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**STATE OF WASHINGTON
KING COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,

Plaintiff,

v.

CENTER FOR COVID CONTROL, LLC;
DOCTORS CLINICAL LABORATORY;
AKBAR SYED; and ALEYA SIYAJ,

Defendants.

NO.

COMPLAINT FOR INJUNCTIVE AND
OTHER RELIEF

Plaintiff, State of Washington, by and through its attorneys Robert W. Ferguson, Attorney General, and Daniel Davies and Will O'Connor, Assistant Attorneys General, brings this action against Defendants Center for Covid Control, LLC; Doctors Clinical Laboratory; Akbar Syed; and Aleya Siyaj ("Defendants"). Defendants threatened the health and safety of the people of Washington and engaged in unfair or deceptive acts or practices in violation of the Consumer Protection Act, RCW 19.86, while operating COVID-19 testing sites throughout Washington without municipal business licenses to do so.

I. INTRODUCTION

1.1 Center for Covid Control claims to offer crucial COVID-19 tests throughout Washington for free; providing results within 48 hours. In reality, Defendants lacked a license to operate almost all of their Washington testing sites, improperly took patient insurance information, and caused imminent and irrevocable harm to the welfare of the people of

1 Washington by providing invalid COVID-19 test results or no results at all. As documented by
2 former employees, Center for Covid Control's testing lab, Doctors Clinical Laboratory, lacked
3 the capacity to process the volume of tests it received and engaged in practices that resulted in
4 consumers receiving false negative test results. These practices included storing tests in garbage
5 bags strewn about its facility for over a week rather than properly refrigerating them, and
6 backdating sample collection dates so that stale samples would still be processed. By reporting
7 false negative test results, Defendants contributed to the spread of the deadly COVID-19 virus.
8 Defendants also frequently failed to report any test results at all, causing potentially COVID-19
9 free individuals to isolate and miss work, travel, and time with loved ones unnecessarily.

10 1.2 Defendants threatened the health and safety of the people of Washington. Their
11 conduct was unfair and deceptive in violation of the Washington Consumer Protection Act
12 (CPA), RCW 19.86. As a result of their repeated violations of the CPA, Defendants are liable for
13 civil penalties, injunctive relief, restitution, and other appropriate relief, as set forth below.

14 II. PARTIES

15 2.1 The Attorney General is authorized to commence this action pursuant to RCW
16 19.86.080 and RCW19.86.140. The Washington State Attorney General's Office created the
17 Consumer Protection Division to detect, investigate, and prosecute any act prohibited or declared
18 to be unlawful under the Washington Consumer Protection Act.

19 2.2 Defendant Center for Covid Control, LLC is an Illinois limited liability company
20 with its principal place of business located at 1685 Winnetka Circle, Rolling Meadows, Illinois
21 60008. It is registered to do business in Washington and its Unified Business Identifier Number
22 is 604 823 753. On information and belief, Center for Covid Control is co-owned by Akbar Syed
23 and Aleya Siyaj. Center for Covid Control has done business in Washington State by marketing,
24 promoting, selling, and/or providing COVID-19 rapid tests and polymerase chain reaction (PCR)
25 tests to Washington residents.
26

1 2.3 Defendant Doctors Clinical Laboratory is a laboratory in Illinois with its principal
2 place of business located at 1685 Winnetka Circle, Rolling Meadows, Illinois 60008. Doctors
3 Clinical Laboratory is controlled by Center for Covid Control. It shares common ownership with
4 Center for Covid Control, uses Center for Covid Control’s office space for its laboratory, and
5 employees believed Center for Covid Control and Doctors Clinical Laboratory were the same
6 company. On information and belief, Doctors Clinical Laboratory performs tests exclusively for
7 Center for Covid Control. Doctors Clinical Laboratory tests the specimens that are collected by
8 Center for Covid Control in Washington, but Doctors Clinical Laboratory is not registered with
9 the Washington Secretary of State to transact business in Washington State.

