

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

HARVEST FAMILY CHURCH,
HI-WAY TABERNACLE, and
ROCKPORT FIRST ASSEMBLY OF
GOD,

Plaintiffs,

v.

FEDERAL EMERGENCY
MANAGEMENT AGENCY, WILLIAM
B. LONG, Administrator of the Federal
Emergency Management Agency,

Defendants.

Civil No. 4:17-cv-2662
Jury Demanded

THIRD DECLARATION OF PASTOR BRUCE FRAZIER

1. My name is Pastor Bruce Frazier. I am over the age of 21 and am capable of making this unsworn declaration pursuant to 28 U.S.C. § 1746. I have not been convicted of a felony or crime involving dishonesty, and the facts contained herein are within my personal knowledge.

2. I am the pastor of Rockport First Assembly of God ("First Assembly").

3. On September 26, two weeks after First Assembly's Public Assistance ("PA") grant application was sent to FEMA, I received an email from Aeris Williams, a Senior Reconciliation Accountant for Finance and Grant Management at the Texas Division of Emergency Management ("TDEM"). Exhibit 1 contains a true and correct

copy of the September 26 email I received from Aeris Williams, Senior Reconciliation Accountant, Finance and Grant Management, TDEM.

4. The email purported to follow up on a September 22 email that Williams said that he had previously sent to me. The September 22 email was attached to the September 26 email, and is included in Exhibit 1.

5. After receiving the September 26 email, I searched my email inbox and did not see any previous emails to me from Williams.

6. In the combined emails, TDEM offered to provide “expedited funding for Category A and B” PA grant funds to First Assembly. TDEM explained that the “Public Assistance program is allowing for one-time, quick turn-around funding for Debris Removal (Category A) and Emergency Protective Measures (Category B) via an Expedited Project Worksheet process.”

7. If First Assembly elected to participate in the program, TDEM said the funds could be “available to you within ten days.”

8. TDEM requested that I let TDEM know “as soon as possible” if the church was “interested or want[s] to decline” the funding.

9. TDEM also requested that First Assembly apply for the expedited funding program by emailing two attached forms to TDEM.Applicants@dps.texas.gov.

10. TDEM instructed me to contact TDEM’s Ann Lister with any questions.

11. I took several hours away from working on repairs to the church in order to investigate the expedited PA Grant offer and to fill out and submit TDEM’s requested forms.

12. The process was complicated by continued poor internet access and cell phone coverage in Rockport, as well as the severe damage to First Assembly's offices.

13. On Saturday, September 30, I submitted the required expedited PA grant forms to TDEM via email. Exhibit 2 contains a true and correct copy of the September 30 email I sent from First Assembly to TDEM.

14. I had to make a special trip to get to a location with internet access in order to email out the forms.

15. On October 3, TDEM sent a responsive email to me from the TDEM.Applicants@dps.texas.gov address. Exhibit 3 contains a true and correct copy of the October 3 email I received from TDEM.

16. TDEM denied First Assembly's application for an expedited PA grant.

17. TDEM's response highlighted in yellow the language from my email applying for the funds which stated that First Assembly "was not eligible because it was established for a religious purpose."

18. I did not highlight that language in yellow in my email to TDEM, as can be seen by comparing Exhibit 3 (TDEM's email, with highlighting) with Exhibit 2 (First Assembly's original email, without the highlighting).

19. TDEM's email did not provide any other reason for denying my application for expedited Category A and Category B PA grants.

20. In its email TDEM said that instead of a PA grant, First Assembly must look to "insurance and [the] Small Business Administration" to cover the cost of the damage to its facilities from Hurricane Harvey.

21. TDEM copied Ann Lister, the designated TDEM point of contact for First Assembly, on the grant denial email.

22. TDEM also copied Michelle Taylor, a TDEM official who handles PA grant administration.

23. Michelle Taylor has also since contacted me about First Assembly's primary PA grant application.

24. While TDEM's initial responses to First Assembly's PA grant application asked for some additional information, TDEM has since confirmed that it received all requested documents from First Assembly. Exhibit 4 contains a true and correct copy of the confirmation email that I received from TDEM.

