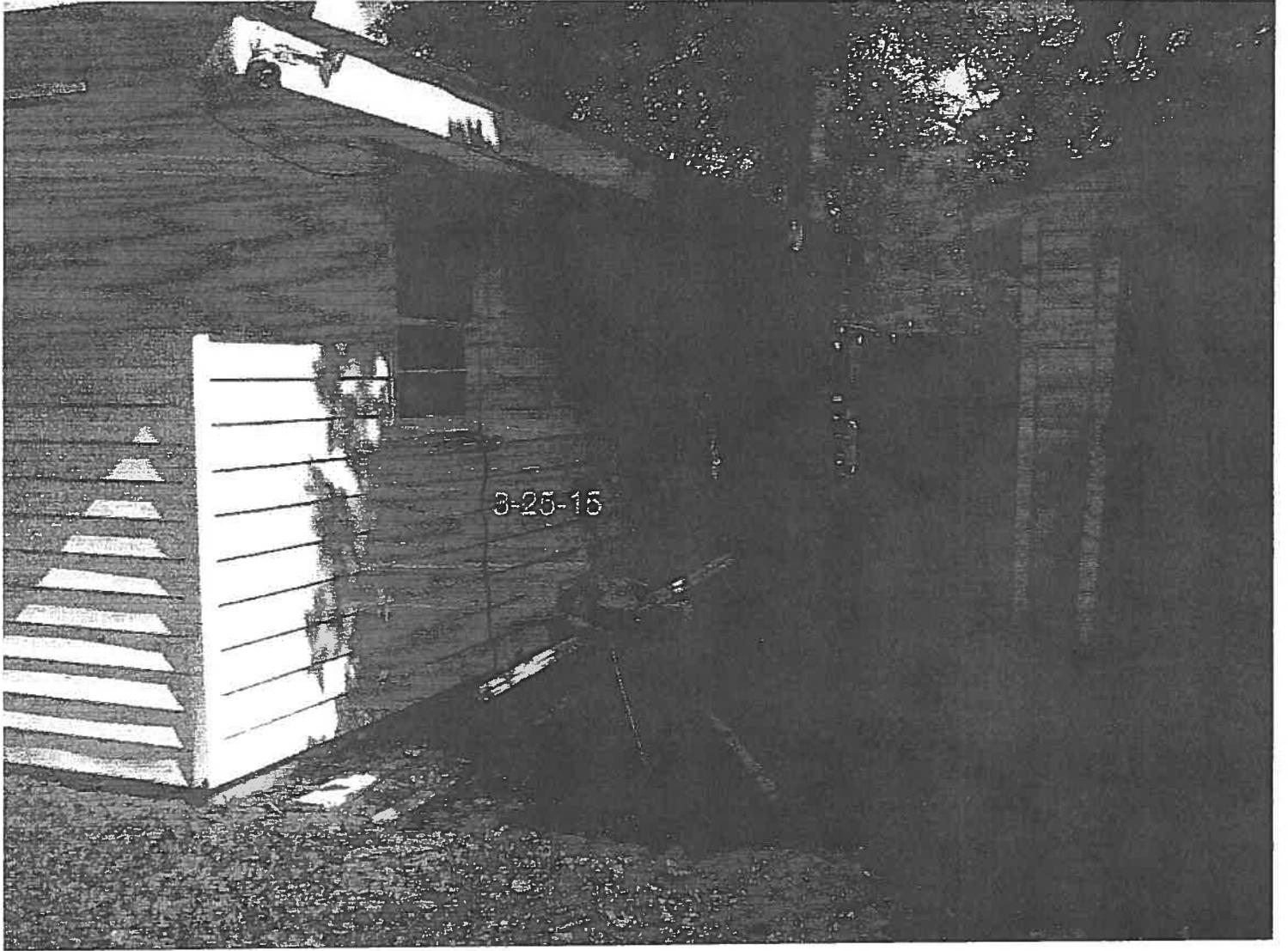


3-25-15





3-25-15





Post Office

10.1. Charles St. Birmingham

Approved by

Signature

2015-130334

FILED



State of Louisiana

HAZARD MITIGATION GRANT PROGRAM

JUL 23 2015

P.O. Box 5098 • BAYON ROUGE, LA 70824-5098 • TOLL FREE (877) 824-8313 • FAX 225-330-0846 • hazardmitigation@mitigatcha.org