10 2.4 Defendant Akbar Syed is an individual residing in Saint Charles, Illinois. On
11 information and belief, at all times material to this Complaint, Defendant Syed was co-founder and
12 co-owner of Center for Covid Control, along with his wife, Defendant Aleya Siyaj. Defendant Syed
13 personally participated in the conduct described herein, and with knowledge approved of such
14 conduct.

15 2.5 Defendant Aleya Siyaj is an individual residing in Saint Charles, Illinois. On
16 information and belief, at all times material to this Complaint, Defendant Siyaj was co-founder and
17 co-owner of Center for Covid Control, along with her husband, Defendant Akbar Syed. Defendant
18 Siyaj personally participated in the conduct described herein, and with knowledge approved of such
19 conduct.

20 **III. JURISDICTION AND VENUE**

21 3.1 The State files this Complaint and institutes these proceedings under the
22 provisions of the Consumer Protection Act, RCW 19.86.

23 3.2 Defendants have engaged in the conduct set forth in this Complaint in King
24 County and elsewhere in the State of Washington.

25 3.3 Defendants Akbar Syed and Aleya Siyaj have purposefully availed themselves of
26 the privileges and benefits of conducting business in King County and elsewhere in the State of

1 Washington by directing and controlling the operations of Center for Covid Control and Doctors
2 Clinical Laboratory in the state.

3 3.4 Venue is proper in King County pursuant to RCW 4.12.020 and 4.12.025, and
4 Court Rule 82 because the cause of action arose, in part, in King County and Defendants
5 transacted business in King County.

6 3.5 The Attorney General has the authority to commence this action as conferred by
7 RCW 19.86.080 and RCW 19.86.140.

8 IV. FACTS

9 A. THE COVID-19 PANDEMIC CONTINUES TO SURGE IN WASHINGTON AND 10 TESTING IS AN IMPORTANT TOOL IN COMBATING TRANSMISSION OF 11 THE VIRUS

12 4.1 COVID-19 represents one of the most serious public health challenges this state
13 has ever faced. Since the pandemic began nearly two years ago, over 1.1 million Washington
14 citizens have contracted COVID-19, over 52,000 have been hospitalized due to the disease, and
15 over 10,400 Washington citizens have died from COVID-19.¹ With the emergence of the highly
16 transmissible Omicron variant, Washington is in the midst of its largest wave of COVID-19
17 infections yet. Cases of COVID-19 have spiked in January 2022 across the state, with the
18 Washington State Department of Health (DOH) reporting a 7-day rolling average of 16,817 cases
19 on January 8, 2022, by far the highest 7-day rate the state has seen thus far. To compare, previous
20 spikes in December 2020 and September 2021 peaked at a 7-day rate in the low three-thousands.

21 4.2 Along with vaccination and masking, testing is a critical tool in the fight against
22 COVID-19. If testing is conducted in an accurate and timely manner, infected citizens can
23 promptly self-isolate and prevent transmission to others. It is important for citizens to have trust

24
25 ¹ All statistics on COVID-19 cases pulled from the Washington State Department of Health's website.
26 COVID-19 Data Dashboard, available at <http://www.doh.wa.gov/Emergencies/COVID19/DataDashboard> (last
visited Jan. 24, 2022).

1 in the testing process, so that people actually get tested for the virus and take preventative
2 measures if they receive a positive result.

3 4.3 There are two different types of “viral” or “diagnostic” tests that exist to detect if
4 a person has SARS-CoV-2, the virus that causes COVID-19: 1) a molecular diagnostic test; and
5 2) an antigen test.

6 4.4 Molecular amplification diagnostic testing is the most sensitive method of
7 detecting the presence of the virus that causes COVID-19 in an individual. Such testing includes
8 the PCR test, which is a test designed to detect the presence of the genetic material from the
9 virus. Typically, PCR and other molecular amplification diagnostic tests are conducted by an
10 individual first providing a nasal, throat, or saliva sample. The sample may then be tested by a
11 federally certified lab, with results typically reported to the individual in 24 to 72 hours.

