

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CLERK, US DISTRICT COURT
MIDDLE DISTRICT FLORIDA
TAMPA, FLORIDA

UNITED STATES OF AMERICA,
STATE OF FLORIDA, and STATE OF
TEXAS,

ex rel. RODNEY BROCKENBROUGH

Plaintiff-Relator,

v.

TRUECORE BEHAVIORAL SOLUTIONS,
LLC; BOYNE CAPITAL; BHSB
HOLDINGS, INC.; BHSB INVESTORS, LLC;
G4S US; G4S YOUTH SERVICES, LLC;
G4S SECURE SOLUTIONS; and THE
HENRY & RILLA WHITE YOUTH
FOUNDATION, INC.,

Defendants.

Case No. 8:19-cv-2557-T-60-AAS
JURY TRIAL DEMANDED
FILED UNDER SEAL

FALSE CLAIMS ACT COMPLAINT AND DEMAND FOR JURY TRIAL

1. Relator Rodney Brockenbrough ("Relator") brings this action on behalf of himself, the United States of America, the State of Florida, and the State of Texas against Defendants TrueCore Behavioral Solutions, LLC; Boyne Capital; BHSB Holdings, Inc.; BHSB Investors, LLC; G4S US; G4S Youth Services, LLC; G4S Secure Solutions; and The Henry & Rilla White Youth Foundation, Inc. (collectively, "Defendants") for violations of the federal False Claims Act, 31 U.S.C. §§ 3729 *et seq.* ("federal FCA"), and of the respective False Claims Acts of the above-named Plaintiff-States ("State FCAs") (collectively, the "False Claims Act").

TRA-58536
\$400.00

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 31 U.S.C. § 3732(a) and (b), and 28 U.S.C. §§ 1331, 1345.

3. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 31 U.S.C. § 3732(a), as one or more of the defendants transacts business in this jurisdiction and violations of the False Claims Act described herein occurred in this district.

THE NATIONAL SCHOOL LUNCH PROGRAM

4. The National School Lunch Program (“NSLP”) is a federally assisted meal program established in 1946 that operates in public and nonprofit private schools as well as to certain residential child care institutions. Its goal is to provide nutritionally balanced, low-cost or no-cost lunches to children each school day.

5. At the federal level, the program sponsored by the Department of Agriculture (“USDA”)’s Food and Nutrition Service (“FNS”) through its Child Nutrition Division (“CND”). Each state designates a Distributing Agency, which enters into an agreement with USDA.

6. In Florida, the NSLP is administered by the Florida Department of Agriculture and Consumer Services (“FDACS”) and more specifically the Division of Food Nutrition and Wellness.

7. In Texas, the NSLP is administered by the Texas Department of Agriculture.

8. In October 1975, with the passage of Public Law 94-105, the definition of “school” in the School Meal Programs was expanded to include qualified Residential Child Care Institutions (“RCCI”).

9. Specifically, per 7 CFR Part 210.2, Definitions:

School means: ... (c) any public or nonprofit private residential child care institution, or distinct part of such institution, which operates principally for the care of children, and, if private, is licensed to provide residential child care services under the appropriate licensing code by the State or a subordinate level of government, except for residential summer camps which participate in the Summer Food Service Program for Children, Job Corps centers funded by the Department of Labor, and private foster homes. The term "residential child care institutions" includes, but is not limited to: homes for the mentally, emotionally or physically impaired, and unmarried mothers and their infants; group homes; halfway houses; orphanages; temporary shelters for abused children and for runaway children; long-term care facilities for chronically ill children; and juvenile detention centers. A long-term care facility is a hospital, skilled nursing facility, intermediate care facility, or distinct part thereof, which is intended for the care of children confined for 30 days or more.

10. Per P.L. 94-105, private institution RCCIs can receive the full benefits of School Meal Programs, so long as the RCCI is nonprofit (meaning tax exempt under Section 501(c)(3) of the Internal Revenue Code), and is licensed by the state to provide residential child care.

11. Each RCCI must have a School Food Authority, which is defined as the governing body responsible for administering one or more schools and which has the legal authority to operate the program. 7 CFR § 210.2.

12. In order to participate in the School Meal Programs, an official of the School Food Authority must make written application to the State Agency, with sufficient information to determine eligibility, as well as a Free and Reduced Price Policy Statement. § 210.9(a). Per Section 210.9(b), once approved, the School Food Authority must enter into a written agreement

with the State Agency that “shall contain a statement to the effect that the “School Food Authority and participating schools under its jurisdiction, shall comply with all provisions of shall comply with all provisions of 7 CFR parts 210 and 245.”