MALISE PRIETO - CLERK
Deputy
CONNIE GENARO

July 29, 2013

Road Home ID: 06HH182424

MR. JIMMY SERENA
3298 CAREY STREET
SLIDELL, LA 70458



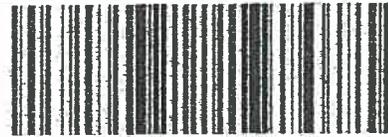
7012 3460 0000 1290 0896



SUBJECT: Verification of Mitigation Grant Funds

Dear MR. JIMMY SERENA:

A review has been completed on your Hazard Mitigation grant file in amount of grant funds. The grant requires that the homeowner meet Payment Option Affidavit and Agreement. Failure to satisfy the con Affidavit and Agreement and the OCD-DRU HMGP Covenant will that your input may prevent the need to seek a return of grant funds, please review the information below for accuracy and provide additional documentation as necessary.



7012 3460 0000 1290 0896

Our review has determined that the following apply to your grant(s).

- Homeowner did not comply with all the HMGP regulations set forth by OCD-DRU, GOHSEP and FEMA.

2015 JUL 23 P 12: 57
MALISE PRIETO
CLERK OF COURT
ST. TAMMANY PARISH
STATE OF LOUISIANA
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Due to the determination noted above, your grant values have been adjusted:

HMGP Grant Funds Received		Adjusted HMGP Values	
Elevation Grant	\$26,880.00	Elevation Grant	\$0.00
Individual Mitigation Measures (IMM)	\$0.00	Individual Mitigation Measures (IMM)	\$0.00
Reconstruction Grant	\$0.00	Reconstruction Grant	\$0.00
Total HMGP Funds Received	\$26,880.00	Total Hazard Mitigation Benefit	\$0.00

Based on the calculations above, our records indicate that the overpayment of your Hazard Mitigation Grant 06HH182424 is \$26,880.00.



Please understand that the State of Louisiana remains committed to ensuring that your application was processed in an accurate and fair manner, and in accordance with all governing laws, rules, and policies. We have assigned Monica Jackson, a case manager in our office, to work with you in connection with this request for input. If you believe that the reason(s) stated above for the change of your grant amount is wrong, we need you to provide information for our consideration that shows the above finding is incorrect. Please return ATTACHMENT 1 (page 3 of this letter) with all supporting documentation to OCD for a final review.

Your response must be postmarked within fifteen (15) days of the date at the top of this notification letter. If you have additional questions regarding this letter, please call 225-330-0781 or send email to monica.jackson@la.gov for assistance.

If you agree with the finding that an overpayment has occurred, you can return the funds as provided in Attachment 1. If you are unable to provide a full payment at this time, please contact your case manager for further instructions.

We appreciate your assistance in connection with this request. Failure to respond will be interpreted as your confirmation of this calculation and determination, and may result in additional collection activities.

Sincerely,

Office of Community Development - HMGP

OCD-DRU HMGP is a federally-funded program. Providing false or misleading information in an attempt to fraudulently obtain HMGP funds is a federal violation and will be prosecuted to the full extent of the law. Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government. Because the HMGP program is a federally funded program, applicants are subject to Title 18, Section 1001 of the U.S. Code.

The Office of Community Development Disaster Recovery Unit does not discriminate on the basis of race, color, national origin, sex, age, religion or disability, and provides, upon request, reasonable accommodation, including auxiliary aids and services, to afford an individual with a disability an equal opportunity to participate in all services, programs and activities. Any persons requiring special needs assistance should contact a Call Center Specialist, at (877) 824-8312 at least five business days prior to any scheduled meeting. The TDD number for the hearing impaired is 1-800-846-5277. Additional information regarding the use of the Louisiana Relay service can be found at the following link: http://www.louisianarelay.com/states/la_lowto.htm

Attachment 1

THIS FORM MUST BE SIGNED BY THE BELOW NAMED APPLICANT AND RETURNED BY MAIL TO THE OFFICE OF COMMUNITY DEVELOPMENT ON OR BEFORE August 18, 2013.