12 4.5 Antigen diagnostic tests are also sometimes referred to as “rapid” tests and check
13 for the presence of specific proteins on the surface of the COVID-19 virus. Typically, antigen
14 tests are conducted by an individual providing a nasal swab or saliva sample that can then be
15 immediately tested with the results available in as little as fifteen minutes. While antigen rapid
16 tests produce quick results, they are not as sensitive—especially for individuals who are not
17 presently exhibiting symptoms from the virus.

18 4.6 It is critical that labs providing testing for COVID-19 provide prompt and
19 accurate results because test results give people information on how they can act appropriately.
20 For instance, a consumer that receives a false negative result may not take appropriate steps, like
21 self-isolation and masking, when they are contagious. It is important that test results are provided
22 promptly because individuals that have been exposed to COVID-19 should isolate while their
23 test results are pending. A delayed test result leads to an extended isolation period for the
24 consumer, which can negatively impact the consumer’s life. Prompt test results are also
25 important because some individuals may choose not to self-isolate until they have received their
26

1 test result confirming they are infected with COVID-19. Consequently, any delay in test results
2 can have a negative impact on public health.

3 **B. DEFENDANTS ADVERTISE AND PROVIDE RAPID AND PCR COVID-19**
4 **TESTING TO WASHINGTON RESIDENTS AND OPERATE MULTIPLE**
5 **TESTING SITES IN WASHINGTON**

6 4.7 Center for Covid Control is an Illinois based company, which was organized in
7 December 2020, and represents on its website that it has established over 300 locations across
8 the United States where consumers can obtain rapid antigen and PCR tests for COVID-19.²
9 Center for Covid Control represents that it partners with a certified independent laboratory,
10 Doctors Clinical Laboratory, which performs diagnostic testing and reports positive and negative
11 results to consumers. The address listed on Doctors Clinical Laboratory’s website is also the
12 principle office address for Center for COVID Control—1685 Winnetka Circle, Rolling
13 Meadows, Illinois 60008.

14 4.8 On information and belief, Defendants have been operating COVID-19 testing
15 sites in Washington since at least October 2021. As of January 12, 2022, Defendants advertised
16 at least 13 testing sites in Washington, including sites located in Lakewood, Tacoma, University
17 Place, Seattle, Bellevue, Auburn, Lynnwood, Everett, Port Orchard, and Yakima. Defendants
18 did not have a license to operate a business in any municipalities in Washington, except for
19 Yakima, at the time they conducted COVID-19 tests.

20 4.9 Defendants advertised their services as free, walk-in COVID-19 rapid antigen
21 and PCR testing sites that do not require an appointment. When a consumer arrives at one of
22 Defendants’ Washington testing sites, they are typically asked to provide a copy of their driver’s
23 license and proof of insurance.

24
25 ² According to its website, Center for Covid Control has temporarily closed all of its testing sites until
26 further notice. It intends to re-open once “staffing resources” permit. Center for Covid Control Press Release,
available at <https://www.centerforcovidcontrol.org/press-release> (last visited Jan. 27, 2022).

1 4.10 After checking in and providing their information, the consumer waits in line and
2 then submits a sample for one or both of the following COVID-19 viral diagnostic tests: 1) a
3 COVID-19 nasal swab rapid antigen test; and 2) a COVID-19 nasal swab PCR test. Several
4 consumers have reported that Defendants do not employ basic COVID-19 safety protocols at
5 their Washington testing sites including improper masking, failing to change gloves between
6 consumers, and failing to properly administer the tests.

7 4.11 Washington consumers report that Defendants’ staff sometimes orally announce
8 the results of rapid antigen tests in person at testing site locations in a public manner and without
9 regard to the consumer’s privacy. After submitting test samples, consumers leave the testing
10 location and await receipt of their test results from Defendants via email.

