24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO: 752742 DIVISION: A

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

VS.

ALLEN BROOKS WILKINSON, JR.

FILE FOR RECORD
2015 AUG 20 AM 9:00
DEPUTY CLERK
PARISH OF JEFFERSON, LA

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 Defendant in this case is Allen Brooks Wilkinson, Jr. (hereinafter "Allen Wilkinson, Jr."), a major domiciliary of Jefferson Parish, who voluntarily participated in HMGP to mitigate his 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.

Defendant executed a Voluntary Participation Agreement (hereinafter "VPA") on December 7, 2010 to participate in HMGP and to receive an HMGP grant. Defendant 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 $50,000.00 (hereinafter "FEMA grant funds") were paid to Defendant by HMGP on or about February 22, 2011 for the specific purpose of elevation measures (hereinafter "Elevation") at his home located at 505 Willowbrook Drive, Gretna, Louisiana 70056.

5.

Photographs dated November 26, 2014 show that although the FEMA grant funds were received, Defendant's home was not elevated.

6.

Collection letters were mailed to Defendant.

7.

Defendant has failed to respond to the letters and has failed to return the funds to the State.

8.

Defendant's failure to return the FEMA grant funds has resulted in Defendant 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 Defendant will result in reimbursement to FEMA.

10.

HMGP requests that the debt of $50,000.00, owed by Allen Wilkinson, Jr. to HMGP, be recognized and that judgment in favor of HMGP be granted, directing Defendant 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 Defendant, Allen Wilkinson, Jr., is non-compliant with the Voluntary Participation Agreement signed by him;

b. That this Honorable Court declare that Defendant, Allen Wilkinson, Jr., is indebted to HMGP in the amount of $50,000.00 because of his failure to mitigate his home according to his agreement to abide by HMGP guidelines, including using HMGP funds for their intended purpose;

c. That Defendant, Allen Wilkinson, Jr., be ordered to return the $50,000.00HMGP grant to HMGP, in full;

d. That there be judgment rendered herein in favor of HMGP and against Defendant, Allen Wilkinson, Jr., in the full sum of $50,000.00;

e. That Defendant, Allen Wilkinson Jr., 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
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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:

ALLEN BROOKS WILKINSON, JR.
505 WILLOWBROOK DRIVE
GRETNA, LOUISIANA 70056

ALLEN BROOKS WILKINSON, JR.
P.O. BOX 1027
GRETNA, LOUISIANA 70054

LAR 8/20/15

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VS.

ALLEN BROOKS WILKINSON, JR.

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 18th **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.