25. Further, none of TDEM's responses to First Assembly's PA grant application stated that the application was incomplete because we had not yet submitted evidence that First Assembly applied for a Small Business Administration loan.

26. Nonetheless, I have submitted an SBA loan application on behalf of First Assembly. When I completed the online application on October 11, I received an SBA loan application number and was informed that my application had been successfully submitted.

27. First Assembly has been severely damaged by Hurricane Harvey.

28. On average, I have been working on emergency repairs and recovery efforts at the church 10 hours a day, 6 days a week since the hurricane.

29. I believe that it is unfair and discriminatory for First Assembly to be denied expedited PA grant funding under FEMA's discriminatory PA grant policy.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 11, 2017.

/s/ Bruce Frazier

Bruce Frazier

Exhibit 1

From: Williams, Aeris <Aeris.Williams@dps.texas.gov>
Sent: Mon, Sep 25, 2017 1:27 pm
Subject: Expedited Funding for Cat A and B

Good Afternoon,

I am following up to an email you should have received regarding expedited funding for Category A and B. If you are interested or want to decline, can you please let me know as soon as possible.

Please see the attached email if you have not already.

If you have any questions please feel free to contact me.

Respectfully,

Aeris Williams

Senior Reconciliation Accountant, Finance and Grant Management

Texas Division of Emergency Management

Texas Homeland Security

Texas Department of Public Safety

O: 512.424.7848

F: 512.424.2444

Aeris.williams@dps.texas.gov

www.txdps.state.tx.us/dem

Attached Message

From	Williams, Aeris < Aeris.Williams@dps.texas.gov >
To	Williams, Aeris < Aeris.Williams@dps.texas.gov >
Subject	FW: Expedited Funding
Date	Fri, 22 Sep 2017 19:35:26 +0000

The Public Assistance program is allowing for one-time, quick turn-around funding for Debris Removal (Category A) and Emergency Protective Measures (Category B) via an Expedited Project Worksheet process. With this process, FEMA can quickly write a PW based on estimates and other minimal information. These PWs are obligated at roughly 40% of the estimated cost. We expect that funds that are obligated through this process would be available to you within ten days.

Should you desire to participate in this process, please complete the appropriate form(s) and return them with the additional documentation requested on the form(s) to:

TDEM.Applicants@dps.texas.gov

Please be aware that if TXDOT will be handling your debris removal, TXDOT will bear the bulk of the costs; therefore, an Expedited PW is not needed. Additionally, as this is an important matter, you may receive multiple contacts from us, so we ask for your patience.

Should you have any questions, please reach out to your Point of Contact shown below:

Region 1
Mollie Rivas
512-284-0088

Region 2
Sherri Copeland
737-703-8199

Region 3
Judy Lucio
512-538-5382

Region 6
Ann Lister
512-994-8541

Consult the attached map if you are unsure of the regional designation for your jurisdiction.

Sandra Fulenwider
Deputy Assistant Director
Recovery, Mitigation, and Standards
Texas Division of Emergency Management
Texas Homeland Security
Texas Department of Public Safety
O: 512-424-2102
M: 512-694-3383
Sandra.Fulenwider@dps.texas.gov
www.txdps.state.tx.us/dem

Exhibit 2

From: bbrucelf@aol.com

Date: September 30, 2017 at 4:06:19 PM CDT

To: Aeris.Williams@dps.texas.gov

Subject: Re: Expedited Funding for Cat A and B

Dear Aeris,

Thank you very much for reaching out to me. I did not receive the email that was attached to your message. And I was a little confused about your message, since even though I applied for a PA grant for my church, I had heard that my church would not be eligible because it was established for a religious purpose. In any event, my church received severe damage and we definitely need some help. I've filled out the forms you sent me. I haven't received any official guidance on how to fill them out, and some of the terms weren't clear to me, so I just did the best I could. And we're still picking up the pieces around here, so I may not have captured the full extent of the damage in my estimates. Also, while we have a lot of debris to get removed, my current understanding is that the City is likely picking that up without any cost to the church. I've spent a lot of time compiling the debris and getting it into a manageable location on the church's property, but I'm not yet sure if I'm going to have to incur additional costs to get it disposed of.