13. The agreement must also provide that the school food authority shall, with respect to participating schools under its jurisdiction:

- (1) Maintain a nonprofit school food service and observe the requirements for and limitations on the use of nonprofit school food service revenues set forth in § 210.14 and the limitations on any competitive school food service as set forth in § 210.11;**
- (2) Limit its net cash resources to an amount that does not exceed 3 months average expenditures for its nonprofit school food service or such other amount as may be approved in accordance with § 210.19(a);**
- (3) Maintain a financial management system as prescribed under § 210.14(c);**
- (4) Comply with the requirements of the Department's regulations regarding financial management (2 CFR part 200, subpart D and USDA implementing regulations2 CFR part 400 and part 415);**
...
- (8) Claim reimbursement at the assigned rates only for reimbursable free, reduced price and paid lunches served to eligible children in accordance with 7 CFR part 210. Agree that the school food authority official signing the claim shall be responsible for reviewing and analyzing meal counts to ensure accuracy as specified in § 210.8 governing claims for reimbursement. Acknowledge that failure to submit accurate claims will result in the recovery of an overclaim and may result in the withholding of payments, suspension or termination of the program as specified in § 210.25. Acknowledge that if failure to submit accurate claims**

reflects embezzlement, willful misapplication of funds, theft, or fraudulent activity, the penalties specified in § 210.26 shall apply;

...

- (10) Submit Claims for Reimbursement in accordance with § 210.8;

...

- (17) Upon request, make all accounts and records pertaining to its school food service available to the State agency and to FNS, for audit or review, at a reasonable time and place. Such records shall be retained for a period of 3 years after the date of the final Claim for Reimbursement for the fiscal year to which they pertain, except that if audit findings have not been resolved, the records shall be retained beyond the 3 year period as long as required for resolution of the issues raised by the audit;

...

- (21) No later than March 1, 1997, and no later than December 31 of each year thereafter, provide the State agency with a list of all schools under its jurisdiction in which 50 percent or more of enrolled children have been determined eligible for free or reduced price meals as of the last operating day the preceding October. The State agency may designate a month other than October for the collection of this information, in which case the list must be provided to the State agency within 60 calendar days following the end of the month designated by the State agency. In addition, each school food authority shall provide, when available for the schools under its jurisdiction, and upon the request of a sponsoring organization of day care homes of the Child and Adult Care Food Program, information on the boundaries of the attendance areas for the schools identified as having 50 percent or more of enrolled children certified eligible for free or reduced price meals.

14. Every RCCI operating the school meal programs must have such an agreement on file between the RCCI and the State Agency, which is signed by an RCCI executive and returned to the State Agency, where it is signed at the state level. A copy of the signed Agreement is returned to the RCCI.

15. In addition, there is an annual agreement renewal process that is required every program year starting July 1. The agreement, which is completed in the Claims Reimbursement and Reporting System ("CRRS"), includes sponsor and site applications, and sets forth the terms, conditions, and covenants necessary to comply with government regulations of the programs.

16. Reimbursement rates are adjusted annually. For the NSLP, there are three reimbursement rates: free, reduced price, and paid full price. Meals are reimbursed based on each child's eligibility, but meals for most institutionalized children can be claimed at the free reimbursement rate because for this purpose, the child is a household of one and the children's personal income falls well within the free eligibility guidelines. However, institutionalized children with personal income that falls in the reduced price or paid full price eligibility guidelines, must be claimed at the reduced price or paid full price reimbursement rates.

17. Many RCCIs do not charge children for meals and are therefore considered Non-Pricing programs. Although the meals are served at no cost to the child, the meals must still be claimed based on the eligibility category of the child (free, reduced price, and paid full price).

18. The NSLP runs from July 1 to June 30 and claims are submitted monthly via CRRS.

19. A Site Claim Form must be submitted for each Site within the RCCI that is claiming meals.

20. Each monthly claim is due no more than forty-five days after the last day of

the month.

21. Each Site Claim Form includes Sponsor Information, complete with an Authorized Signature.

PARTIES

22. Defendant TrueCore Behavioral Solutions, LLC ("TrueCore") is a national provider of behavioral health services to at-risk and adjudicated youth through residential treatment facilities and community-based programs.