11 4.12 On information and belief, Defendants have obtained and/or intend to obtain
12 reimbursement payments for the COVID-19 tests they have provided to Washington consumers
13 from the federal Department of Health and Human Services’ Health Resources and Service
14 Administration (HRSA) for uninsured Washington consumers. Indeed, on information and
15 belief, Doctors Clinical Laboratory, has billed the federal government over \$124 million for
16 COVID-19 tests provided to allegedly-uninsured patients across the nation, including
17 Washington consumers.

18 4.13 Upon receiving a sample, Defendants’ employees were instructed to enter the
19 consumers’ information into Defendants’ computer system. Defendants instructed their
20 employees to examine consumers’ reported insurance information and to select the appropriate
21 insurance from a drop-down menu with a finite list of companies, including a “default” option
22 of “uninsured.” Uninsured patients’ claims for reimbursement would be submitted to and paid
23 by the federal government.

24 4.14 In cases where a consumer was insured but the insurance company was not listed
25 in Defendants’ drop-down menu, Defendants instructed their employees to simply select
26 “uninsured,” which Defendants used to support submitting a claim to the federal government for

1 reimbursement. Defendants also instructed their employees to list consumers as “uninsured”
2 when the consumer had insurance but failed to provide proof of insurance at the time of testing.

3 4.15 As test collection ramped up, Defendants sought ways to streamline the data entry
4 process. Defendants, through owner Siyaj, instructed employees to “streamline” data entry by
5 entering the name of the patient and immediately hit a series of keys that would input defaults
6 for the remaining entries, including defaulting a patient’s insurance information to “uninsured.”
7 On information and belief, by following this “streamlined” data entry process, Defendants
8 subsequently misrepresented to the federal government that Washington consumers with private
9 or public insurance were actually uninsured.

10 **C. DEFENDANTS HAVE MISREPRESENTED THEIR SERVICES**

11 **1. Defendants Misrepresent When Washington Consumers Will Receive**
12 **Their PCR and Rapid Antigen COVID-19 Test Results**

13 4.16 Center for Covid Control represented to Washington consumers on its website
14 that the results of its PCR test “will be emailed within 48 hours” and that the results of its rapid
15 antigen test “are verbally given within 15 minutes and an email confirmation is given within 3
16 hours.” Likewise, Doctors Clinical Laboratory represents on its website that:

17 A PCR test takes 24 to 48 hours to receive your results... With the rapid antigen test,
18 results are verbally given within 15 minutes and an email confirmation is given within 3
19 hours.

20 4.17 Defendants routinely orally reinforce and repeat these representations to
21 consumers who appear in person at their testing sites. For example, Defendants regularly orally
22 represent to Washington consumers that they can expect to receive their PCR COVID-19 test
23 results via email sometime in the next 24 to 72 hours after having taken the test. Likewise,
24 Defendants regularly orally represent to Washington consumers at their testing locations that
25 their rapid antigen test results will be emailed to them within the same day the test is taken.

26 4.18 While Defendants have represented to the public that they are capable of
processing tests at this speed, Defendants have been aware that they are actually unable to

1 process many of the samples being sent in by consumers at that pace. According to former
2 employees of Defendants, in early December 2021, Defendants were receiving between 8,000-
3 10,000 tests per day. The former employees explained that Defendants' receiving and data entry
4 teams have been unable to keep pace with the incoming tests, and Defendants' employees have
5 been gathering incoming tests in garbage bags and piling them in various corners of their office
6 without any semblance of organization. One former employee, a shift lead, reports repeatedly
7 asking Defendant co-owners Akbar Syed and Aleya Siyaj for more staff and being refused.
8 Co-owners Akbar Syed and Aleya Siyaj, who were regularly at the facility, observed the tests
9 being stored in trash bags and took few, if any, steps to better organize testing and ensure timely
10 processing of the samples.