If you need anything else from me, please just let me know.

Thank you very much for your help.

Sincerely,
Pastor Bruce Frazier,
First Assembly of God of Rockport

-----Original Message-----

From: Williams, Aeris <Aeris.Williams@dps.texas.gov>

Sent: Mon, Sep 25, 2017 1:27 pm

Subject: Expedited Funding for Cat A and B

Good Afternoon,

I am following up to an email you should have received regarding expedited funding for Category A and B. If you are interested or want to decline, can you please let me know as soon as possible.

Please see the attached email if you have not already.

If you have any questions please feel free to contact me.

Respectfully,

Aeris Williams

Senior Reconciliation Accountant, Finance and Grant Management

Texas Division of Emergency Management
Texas Homeland Security
Texas Department of Public Safety
O: 512.424.7848
F: 512.424.2444
Aeris.williams@dps.texas.gov
www.txdps.state.tx.us/dem

Attached Message

From	Williams, Aeris < Aeris.Williams@dps.texas.gov >
To	Williams, Aeris < Aeris.Williams@dps.texas.gov >
Subject	FW: Expedited Funding
Date	Fri, 22 Sep 2017 19:35:26 +0000

The Public Assistance program is allowing for one-time, quick turn-around funding for Debris Removal (Category A) and Emergency Protective Measures (Category B) via an Expedited Project Worksheet process. With this process, FEMA can quickly write a PW based on estimates and other minimal information. These PWs are obligated at roughly 40% of the estimated cost. We expect that funds that are obligated through this process would be available to you within ten days.

Should you desire to participate in this process, please complete the appropriate form(s) and return them with the additional documentation requested on the form(s) to:

TDEM.Applicants@dps.texas.gov

Please be aware that if TXDOT will be handling your debris removal, TXDOT will bear the bulk of the costs; therefore, an Expedited PW is not needed. Additionally, as this is an important matter, you may receive multiple contacts from us, so we ask for your patience.

Should you have any questions, please reach out to your Point of Contact shown below:

Region 1
Mollie Rivas
512-284-0088

Region 2
Sherri Copeland
737-703-8199

Region 3
Judy Lucio
512-538-5382

Region 6
Ann Lister
512-994-8541

Consult the attached map if you are unsure of the regional designation for your jurisdiction.

Sandra Fulenwider

Deputy Assistant Director

Recovery, Mitigation, and Standards

Texas Division of Emergency Management

Texas Homeland Security

Texas Department of Public Safety

O: 512-424-2102

M: 512-694-3383

Sandra.Fulenwider@dps.texas.gov

www.txdps.state.tx.us/dem

Exhibit 3

From: TDEM.Applicants <TDEM.Applicants@dps.texas.gov>
Date: October 3, 2017 at 11:32:00 AM CDT
To: "bbrucelf@aol.com" <bbrucelf@aol.com>
Cc: "Taylor, Michelle D" <Michelle.Taylor@dps.texas.gov>, "Lister, Ann" <Ann.Lister@dps.texas.gov>
Subject: Re: Expedited Funding for Cat A and B

Sir—Your first source of reimbursement is insurance and Small Business Administration (SBA).