23. TrueCore advertises that it serves more than 1,400 juveniles daily across four states; detailed information on the website states that TrueCore currently has twenty-five programs in Florida, five programs in Tennessee, and one program in Texas, and currently shows zero active programs in Pennsylvania.

24. TrueCore was formerly known as Behavioral Health Solutions ("BHS").

25. Defendant Boyne Capital ("Boyne") is a Florida-based private equity firm that focuses on lower middle market companies.

26. In or around March 2017, Boyne partnered with management of BHS to carve out its business from G4S US, a multi-billion global security company, and eventually rebranded the business as TrueCore.

27. Defendants BHSB Holdings, Inc., a Delaware corporation, and BHSB Investors, LLC, a Delaware limited liability company, are parent companies for Boyne Capital.

28. Defendant G4S US is the US division of global security firm G4S.

29. Defendant G4S Youth Services, LLC is a former division of a global security firm G4S Secure Solutions, which itself appears to be a division or holding of G4S US.

30. G4S Youth Services was carved out of G4S parent companies with the assistance of Boyne, and rebranded first as BHS and later as TrueCore. Along with the White Foundation, G4S Youth Services was the original architect of the fraud against the NSLP.

31. Defendant G4S Secure Solutions is based in Jupiter, Florida and appears to have been the original parent company for G4S Youth Services.

32. Defendant The Henry & Rilla White Youth Foundation, Inc. ("White Foundation") is a Florida-based, not-for-profit corporation with its offices in Tallahassee, FL. The White Foundation worked with G4S Youth Services to enable its facilities to receive NSLP funds, thus enabling this for-profit company to obtain NSLP funding.

33. Upon Boyne Capital's carve out and purchase of the business, the White Foundation continued as the administrative sponsor.

34. Relator Brockenbrough served as COO of TrueCore from April 2018 to August 2, 2019, when he was forced to resign due to the issues described herein.

FACTUAL ALLEGATIONS

G4S and the White Foundation conspire to illegally obtain NSLP funds.

35. Among its programs, the White Foundation advertises that it:

works with Residential Child Care Institution's [sic] to...

- Ensure that the food service operation is in conformance

with the school food authority's agreement under the program

- Monitor the food service operation through periodic on-site visits
- Retain control of the quality, extent, and general nature of its food service, and the prices to be charged the children for meals
- Retain signature authority on the state agency-school food authority agreement, free and reduced price policy statement and claims
- Ensure that all federally donated foods received accrue only to the benefit of the school food authority's non-profit school food service and are fully utilized
- Maintain applicable health certification and assure that all state and local regulations are being met by a food service management company, preparing or serving meals at a school food authority facility
- Establish an advisory board composed of parents, teachers, and students to assist in menu planning

<http://www.hrwhite.org/national-school-lunch-program/> (last visited Aug. 20, 2019) (emphasis added). In other words, it appears that the White Foundation is offering to become an RCCI's School Food Authority, and thus be responsible for contracting with the state for NSLP funds.

36. On the same web page, the White Foundation has a section for "Request for Proposals." Under that drop down, there is a "One Site RFP," which (when clicked) opens a separate PDF form titled "FDACS Prototype RFP and Contract – 1 Site," ("the One Site RFP"). The document purports to be an RFP for a "Food Service Management Company," or FSMC, to bid to provide meals to an RCCI. The first section to this document instructs that the purpose of the RFP is:

for the purpose of obtaining responses from caterers and vendors to provide meal services for The Henry & Rilla White Youth Foundation Inc. ("SFA"). Meal programs will include the United States Department of Agriculture ("USDA") National School

Lunch Program and/or the School Breakfast Program. _ The Henry & Rilla White Youth Foundation Inc. is a Residential [sic] Child Care Institution [sic] located in, [sic] Florida. The goal of the Food Service Program is to provide nutritious meals to youth which are in compliance with the Child Nutrition Program rules and regulations in regards [sic] to Breakfast, Lunch, and After School Snack.

37. But the Henry & Rilla White Youth Foundation is *not*, in fact, an RCCI.

Rather, it allows for-profit residential facilities, like the TrueCore facilities, to bid to provide meals to their own facilities and so obtain NSLP funding. Thus, with the aid of these facilities, the White Foundation is falsely certifying eligibility for the School Meal Programs.

38. The White Foundation's webpage provides similar "prototype" RFPs for two sites, three sites, nine sites, and nineteen sites.