11 4.19 Defendants' representations about when Washington consumers would receive
12 the results of their COVID-19 PCR and rapid antigen tests are unfair and deceptive. Indeed,
13 numerous consumers did not receive any PCR test results from Defendants—let alone within the
14 promised window of 24 to 72 hours after having taken the test.

15 4.20 Defendants' former employees reported regularly finding test samples that were
16 more than a week old stored in trash bags strewn around the office. Many of these samples had
17 never been refrigerated, let alone tested by their lab.

18 **2. Defendants Provide Inaccurate and Deceptive Test Result Information to**
19 **Washington Consumers and Have Fraudulently Reported Negative Test**
20 **Results to Consumers that Never Completed COVID-19 Tests**

21 4.21 Not only do Defendants fail to promptly deliver test results to Washington
22 consumers as they promised, when they do provide COVID-19 test results their reports are often
23 inaccurate. For example, one Washington consumer visited the Center for Covid Control's
24 Everett testing site on January 11, 2022. At the time, the consumer had been exposed to COVID-
25 19 and was experiencing symptoms. The consumer waited five hours for a test result before
26 traveling back to the site and being told her result was lost. She proceeded to get tested again but
was told two hours later that her second test had also been lost, only to receive an email one

1 minute later telling her she tested negative. Because of the negative test result, the consumer
2 went to work the next day. Suspicious of the negative result, however, the consumer booked
3 another appointment at a DOH testing site. She received a positive COVID-19 test result on
4 January 15, 2022 from DOH.

5 4.22 Similarly, another consumer, who never received his test result from the Center
6 for Covid Control, reported that two of his family members received negative test results from
7 Defendants despite exhibiting severe symptoms of COVID-19 the day after being tested.

8 4.23 Former employees report that Defendants were careless and engaged in deceptive
9 practices with regard to PCR tests. For example, Defendants' lab manager told other employees
10 that PCR test samples were no longer "good" after, at most, three days, and that if a sample was
11 older than three days, the sample should not be sent to the lab for processing. The lab manager
12 explained that after three days, the test would always result in a negative or inconclusive result.
13 But Defendants' Director of Operations instructed Defendants' employees to begin falsely post-
14 dating samples, in order to make them appear more recent than they actually were, and to continue
15 sending such samples to the lab for processing.

16 4.24 As Defendants fell behind on processing incoming test samples, they began to
17 receive numerous consumer complaints about tardy or non-existent test results. Call waits were,
18 at times, over three hours long. When consumers did finally get through the queue to ask about
19 their results, Defendants' employees looking up consumers' test results often found that the tests
20 had not yet been processed, even though more than 48 hours had passed. Defendants instructed
21 their employees to deceptively tell consumers in this situation that the consumers' results were
22 coming in 24 hours, even if the employees had no idea where the sample was or if the lab would
23 ever test it. If a consumer called multiple times, employees were instructed to falsely tell
24 consumers that the test result was inconclusive and that they needed to take another test. That
25 way, not only could Defendants bill for the test that was not processed or was processed late,
26

1 Defendants encouraged consumers to send yet another sample to Defendants for Defendants to
2 bill.

3 **V. CLAIM FOR VIOLATION OF THE CONSUMER PROTECTION ACT, RCW**
4 **19.86.020**

5 5.1 Plaintiff re-alleges Paragraphs 1.1 through 4.24 and incorporates them as if set fully
6 herein.

7 5.2 Defendants Center for Covid Control and Doctors Clinical Laboratory engage in
8 “trade” or “commerce” within the meaning of the Consumer Protection Act, RCW 19.86.010(2),
9 by operating COVID-19 testing sites in King County and throughout the state, and by marketing,
10 promoting, selling, and/or providing COVID-19 rapid tests and test results and RT-PCR tests and
11 test results to Washington residents.