From: bbrucelf@aol.com [<mailto:bbrucelf@aol.com>]
Sent: Saturday, September 30, 2017 4:06 PM
To: Williams, Aeris
Subject: [EXTERNAL] Re: Expedited Funding for Cat A and B

Dear Aeris,

Thank you very much for reaching out to me. I did not receive the email that was attached to your message. And I was a little confused about your message, since even though I applied for a PA grant for my church, I had heard that my church would not be eligible because it was established for a religious purpose. In any event, my church received severe damage and we definitely need some help. I've filled out the forms you sent me. I haven't received any official guidance on how to fill them out, and some of the terms weren't clear to me, so I just did the best I could. And we're still picking up the pieces around here, so I may not have captured the full extent of the damage in my estimates. Also, while we have a lot of debris to get removed, my current understanding is that the City is likely picking that up without any cost to the church. I've spent a lot of time compiling the debris and getting it into a manageable location on the church's property, but I'm not yet sure if I'm going to have to incur additional costs to get it disposed of.

If you need anything else from me, please just let me know.

Thank you very much for your help.

Sincerely,
Pastor Bruce Frazier,
First Assembly of God of Rockport

-----Original Message-----
From: Williams, Aeris <Aeris.Williams@dps.texas.gov>
Sent: Mon, Sep 25, 2017 1:27 pm
Subject: Expedited Funding for Cat A and B

Good Afternoon,

I am following up to an email you should have received regarding expedited funding for Category A and B. If you are interested or want to decline, can you please let me know as soon as possible.

Please see the attached email if you have not already.

If you have any questions please feel free to contact me.

Respectfully,

Aeris Williams

Senior Reconciliation Accountant, Finance and Grant Management

Texas Division of Emergency Management

Texas Homeland Security

Texas Department of Public Safety

O: 512.424.7848

F: 512.424.2444

Aeris.williams@dps.texas.gov

www.txdps.state.tx.us/dem

Attached Message

From Williams, Aeris <Aeris.Williams@dps.texas.gov>
To Williams, Aeris <Aeris.Williams@dps.texas.gov>
Subject FW: Expedited Funding
Date Fri, 22 Sep 2017 19:35:26 +0000

The Public Assistance program is allowing for one-time, quick turn-around funding for Debris Removal (Category A) and Emergency Protective Measures (Category B) via an Expedited Project Worksheet process. With this process, FEMA can quickly write a PW based on estimates and other minimal information. These PWs are obligated at roughly 40% of the estimated cost. We expect that funds that are obligated through this process would be available to you within ten days.

Should you desire to participate in this process, please complete the appropriate form(s) and return them with the additional documentation requested on the form(s) to:

TDEM.Applicants@dps.texas.gov

Please be aware that if TXDOT will be handling your debris removal, TXDOT will bear the bulk of the costs; therefore, an Expedited PW is not needed. Additionally, as this is an important matter, you may receive multiple contacts from us, so we ask for your patience.

Should you have any questions, please reach out to your Point of Contact shown below:

Region 1

Mollie Rivas

512-284-0088

Region 2

Sherri Copeland

737-703-8199

Region 3

Judy Lucio

512-538-5382

Region 6
Ann Lister
512-994-8541

Consult the attached map if you are unsure of the regional designation for your jurisdiction.

Sandra Fulenwider
Deputy Assistant Director
Recovery, Mitigation, and Standards
Texas Division of Emergency Management
Texas Homeland Security
Texas Department of Public Safety
O: 512-424-2102
M: 512-694-3383
Sandra.Fulenwider@dps.texas.gov
www.txdps.state.tx.us/dem

Exhibit 4

From: Taylor, Michelle D <Michelle.Taylor@dps.texas.gov>
To: bbrucelf <bbrucelf@aol.com>
Sent: Tue, Oct 10, 2017 11:23 am
Subject: RE: DR 4332 | <Rockport First Assembly of God> | Additional Documentation Request

Greetings,

We have received all requested documents. We will contact you if we need any additional information.

Thank you,

Michelle Taylor, M.S.

Texas Division of Emergency Management
Texas Homeland Security
Texas Department of Public Safety
O: 512-424-5294

Michelle.Taylor@dps.texas.gov
www.txdps.state.tx.us/dem



From: bbrucelf@aol.com [<mailto:bbrucelf@aol.com>]
Sent: Tuesday, October 10, 2017 5:28 AM
To: Taylor, Michelle D
Subject: Re: DR 4332 | <Rockport First Assembly of God> | Additional Documentation Request

CAUTION: This email was received from an EXTERNAL source, use caution when clicking links or opening attachments.
If you believe this to be a malicious and/or phishing email, please send this email as an attachment to SPAM@dps.texas.gov.

