29TH JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. CHARLES

STATE OF LOUISIANA

DIV. C
JUDGE
EMILE R. ST. PIERRE

NO: 80151 **DIVISION:** _____

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

VS.

KISSY ANN JACKSON

FILE FOR RECORD
CLERK OF COURT
ST. CHARLES PARISH, LA.
2016 JUL -7 PM 3: 50
DEPUTY

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 Kissy Ann Jackson, a major domiciliary of St. Charles 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 July 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. *Exhibit A.*

4.

FEMA Grant Funds in the amount of $7,500.00 (hereinafter "FEMA Grant Funds") were paid to Defendant by HMGP on or about November 9, 2010 for the specific purpose of Individual Mitigation Measures (hereinafter "IMM") at her home located at 250 Dianne Drive, St. Rose, LA 70087. *Exhibit B.*

5.

Photographs dated April 25, 2014 show that although the FEMA Grant Funds were received, Defendant's home was not mitigated. *Exhibit C.*

6.

Three (3) separate collection letters were mailed to Defendant at 250 Dianne Drive, St. Rose, LA 70087, which was the address submitted by her when she applied for the HMGP grant. The first letter, dated December 16, 2013, was sent Certified Mail Number 7011 1150 0001 2125 0212 and informed Defendant that the FEMA Grant Funds in the amount of $7,500.00 had to be returned to the State of Louisiana. The Return Receipt was signed December 27, 2013. *Exhibit D (in globo).*

7.

The second letter dated March 21, 2014 was mailed. *Exhibit E (in globo).*

8.

The third letter dated April 13, 2015 was mailed Certified Mail Number 7014 0510 0001 1417 1522. The Return Receipt was signed April 16, 2015. *Exhibit F (in globo).*

9.

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

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 $7,500.00, owed by Kissy Ann Jackson 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, Kissy Ann Jackson, is non-compliant with the Voluntary Participation Agreement signed by her;

b. That this Honorable Court declare that Defendant, Kissy Ann Jackson, is indebted to HMGP in the amount of $7,500.00 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, Kissy Ann 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 Defendant, Kissy Ann Jackson, in the full sum of $7,500.00;

e. That Defendant, Kissy Ann 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:

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)

PLEASE SERVE:

KISSY ANN JACKSON
250 DIANNE DRIVE
ST. ROSE, LOUISIANA 70087

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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 29th **DAY OF** June **2015 IN** New Orleans, Orleans Parish, **LOUISIANA.**

Craig P. Taffaro, Jr.

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