Road Home ID: 06HH182424

MR. JIMMY SERENA
3298 CAREY STREET
SLIDELL, LA 70458

Case Manager: Monica Jackson

Please select one (1) option below. This form must be returned within fifteen (15) days of the date on this letter.

- I have elected to return the overpayment to the Office of Community Development, Disaster Recovery Unit. I have enclosed my certified check, made payable to "Louisiana Division of Administration - DRU", in the amount of \$26,880.00 mailed to:

Division of Administration
Office of Community Development
Hazard Mitigation Grant Program
Finance Department
P.O. Box 706
Baton Rouge, Louisiana 70821

- I agree with the finding that an overpayment has occurred but cannot make full payment at this time. Please have my case manager contact me. My proposed repayment plan is attached.
- I disagree with the finding of an overpayment of my Hazard Mitigation grant and have enclosed supporting documents. The following factors used to calculate my award are incorrect:

PRINTED NAME: _____ Date: _____

SIGNATURE: _____

- I am not the primary applicant for this case. If checked, please state your relationship:

English

Customer Service

USPS Mobile

Register / Sign In



USPS Tracking™



Tracking Number: 70123460000012900896

Product & Tracking Information

Av:

Postal Product:

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
August 29, 2013 , 2:36 pm	Delivered	BATON ROUGE, LA 70801
Your item was delivered at 2:36 pm on August 29, 2013 in BATON ROUGE, LA 70801.		
August 29, 2013 , 11:08 am	Available for Pickup	BATON ROUGE, LA 70821
August 28, 2013 , 10:52 pm	Departed USPS Facility	BATON ROUGE, LA 70826
August 28, 2013 , 2:10 pm	Arrived at USPS Facility	BATON ROUGE, LA 70826
August 28, 2013 , 12:34 am	Departed USPS Facility	NORTH HOUSTON, TX 77315
August 27, 2013 , 10:00 pm	Arrived at USPS Facility	NORTH HOUSTON, TX 77315
August 22, 2013 , 3:22 pm	Departed USPS Facility	BATON ROUGE, LA 70826
August 22, 2013 , 2:58 pm	Arrived at USPS Facility	BATON ROUGE, LA 70826
August 21, 2013 , 3:13 pm	Unclaimed	SLIDELL, LA 70458

DATE & TIME	STATUS OF ITEM	LOCATION
August 1, 2013 , 5:11 pm	Notice Left	SLIDELL, LA 70458
August 1, 2013 , 1:15 am	Departed USPS Facility	NEW ORLEANS, LA 70113
July 31, 2013 , 7:09 pm	Arrived at USPS Facility	NEW ORLEANS, LA 70113
July 30, 2013 , 7:52 pm	Departed USPS Facility	BATON ROUGE, LA 70826
July 30, 2013 , 7:21 pm	Arrived at USPS Facility	BATON ROUGE, LA 70826

Track Another Package

Tracking (or receipt) number

Track It

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State of Louisiana
HAZARD MITIGATION GRANT PROGRAM

2015-13033 H

P.O. Box 5098 • BATON ROUGE, LA 70821-5098 • TOLL FREE (877) 824-8312 • FAX 225-330-0846 •
hazardmitigation@mitigatela.org

4/8/2015

RHONDA SORINA AND
JIMMY JOHN SORINA
3298 CAREY STREET
SLIDELL, LA 70458

FILED

JUL 23 2015

MALISE PRIETO - CLERK
Deputy **CONNIE GENARO**

Road Home ID: 06HH182424

SUBJECT: Final HMGP Collection Attempt

Dear Mr. and Mrs. Sorina,

The Hazard Mitigation Grant Program has previously informed you of the need to reconcile the grant funds that were disbursed to you for your specific mitigation activity. The Program has previously sent you correspondence regarding the need to reconcile these funds. Because you have not responded, either through the return of grant funds or by providing satisfactory proof of completion of the funded mitigation activity, you are hereby notified that the Hazard Mitigation Grant Program is required to pursue collection of all funds.

You should be aware that the Hazard Mitigation Grant Program will use all available resources to recoup the grant funds disbursed to you including, but not limited to, collection agency services, wage garnishments, civil action, and income tax return liens.