Ms. Taylor—Thank you for addressing the DUNS issue. I appreciate your help. Can you please explain the request for an IRS letter? I hadn't received a request from TDEM about that before. My understanding is that it was sufficient to submit documentation from the State showing that First Assembly is a Texas nonprofit corporation, which I provided in my original application to FEMA and which is also reflected in our articles of incorporation. To try to speed things along, I've re-attached both documents, along with

other documents showing that First Assembly is registered as a Texas nonprofit. Please let me know if you will need anything further. Thanks again for your help. -Pastor Frazier

-----Original Message-----

From: Taylor, Michelle D <Michelle.Taylor@dps.texas.gov>

To: bbrucelf <bbrucelf@aol.com>

Sent: Mon, Oct 9, 2017 11:38 am

Subject: RE: DR 4332 | <Rockport First Assembly of God> | Additional Documentation Request
Good morning,

Thank you for the documentation. I have inquired about the duns# and I will let you know as soon as I find out. In the meantime, please provide a 'Letter of Account Status from the Department of the Treasury Internal Revenue Service'.

Thank you,

Michelle Taylor, M.S.

Texas Division of Emergency Management

Texas Homeland Security

Texas Department of Public Safety

O: 512-424-5294

Michelle.Taylor@dps.texas.gov

www.txdps.state.tx.us/dem



From: bbrucelf@aol.com [<mailto:bbrucelf@aol.com>]

Sent: Saturday, October 07, 2017 7:45 AM

To: Taylor, Michelle D

Subject: Re: DR 4332 | <Rockport First Assembly of God> | Additional Documentation Request

CAUTION: This email was received from an EXTERNAL source, use caution when clicking links or opening attachments.
If you believe this to be a malicious and/or phishing email, please send this email as an attachment to SPAM@dps.texas.gov.

Dear Ms. Taylor—The requested documents are attached. I'm a little confused about the DUNS number requirement. I know that other applicants have applied for PA grants and had DUNS numbers assigned to them. Is there a reason First Assembly is being treated differently? I ask in

part because the DUNS website below stated that it might take up to 30 days to get the number assigned. First Assembly's church facilities are in bad shape, and waiting another 30 days just to get our PA grant request processed would really be hard on our church. Thanks for your help.
-Pastor Frazier

-----Original Message-----

From: Taylor, Michelle D <Michelle.Taylor@dps.texas.gov>

To: BBRUCELF <BBRUCELF@AOL.COM>

Sent: Thu, Oct 5, 2017 10:53 am

Subject: DR 4332 | <Rockport First Assembly of God> | Additional Documentation Request

Greetings,

My name is Michelle Taylor and I am with the Texas Division of Emergency Management (TDEM). In reviewing your Request for Public Assistance (RPA) and submitted documents for the Hurricane Harvey DR-(4332), the following information is needed to process your application:

- A revised Request for Public Assistance (RPA) Form (attached)
- By-laws
- Articles of Incorporation

Thank you for the RPA. Please resubmit with a DUNS#. If you do not know your DUNS#, here's a link to where you can go to verify the Duns number: <http://www.dnb.com/duns-number/lookup.html#> and here's the link where you can go to apply for a Duns number if needed: <http://www.dnb.com/get-a-duns-number.html>. I've attached a blank form and the form you sent.

Please complete and return the attached documents and requested documentation via email as soon as possible. We will continue processing your application once all requested information is received.

Thank you,

Michelle

Michelle Taylor, M.S.

Texas Division of Emergency Management

Texas Homeland Security

Texas Department of Public Safety

O: 512-424-5294

Michelle.Taylor@dps.texas.gov

www.txdps.state.tx.us/dem

