

"Federation Corner" column  
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### **MEMA hides behind FEMA corruption to avoid responsibilities**

by Wayne Goldstein

On November 2, 2006, I wrote a column titled "Insurance fraud is perpetuated by FEMA and its insurance industry partners" (which appeared in The Sentinel with the title: "FEMA policies raise questions"). It concerned the actions of FEMA - the Federal Emergency Management Administration - and insurance companies that provide flood insurance in the aftermath of Tropical Storm Isabel. I wrote about Steve Kanstoroom who, after being required to overcome many hurdles to have his claim paid, went on to help other victims less skilled at dealing with public and private bureaucrats intent on minimizing or even avoiding the meeting of financial obligations.

After MCCF awarded Kanstoroom its October 2006 Community Hero Award for his service helping disaster victims and uncovering other forms of wrongdoing in Montgomery County, I wrote in the column that MCCF wrote a letter to then-Governor Ehrlich "asking him to ask the President to make two policy statements about FEMA, a request we unanimously supported. I also went to a rally in Annapolis ... for Maryland flood insurance victims to read the letter. The first policy statement is inspired by a multi-plaintiff lawsuit of flood insurance victims whom Kanstoroom has helped."

At the rally, then-Secretary of Planning Audrey Scott promised to help flood victims. The most immediate concern was to enable two Anne Arundel County families to remain in the trailers that they had been forced to call home for more than three years as they battled with their insurance companies to receive enough money to be able to rebuild their storm-damaged homes. FEMA attempted to evict them stating that families had not done all that they could to get back in their homes, yet the families had been shorted hundreds of thousands of dollars from their FEMA controlled flood insurance carriers, requested help from their elected officials and even filed suit against FEMA after the Maryland Insurance Commissioner and the Maryland Secretary of Planning helped group the victims for the suit.

Simultaneously the Maryland Emergency Management Administration (MEMA) requested that FEMA transfer ownership of all FEMA trailers used by Isabel victims to MEMA, yet MEMA failed to request the transfer for the families that had sued FEMA's insurance company partners for their unpaid claims. Since these trailers, which were already used when provided to these families in 2003, would be hauled off to the dump once vacated, it would cost MEMA nothing to make this request and cost nothing to pay for maintenance and utilities. Kanstoroom also claimed that MEMA had failed to properly administer a federal grant program, thereby shorting scores of Isabel victims millions of dollars in the process.

A simple remedy was available. MEMA merely needed to send a memo to FEMA requesting the transfer, and verification of the grant program, which former Secretary Scott promised to facilitate. Days later, I learned from published news reports that a series of emails were leaked from Governor Ehrlich's White House Liaison that said the liaison believed he had "neutralized" the victims. I assumed that once Governor O'Malley took office in January, these bureaucratic obstacles would be removed. However, last week I learned that these two families are again facing imminent eviction from the trailers they still need 3 1/2 years after Isabel and MEMA also failed to remedy the grant issue. I decided that I needed to write a follow-up column, so last Friday I spoke with a public information officer at MEMA seeking comment about these disturbing new facts. After explaining the background and forwarding documents supplied by Kanstoroom, I received the following email: "Due to the fact that this case is currently involved in federal litigation, we are unable to comment at this time."

My response to this stonewalling was, in part: "Mr. Kanstoroom stated to me that this might be MEMA's response. However, he also indicated to me that this litigation is against FEMA and does not affect MEMA at all.

Thus, I do believe it is very reasonable that I get a response from MEMA about MEMA's position. FEMA does not speak for or control MEMA in any way, and I assume that MEMA does not speak for or control FEMA in any way. I do not believe that state agencies speak for federal agencies and vice versa. I would prefer not to write a column that only presents Mr. Kanstoroom's documents and perspective, compelling as they appear to be, and then report that MEMA claims it is unable to comment because of litigation affecting an entirely different agency at another level of government."

I have received no follow-up response from MEMA. Since FEMA stands accused of fraudulent behavior in federal lawsuits, for MEMA to use these federal lawsuits as an excuse neither to help these two families nor to even comment on the situation is the equivalent of MEMA using FEMA's accused behavior as an excuse to avoid fulfilling its responsibilities. I will be asking the MCCF Executive Committee to authorize my sending a follow-up to Governor O'Malley asking him to direct MEMA to do its job. According to MEMA's website, "MEMA is responsible for coordinating the state response in any major emergency or disaster. This includes supporting local governments as needed or requested, and coordinating assistance with the Federal Emergency Management Agency (FEMA) and other federal partners... The agency coordinates various federal programs, including the Homeland Security Grant Program, the Emergency Management Performance Grant and FEMA mitigation and recovery programs."

If MEMA uses litigation against any of its partners, whether on the local or federal level, as an excuse not to help in any way, what good is MEMA in the kinds of tough situations created by other government bureaucracies who further victimize natural disaster victims? Should Montgomery County residents who might come in harm's way from a disaster be comforted by MEMA's response? After all, this county has some of the most outspoken residents in the state.

One could even argue that the behavior of FEMA and MEMA is the equivalent of a SLAPP - Strategic Lawsuit Against Public Participation. SLAPPs are nationally known as lawsuits filed by developers to intimidate or stop citizens from criticizing proposed development projects. Maryland passed an anti-SLAPP law in 2004. However, SLAPPs can be used by anyone to punish anyone else for exercising their First Amendment rights related to any government action. Since it is obvious to many that these two families are being singled out for special negative treatment by the federal and state government, this is using the SLAPP in a new and more ominous way. Thus, those of us in Montgomery County who value our long history of outspoken civic activism should be alarmed at this development because if it can happen in Anne Arundel County, it can surely happen here.