

34TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. BERNARD

STATE OF LOUISIANA

15 0722

NO: _____

DIVISION: **B** _____

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

FILED

VS.

JUN 24 2015

SABRINA WINDSOR TOOMER

Randy S. Toomer
CLERK OF COURT
ST. BERNARD PARISH

**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 Sabrina Windsor Toomer, a major domiciliary of St. Bernard Parish, who voluntarily participated in HMGP to mitigate her 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 April 14, 2008 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. *Exhibit A.*

4.

FEMA grant funds in the amount of Seven Thousand, Four Hundred Ten and No/100th Dollars (\$7,410.00) (hereinafter "FEMA Grant Funds") were paid to Defendant by HMGP on or about June 28, 2010 for the specific purpose of Individual Mitigation Measures (hereinafter "IMM") at her home located at 2518 Caluda Lane, Violet, LA 70092. *Exhibit B.*

5.

Photographs dated March 17, 2015 show that although the FEMA Grant Funds were received, Defendants' home was not mitigated. *Exhibit C.*

6.

Three (3) separate collection letters were mailed to Defendant at 2518 Caluda Lane, Violet, LA 70092, which was the address submitted by her when she applied for the HMGP grant. The first letter, which was dated December 10, 2013, and the second letter was dated March 21, 2014, informed Defendant that the FEMA Grant Funds had to be returned to the State of Louisiana. *Exhibit D (in globo).*

7.

The April 13, 2015 demand letter was sent by certified mail and delivery was accepted on April 15, 2015. *Exhibit E (in globo).*

8.

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

9.

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.

10.

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 being required by the State of Louisiana.

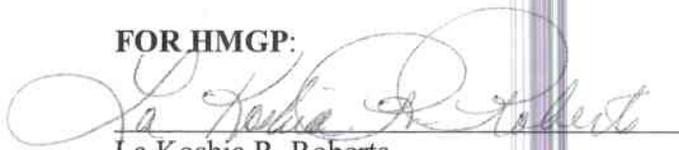
HMGP requests that the debt of Seven Thousand, Four Hundred Ten and No/100th Dollars (\$7,410.00), owed by Sabrina Windsor Toomer to HMGP, be recognized and that judgment in favor of HMGP be granted, directing Defendant to return and pay the FEMA Grant Funds to the State, in full.

ALL PREMISES CONSIDERED, WHEREFORE, HMGP PRAYS:

- a. That this Honorable Court declare that Defendant, Sabrina Windsor Toomer, non-compliant with the Voluntary Participation Agreement signed by her;
- b. That this Honorable Court declare that Defendant, Sabrina Windsor Toomer, is indebted to HMGP in the amount of Seven Thousand, Four Hundred Ten and No/100th Dollars (\$7,410.00) because of her failure to mitigate her home according to her agreement to abide by HMGP guidelines, including using HMGP funds for their intended purpose;
- c. That Defendant, Sabrina Windsor Toomer, be ordered to return the Seven Thousand, Four Hundred Ten and No/100th Dollars (\$7,410.00) HMGP grant to HMGP, in full;
- d. That there be judgment rendered herein in favor of HMGP and against Defendant, Sabrina Windsor Toomer the full sum of Seven Thousand, Four Hundred Ten and No/100th Dollars (\$7,410.00) ;
- e. That Defendant, Sabrina Windsor Toomer, 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:

**SABRINA WINDSOR TOOMER
2518 CALUDA LANE
VIOLET, LA 70092**

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STATE OF LOUISIANA

DIVISION: **B**

STATE OF LOUISIANA-DIVISION OF ADMINISTRATION,
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Comick Dincer
CH. DEPUTY CLERK
ST. BERNARD PARISH

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 23rd DAY OF June 2015 IN New Orleans,
Orleans Parish, LOUISIANA.

CPT
Craig P. Taffaro, Jr.

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

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