CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO: 15-8371 DIVISION: 6-11

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

VS.

VICTOR CHARLES JACKSON AND SHANNON M. JACKSON

FILED
2015 AUG 31 P 4 23
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, 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 Victor Charles Jackson and Shannon M. Jackson, major domiciliaries of Jefferson Parish, who voluntarily participated in HMGP to mitigate their home after Hurricane Katrina.

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 submitted a Voluntary Participation Agreement (hereinafter "VPA") on March 3, 2010 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.

4.

FEMA grant funds in the amount of $7,500.00 (hereinafter "FEMA grant funds") were paid to Defendants by HMGP on or about July 30, 2010 for the specific purpose of individual mitigation measures (hereinafter "IMM") at their home located at 3766 Preston Place, New Orleans, Louisiana 70131.

5.

Photographs dated March 23, 2015 show that although the FEMA grant funds were received, Defendant's home was not mitigated.

6.

Collection letters were mailed to Defendants.

7.

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

8.

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

9.

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.

10.

HMGP requests that the debt of $7,500.00, owed by Victor Charles Jackson and Shannon M. Jackson 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, Victor Charles Jackson and Shannon M. Jackson, are non-compliant with the Voluntary Participation Agreement submitted by them;

b. That this Honorable Court declare that Defendants, Victor Charles Jackson and Shannon M. Jackson, are indebted to HMGP in the amount of $7,500.00 because of their failure to mitigate their home according to their agreement to abide by HMGP guidelines, including using HMGP funds for their intended purpose;

c. That Defendants, Victor Charles Jackson and Shannon M. Jackson, be ordered to return the $7,500.00 HMGP grant to HMGP, in full;

d. That there be judgment rendered herein in favor of HMGP and against Defendants, Victor Charles Jackson and Shannon M. Jackson, in the full sum of $7,500.00;

e. That Defendants, Victor Charles Jackson and Shannon M. Jackson, 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:

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

PLEASE SERVE:

VICTOR C. JACKSON
3766 PRESTON PLACE
NEW ORLEANS, LOUISIANA 70131

SHANNON M. JACKSON
3766 PRESTON PLACE
NEW ORLEANS, LOUISIANA 70131

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STATE OF LOUISIANA

NO:_____ DIVISION: _____

STATE OF LOUISIANA-DIVISION OF ADMINISTRATION,
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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 28th DAY OF August 2015 IN NEW ORLEANS, LOUISIANA.

Craig P. Taffaro, Jr.

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