39. In the case of the nineteen TrueCore facilities, the Award is actually posted on the website as well. Per the Award, an RFP was sent out by the White Foundation on or about May 2017. Only one potential provider submitted a response to this "competitive solicitation," and that was G4S Youth Services LLC.

40. Accordingly, the company was awarded the "contract" to provide food to its own facilities, pursuant to a contract with the fictitious owner of the nineteen RCCIs, the White Foundation.

41. In reality, the nineteen RCCIs were owned by G4S, now TrueCore, and are for-profit institutions.

42. To the best of Relator's knowledge, this scheme was the brainchild of the Vice President of the White Foundation. He worked with the then-CFO of G4S Youth Services to hatch the scheme and begin collecting NSLP funds.

43. During the time that TrueCore was accepting the payments, the White Foundation's VP worked with TrueCore's Senior Financial Operations Manager on payment and contract information. The White Foundation's VP also worked with TrueCore's dietician to collect necessary information to maintain the illusion that the White Foundation owned the RCCI.

44. During the time that TrueCore was accepting NSLP funds, TrueCore's Senior Financial Operations Manager was responsible for processing the incoming payments from the White Foundation.

Discovery of the Scheme and Subsequent Events

45. In March 2017, Boyne Capital partnered with the management of BHS to "carve out" the BHS facilities from G4S, which it then rebranded as TrueCore.

46. In May 2017, the RFP was sent out for bid, with the NSLP scheme to begin in the 2017 Award year, which would have commenced on July 1, 2017.

47. Around August 2017, the Texas facility was audited by Texas Department of Agriculture. Several deficiencies were noted at the time of the audit.

48. Without timely resolution to the deficiencies, payments for participation in NSLP were suspended in May 2018 and an anticipated re-audit was scheduled for August or September of 2018.

49. This information was conveyed by the VP of the White Foundation and ultimately found its way to TrueCore's CFO.

50. The CFO then approached COO Relator Brockenbrough, seeking assistance for a quick resolution to the problems in Texas. The CFO noted that there was more

than \$260,000 in uncollected revenue, as well as budgeted revenue for the remainder of the year.

51. Relator started an investigation that, by the end of May 2018, had uncovered the fact that TrueCore's participation in the NSLP was fraudulent.

52. Relator immediately began to advocate for putting an end to TrueCore's participation. Others on the Executive Committee, including the CEO, CFO, and HR Vice President, were noncommittal about what action should be taken. They were very concerned with the effect on revenue if the NSLP funds were lost.

53. During the investigation, TrueCore's CEO approached a representative from Lintons to ask for a bid for food services. The representative, however, refused to bid if TrueCore remained the recipient of NSLP payments. He advised the CEO that the scheme was illegal.

54. In May 2018, the CEO of TrueCore approached the COO of Boyne to make him aware of the illegalities. Eventually, Boyne gave permission for TrueCore to "quietly exit" the program. Since the award was up for renewal in June, TrueCore's management simply elected not to resubmit the paperwork and stated the facilities no longer wanted to participate.

55. The decision to stop accepting fraudulent funds, however, meant that TrueCore facilities, which were already struggling financially, began to founder. Pressure was placed on the TrueCore Executive Committee by Boyne to make up the losses that resulted from ending its fraudulent participation in the NSLP. In its efforts to do so, the TrueCore Executive Committee and/or Boyne managers took the

many actions detrimental to TrueCore's commitment to provide services to the juvenile justice system, including significantly reducing overtime expenditures at a time when one-quarter of the company's positions were vacant.

56. Similarly, Boyne demanded that TrueCore stop making payments to salaried staff for time above the eight-hour work day, which further depleted available pools of employees to help mitigate the impact of the excessive staffing vacancies.

57. Boyne rejected most requests to modify pay scales to attract more candidates for employment, only approving those for which the contracting agencies threatened financial penalties if sufficient staff was not hired.

58. In addition to not hiring enough people, there were several rounds of reductions in force (RIFs) at the corporate and regional levels.

59. These actions combined to further destabilize an already unstable company.

60. Boyne grew increasingly unhappy with TrueCore's failure to make up the "losses," caused by discontinuing its fraudulent scheme.

61. During a May 2019 meeting, Boyne COO suggested that TrueCore explore ways to re-enroll in the NSLP, but the suggestion was immediately rebuffed by Relator and several other TrueCore attendees.

