

# Disaster Fraud Information



District Attorney  
Warren Montgomery

- **Report Fraud to our Office**
- **Resources**
- **Know the Law**

Call 985-809-8383 for ADA, J. Bryant Clark  
or email at [jbryantclark@22da.com](mailto:jbryantclark@22da.com)



## DISASTER FRAUD INFORMATION

PROVIDED BY:

**WASHINGTON AND ST. TAMMANY DISTRICT ATTORNEY, WARREN MONTGOMERY**

“Unfortunately during times of crisis there are those that look to take advantage of the hardships that many of us are suffering from in the wake of Hurricane Ida. Those who look to take advantage of the citizens of Washington and St. Tammany Parish will be met with the full weight of the criminal prosecution arm of the District Attorney’s Office. The best offense we can mount to avoid being taken advantage of is a strong defense. Below, please find some tips and resources to help during this time. If you believe you have been criminally taken advantage of, know the law, be informed and contact our office.” -- District Attorney, Warren Montgomery

- Use a licensed contractor.
- You want to get at least 3 different estimates before you decide on a contractor to fix your home.
- It’s always good to pay with a credit card, so you can dispute the charges if need be.
- Be extra cautious when it comes to out-of-state contractors who show up at your door.

### RESOURCES

**Report fraud concerns please to our Office.** Call 985-809-8383 and ask for Assistant District Attorney, J. Bryant Clark or email him at [jbryantclark@22da.com](mailto:jbryantclark@22da.com).

**FEMA** Hurricane Ida page: <https://www.fema.gov/el/node/624650>

**Blue Roof Program:** Applicants can file requests at <http://bluroof.us> or by calling 1-888-766-3258.

The Louisiana Attorney General’s Office has some **Consumer Tips for Natural Disaster Victims:**  
<https://agjefflandry.com/Files/Shared/Documents/ConsumerTipsforNaturalDisasters.pdf>

You can report **flood scams** to the National Center for Disaster Fraud: 866-720-5721

**Better Business Bureau Tips-** Following the destruction in South Louisiana from Hurricane Ida the Better Business Bureau of South-Central Louisiana is also urging all homeowners to be cautious when choosing businesses and contractors to help with the cleanup work.

To help property owners navigate the recovery and restoration process, BBB offers these tips below:

Check your insurance policy – Flood damage is not covered by standard homeowners or renters’ insurance policies. In some high-risk flood areas, home and business owners may be required by law to carry flood insurance. To learn more about your state’s requirements check with your Insurance Commissioner.

Repairing the damage – Don't make any permanent changes to your property until you get approval from your insurance provider. They may not fully reimburse you for repairs made without their permission. Take photos of the storm damage to show your insurance company.

Get multiple opinions – Shop around and get at least three different estimates before deciding on a contractor. Make sure the estimates are broken down the same way. Watch out for high-pressure sales tactics and less than trustworthy businesses — research company profiles at [BBB.org](http://BBB.org) to find reputable contractors. You can find more helpful tips on choosing a reliable contractor [here](#).

Ask for proof of liability, worker's compensation, and licensing – Verify the contractor has the correct license to do work in your state. This protects you in case something happens while working on your property.

Get everything in writing – Demand a written contract from anyone you hire. Clearly written, detailed proposals that are broken down into separate line items are a good sign that the contractor is being thorough and has prepared an accurate estimate. The following is a partial list of things your estimate or proposal should include:

- The type of material being used, manufacturer, and color
- Scope of work to be done, including material and labor costs
- Who is responsible for repairing/replacing exterior landscape or interior finishes that are damaged during the course of the work? Make sure that your contract contains language addressing who is responsible for any damage that occurs due to the job.
- Approximate starting and completion dates
- Payment procedures
- Length of warranty and what is covered, e.g., workmanship, water leakage, etc.
- Who will haul away the old materials and project waste? Is there an extra charge for this service?

Beware of Scams when cleaning up damage

It is also wise to be on the lookout for scammers who are seeking to take advantage of an owner's haste to repair the damage. Here are a few red flags to be wary of:

Door-to-door workers who claim to have leftover materials. If salespeople go door-to-door, check to see if your community requires them to have solicitation permits and ask for identification. Avoid agreeing to front porch sales pitches. Instead, take your time to research the business before contacting them to pursue further details and agreements.

A contractor who shows up unannounced and claims your home is unsafe. If you are concerned about possible structural damage in your home, have an engineer, architect, or building official inspect it. While most roofing contractors abide by the law, be careful allowing someone you do not know to inspect your roof. An unethical contractor may actually create damage to get work.

Never pay in full for all repairs in advance. Avoid paying with cash and instead use a credit card if possible as it may provide you additional protection if there's a problem. While many companies may ask for a deposit, BBB suggests that no more than one-third of the job be paid up front. Be sure the contract specifies the schedule for releasing payments to the contractor. The final payment should be made only after the work is complete and all subcontractors have been paid.

Businesses without local addresses. When looking for a reputable business that can help with the cleanup, start by visiting [bbb.org](http://bbb.org). If a company doesn't have a permanent place of business, this may be cause for concern. Always ask for references and verify them independently.

You can find more information on home improvement scams here. Go to BBB Scam Tracker to see if others have reported a scam, or to report a scam yourself. <https://www.wafb.com/2021/09/02/livingston-sheriff-attorney-general-bbb-urging-residents-be-cautious-when-hiring-contractor-after-hurricane-ida/>

## **VIOLATIONS OF LAW**

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1. It is illegal to provide home improvement contracting services without being registered with the Residential Building Contractors Subcommittee of the State Licensing Board for Contractors. See [La. R.S. 37:2150.1\(7\)](#); [La. R.S. 37:2175.2](#); [La. R.S. 37:2175.3\(1\)](#); [La. R.S. 37:2160](#).

If the contract involves an amount greater than \$1500, then the contract must be in writing ([La. R.S. 37:2175.1](#)).

The detailed conditions that a home improvement contractor must follow are contained in [La. R.S. 37:2175.3](#).

2. If a contractor takes an individual's money without any intention of performing work, that is the crime of theft ([La. R.S. 14:67](#)).
3. If a contractor takes an individual's money and fails to perform the required work, he may have committed the crime of residential contractor fraud ([La. R.S. 14:202.1](#)), depending on the totality of the circumstances. The totality of the circumstances includes whether the contractor:

(1) Fails to perform any work during a forty-five-day period of time or longer after receiving payment, unless a longer period is specified in the contract.

(2) Uses, or causes an agent or employee to use, any deception, false pretense, or false promise to cause any person to enter into a contract for home improvements or residential construction.

(3) Damages the property of any person with the intent to induce that person to enter into a contract for home improvements or residential construction.

(4) Knowingly makes a material misrepresentation of fact in any application for a permit required by state, municipal, or parochial law.

(5) Knowingly makes a material misrepresentation of fact in any lien placed upon the property at issue.

(6) Fails to possess the required license for home improvements or residential construction required by applicable state, municipal, or parochial statute.

(7) Knowingly employs a subcontractor who does not possess the required license by applicable state, municipal, or parochial statute.

If a contractor accepts money from a customer, he must "apply the money received as necessary to settle claims for material and labor due for the construction or under the contract." Failure to do so is a crime. [R.S. 14:202](#).