This is the last correspondence you will receive from the Program in an attempt to collect these funds. **If you fail to return the \$26,880.00 owed to the State within five (5) calendar days your file will then be referred to the appropriate agencies for collection efforts as well as review for potential criminal violations.** All future correspondence will be directly from the appropriate collection agency. A table has been attached describing the grant funds received and the related activity for those funds.

You may stop the above actions by immediately contacting the Hazard Mitigation Grant Program at (504) 284-4067 to make acceptable repayment arrangements. Once your file has been referred for collection, your ability to reconcile the funds directly with the Program will end.

Respectfully,

Craig P. Taffaro, Jr.
Director, Hazard Mitigation Grant Program
and Recovery Coordination

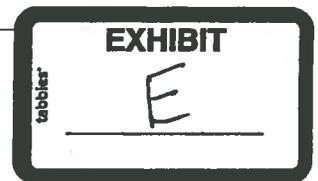
ST. TAMMANY PARISH
STATE OF LOUISIANA
FILED FOR RECORD
JUL 23 12:51
MALISE PRIETO
CLERK OF COURT

Enclosure

OCD-DRU HMGP is a federally-funded program. Providing false or misleading information in an attempt to fraudulently obtain HMGP funds is a federal violation and will be prosecuted to the full extent of the law. Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government. Because the HMGP program is a federally funded program, applicants are subject to Title 18, Section 1001 of the U.S. Code.

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AN EQUAL OPPORTUNITY EMPLOYER





State of Louisiana

HAZARD MITIGATION GRANT PROGRAM

P.O. Box 5098 • BATON ROUGE, LA 70821-5098 • TOLL FREE (877) 824-8312 • FAX 225-330-0846 •
hazardmitigation@mitigatela.org

Our review has determined that the following apply to your Elevation grant(s) because **the applicant provided no proof of payment and performed no mitigation activity.**

HMGP Grant Funds Received		Adjusted HMGP Values	
Elevation Grant	\$ 26,880.00	Elevation Grant	\$ 26,880.00
Individual Mitigation Measures (IMM)	\$ 0.00	Individual Mitigation Measures (IMM)	\$ 0.00
Reconstruction Grant	\$ 0.00	Reconstruction Grant	\$ 0.00
Total HMGP Funds Received	\$ 26,880.00	Total Hazard Mitigation Benefit	\$ 26,880.00

Based on the calculations above, our records indicate that the overpayment of your Hazard Mitigation Grant 06HH182424 is \$26,880.00.

Payment should be delivered to the following address:

State of Louisiana
Hazard Mitigation Grant Program
2021 Lakeshore Drive, Suite 100
New Orleans, La. 70122

LA Office of Community Development
Disaster Recovery Unit
Hazard Mitigation Grant Program
P.O. Box 5098
Baton Rouge, LA 70821-5098

CERTIFIED MAIL



7014 3490 0000 4613 8219

PM CERT MAIL 100 000
008 0000 0000 0000 0000



NAME
48-IT
48-IT
48-IT
48-IT



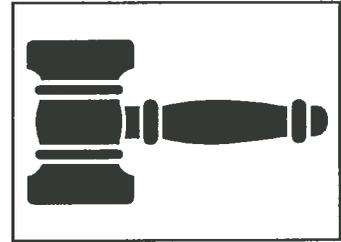
MIXLE 708 SE 1009 0005/02/05
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
RC: 70821509898 1565-10944-09-42
704584601
7082105098

M E M O

TO: La Koshia Roberts

FROM: T. R. Richardson

DATE: July 21, 2015



RE: JIMMY J. SORINA & RHONDA L. TIZENO SORINA - ST RH #2424

Grant Location: 3298 CAREY STREET., SLIDELL, LA 70460

HMGP Funds to Recover: \$26,880.00 (Elevation)

VPA: Yes (dated 12/28/2009)

Payee Details: Yes (06/14/2010)

Photographs: Yes (dated 03/25/2015)

Collection Letters:

July 29, 2013
(Certified Mail 7012 3460 0000 1290 0896)
Unclaimed.

April 8, 2015
(Certified Mail 7014 3490 0000 4613 8219)
Unclaimed.

Note: On 7/20 BS provided documents which show that Michael Figures sold the property and assigned grant proceeds to the Sorinas in 2006-2007.