62. By the end of July 2019, it was clear to Relator that TrueCore would not be acting with integrity in these matters. Accordingly, on August 2, 2019, he resigned his position effective immediately, noting that he could not "remain associated with a company that lacks a moral compass and its sole reason for existence is not

enriching the youth entrusted to our care, but a plundering of resources intended to enrich the coffers of a few.”

COUNT I
VIOLATION OF 31 U.S.C. § 3729(a)(1)(A)
(All Defendants)

63. Relator hereby incorporates and realleges herein the allegations set forth in Paragraphs 1-62.

64. As set forth above, Defendants TrueCore Behavioral Solutions, LLC; Boyne Capital; BHSB Holdings, Inc.; BHSB Investors, LLC; G4S US; G4S Youth Services, LLC; G4S Secure Solutions; and The Henry & Rilla White Youth Foundation, Inc. knowingly presented or caused to be presented false or fraudulent claims for payment or approval, in violation of 31 U.S.C. § 3729(a)(1)(A).

65. Due to Defendants’ conduct, the United States Government has suffered substantial monetary damages and is entitled to recover treble damages and a civil penalty for each false claim. 31 U.S.C. § 3729.

66. Relator is entitled to reasonable attorneys’ fees and costs, pursuant to 31 U.S.C. § 3730(d)(1).

COUNT II
VIOLATION OF 31 U.S.C. § 3729(a)(1)(B)
(All Defendants)

67. Relator hereby incorporates and realleges herein the allegations set forth in Paragraphs 1-62.

68. As set forth above, Defendants TrueCore Behavioral Solutions, LLC; Boyne Capital; BHSB Holdings, Inc.; BHSB Investors, LLC; G4S US; G4S Youth Services,

LLC; G4S Secure Solutions; and The Henry & Rilla White Youth Foundation, Inc. knowingly made, used, or caused to be made or used, false records or statements material to numerous false claims, in violation of the federal FCA, 31 U.S.C. § 3729(a)(1)(B).

69. Due to Defendants' conduct, the United States Government has suffered substantial monetary damages and is entitled to recover treble damages and a civil penalty for each false claim. 31 U.S.C. § 3729.

70. Relator is entitled to reasonable attorneys' fees, costs, and expenses. 31 U.S.C. § 3730(d)(1).

COUNT III
VIOLATION OF 31 U.S.C. § 3729(a)(1)(C)
(All Defendants)

71. Relator hereby incorporates and realleges herein the allegations set forth in Paragraphs 1-62.

72. As set forth above, Defendants TrueCore Behavioral Solutions, LLC; Boyne Capital; BHSB Holdings, Inc.; BHSB Investors, LLC; G4S US; G4S Youth Services, LLC; G4S Secure Solutions; and The Henry & Rilla White Youth Foundation, Inc. knowingly conspired to commit a violation of the False Claims Act, in violation of 31 U.S.C. § 3729(a)(1)(C).

73. Due to Defendants' conduct, the United States Government has suffered substantial monetary damages and is entitled to recover treble damages and a civil penalty for each false claim. 31 U.S.C. § 3729.

74. Relator is entitled to reasonable attorneys' fees, costs, and expenses. 31 U.S.C. § 3730(d)(1).

COUNT IV
VIOLATION OF 31 U.S.C. § 3729(a)(1)(G)
(TrueCore Behavioral Solutions, LLC and Boyne Capital)

75. Relator hereby incorporates and realleges herein the allegations set forth in Paragraphs 1-62.

76. As set forth above, Defendants TrueCore Behavioral Solutions, LLC and Boyne Capital knowingly concealed or knowingly and improperly avoided or decreased an obligation to pay or transmit money or property to the Government in violation of the False Claims Act, 31 U.S.C. § 3729(a)(1)(G).

77. Due to Defendants' conduct, the United States Government has suffered substantial monetary damages and is entitled to recover treble damages and a civil penalty for each false claim. 31 U.S.C. § 3729.

78. Relator is entitled to reasonable attorneys' fees, costs, and expenses. 31 U.S.C. § 3730(d)(1).

COUNT V
VIOLATION OF FLORIDA FALSE CLAIMS ACT
SECTION 68.082(2)(a), FLORIDA STATUTES
(All Defendants)

79. Relator hereby incorporates and realleges herein the allegations set forth in Paragraphs 1-62.

80. As set forth above, Defendants TrueCore Behavioral Solutions, LLC; Boyne Capital; BHSB Holdings, Inc.; BHSB Investors, LLC; G4S US; G4S Youth Services, LLC; G4S Secure Solutions; and The Henry & Rilla White Youth Foundation, Inc.

knowingly presented, or caused to be presented to the Florida Medicaid program numerous false or fraudulent claims for payment or approval, in violation of section 68.082(2)(a), Florida Statutes.

