

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

15 0721
NO: _____

STATE OF LOUISIANA

DIVISION: _____

A

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

FILED

VS.

JUN 24 2015

DANA REESE WHITE

Randy S. Thunez
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 Dana Reese White, 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 November 23, 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. *Exhibit A.*

4.

FEMA grant funds in the amount of Seven Thousand, Two Hundred Five and 53/100th Dollars (\$7,205.53) (hereinafter "FEMA Grant Funds") were paid to Defendant by HMGP on or about January 21, 2011 for the specific purpose of Individual Mitigation Measures (hereinafter "IMM") at her home located at 3009 Shannon Drive, Violet, LA 70092. *Exhibit B.*

5.

Photographs dated March 13, 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 3009 Shannon Drive, Violet, LA 70092, which was the address submitted by her when she applied for the HMGP grant. The letters informed Defendant that the FEMA Grant Funds had to be returned to the State of Louisiana.

7.

The first letter, which was dated April 26, 2013, was received by defendant per the acknowledgement signed on May 13, 2013, and returned to HMGP. *Exhibit D (in globo).*

8.

The second letter, which was dated March 6, 2015, was sent certified mail to Defendant, but Defendant failed to accept the letter from the post office. *Exhibit E (in globo).*

9.

The third letter, which was dated April 13, 2015, was sent certified mail to Defendant, but Defendant failed to accept the letter from the post office. *Exhibit F (in globo).*

10.

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.

11.

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.



12.

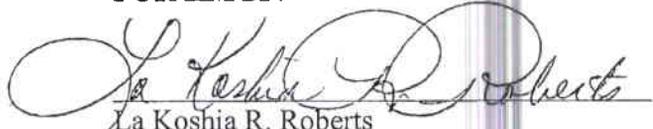
HMGP requests that the debt of Seven Thousand, Two Hundred Five and 53/100th Dollars (\$7,205.53), owed by Dana Reese White to HMGP, be recognized and that judgment in favor of HMGP be granted, directing Defendant to return and pay the FEMA Grant Funds to the State, in full.

ALL PREMISES CONSIDERED, WHEREFORE, HMGP PRAYS:

- a. That this Honorable Court declare that Defendant, Dana Reese White, non-compliant with the Voluntary Participation Agreement signed by her;
- b. That this Honorable Court declare that Defendant, Dana Reese White, is indebted to HMGP in the amount of Seven Thousand, Two Hundred Five and 53/100th Dollars (\$7,205.53) 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, Dana Reese White, be ordered to return the Seven Thousand, Two Hundred Five and 53/100th Dollars (\$7,205.53) HMGP grant to HMGP, in full;
- d. That there be judgment rendered herein in favor of HMGP and against Defendant, Dana Reese White the full sum of Seven Thousand, Two Hundred Five and 53/100th Dollars (\$7,205.53);
- e. That Defendant, Dana Reese White, 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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its Division of Administration
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**PUBLIC ENTITY/FEE EXEMPT
(La.R.S. 13:4521 and 13:5112)**

PLEASE SERVE:

**DANA REESE WHITE
3009 SHANNON DRIVE
VIOLET, LA 70092**

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STATE OF LOUISIANA

DIVISION:

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STATE OF LOUISIANA-DIVISION OF ADMINISTRATION,
OFFICE OF COMMUNITY DEVELOPMENT,
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DANA REESE WHITE

FILED

JUN 24 2015

Commodore Dancer
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.

Craig P. Taffaro, Jr.

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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