12 5.3 Defendants engaged in unfair and deceptive acts and practices in trade or
13 commerce affecting Washington consumers, including but not limited to the following:

- 14 a. Unfairly and deceptively representing the timeframe in which
15 Defendants would communicate and report the results of its COVID-19
16 PCR and rapid antigen test results to Washington consumers;
- 17 b. Unfairly and deceptively representing that Defendants will promptly
18 report the results of its COVID-19 RT-PCR and rapid antigen tests to
19 Washington consumers but then failing to report such results;
- 20 c. Unfairly and deceptively listing in its results reports the date and time
21 when test samples were collected or received from Washington
22 consumers, which do not correspond to the actual date and time
23 Defendants collected or received test samples from such Washington
24 consumers;
- 25 d. Unfairly and deceptively representing to complaining Washington
26 consumers that their test results were coming in 24 hours or that their test

1 results were inconclusive without knowing the present status or condition
2 of their test samples;

3 e. Unfairly and deceptively providing rapid antigen test results to
4 Washington consumers who only provided Defendants with PCR test
5 samples;

6 f. Unfairly and deceptively communicating deceptive results reports to
7 Washington consumers whose tests had not been processed;

8 g. Unfairly and deceptively collecting consumers' personal identifying and
9 insurance information while representing that the information would be
10 used to bill insurance, when Defendants did not, in fact, bill the
11 consumers' insurance; and

12 h. Engaging in an unfair method of competition by operating without a
13 business license in multiple Washington municipalities.

14 5.4 The conduct described above in paragraphs 5.3.a to 5.3.h have impacted the
15 public interest and may continue without relief from this Court.

16 5.5 Based on the above unfair and deceptive acts and practices, Plaintiff is entitled to
17 relief under the Consumer Protection Act including injunctive relief and restitution pursuant to
18 RCW 19.86.080, civil penalties pursuant to RCW 19.86.140 for each and every violation of
19 RCW 19.86.020, and reimbursement of the costs of this action, including reasonable attorneys'
20 fees, pursuant to RCW 19.86.080.

21 **VI. PRAYER FOR RELIEF**

22 Wherefore, the State prays for the following relief:

23 6.1 That the Court adjudge and decree that the Defendants have engaged in the conduct
24 complained of herein.

1 6.2 That the Court adjudge and decree that the conduct complained of constitutes
2 unfair or deceptive acts or practices and is unlawful in violation of the Consumer Protection Act,
3 RCW 19.86.

4 6.3 That the Court issue a permanent injunction pursuant to the Consumer Protection
5 Act, RCW 19.86.080, enjoining and restraining Defendants and their representatives, successors,
6 assigns, offices, agents, servants, employees, and all other persons acting or claiming to act for,
7 on behalf of, or in concert or participation with Defendants, from continuing or resuming the
8 unlawful conduct complained of herein.

9 6.4 That the Court assess civil penalties, pursuant to RCW 19.86.140, against
10 Defendants for each and every violation of RCW 19.86.020 caused by the conduct complained
11 of herein.

12 6.5 That the Court assess enhanced civil penalties, pursuant to RCW 19.86.140, against
13 Defendants in the amount of \$5,000 for each and every violation of RCW 19.86.020 which targeted
14 or impacted individuals or communities based on demographic characteristics, including
15 individuals with disabilities.

16 6.6 That the Court, as an equitable remedy, disgorge Defendants of money or property
17 acquired by Defendants as a result of the conduct and violations complained of herein.

18 6.7 That the Court make such orders pursuant to RCW 19.86.080 as it deems
19 appropriate to provide for restitution to consumers of money or property unlawfully acquired by
20 Defendants as a result of the conduct complained of herein.

21 6.8 That the Court make such orders pursuant to RCW 19.86.080 to provide that the
22 Plaintiff, State of Washington, have and recover from Defendants the costs of this action,
23 including reasonable attorneys' fees.

24 6.9 That the Court award prejudgment interest.

25 6.10 For such other relief as the Court may deem just and proper.

26

1 DATED this 31st day of January, 2022.

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3
4 ROBERT W. FERGUSON
Attorney General

5
6 /s/ Daniel Davies
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