81. Due to Defendants' conduct, the State of Florida has suffered substantial monetary damages and is entitled to recover treble damages and a civil penalty for each false claim. Section 68.082(2), Florida Statutes.

82. Relator is entitled to reasonable attorneys' fees, costs, and expenses. Section 68.085, Florida Statutes.

COUNT VI
VIOLATION OF FLORIDA FALSE CLAIMS ACT
SECTION 68.082(2)(b), FLORIDA STATUTES
(All Defendants)

83. Relator hereby incorporates and realleges herein the allegations set forth in Paragraphs 1-62.

84. As set forth above, Defendants TrueCore Behavioral Solutions, LLC; Boyne Capital; BHSB Holdings, Inc.; BHSB Investors, LLC; G4S US; G4S Youth Services, LLC; G4S Secure Solutions; and The Henry & Rilla White Youth Foundation, Inc. knowingly made, used, or caused to be made or used, false records or statements material to numerous false claims, in violation of section 68.082(2)(b), Florida Statutes.

85. Due to Defendants' conduct, the State of Florida has suffered substantial monetary damages and is entitled to recover treble damages and a civil penalty for each false claim. Section 68.082(2), Florida Statutes.

86. Relator is entitled to reasonable attorneys' fees, costs, and expenses. Section 68.085, Florida Statutes.

COUNT VII
VIOLATION OF FLORIDA FALSE CLAIMS ACT
SECTION 68.082(2)(c), FLORIDA STATUTES
(All Defendants)

87. Relator hereby incorporates and realleges herein the allegations set forth in Paragraphs 1-62.

88. As set forth above, Defendants TrueCore Behavioral Solutions, LLC; Boyne Capital; BHSB Holdings, Inc.; BHSB Investors, LLC; G4S US; G4S Youth Services, LLC; G4S Secure Solutions; and The Henry & Rilla White Youth Foundation, Inc. knowingly conspired to commit a violation of the Florida False Claims Act, in violation of Fla. Stat. § 68.082(2)(c).

89. Due to Defendants' conduct, the State of Florida has suffered substantial monetary damages and is entitled to recover treble damages and a civil penalty for each false claim. Section 68.082(2), Florida Statutes.

90. Relator is entitled to reasonable attorneys' fees, costs, and expenses. Section 68.085, Florida Statutes.

COUNT VIII
VIOLATION OF FLORIDA FALSE CLAIMS ACT
SECTION 68.082(2)(g), FLORIDA STATUTES
(TrueCore Behavioral Solutions, LLC and Boyne Capital)

91. Relator hereby incorporates and realleges herein the allegations set forth in Paragraphs 1-62.

92. As set forth above, Defendants TrueCore Behavioral Solutions, LLC and Boyne Capital knowingly concealed or knowingly and improperly avoided or decreased an obligation to pay or transmit money or property to the Government in violation of Fla. Stat. § 68.082(2)(g).

93. Due to Defendants' conduct, the State of Florida has suffered substantial monetary damages and is entitled to recover treble damages and a civil penalty for each false claim. Section 68.082(2), Florida Statutes.

94. Relator is entitled to reasonable attorneys' fees, costs, and expenses. Section 68.085, Florida Statutes.

COUNT IX
VIOLATIONS OF TEXAS CODE § 36.002(1) – TEXAS MEDICAID FRAUD
PREVENTION ACT
(All Defendants)

95. Relator hereby incorporates and realleges herein the allegations set forth in Paragraphs 1-62.

96. As set forth above, Defendants TrueCore Behavioral Solutions, LLC; Boyne Capital; BHSB Holdings, Inc.; BHSB Investors, LLC; G4S US; G4S Youth Services, LLC; G4S Secure Solutions; and The Henry & Rilla White Youth Foundation, Inc. knowingly made or caused to be made a false statement or misrepresentation of a material fact to permit a person to receive a benefit or payment under the Medicaid program that is not authorized, in violation of Tex. Code § 36.002(1).

97. The State of Texas is entitled to three times the amount of any payment or the value of any monetary or in-kind benefit provided under the Medicaid program,

directly or indirectly, as a result of the unlawful act, including any payment made to a third party. Tex. Code §§ 36.052(a)(1) and 36.052(a)(4).

98. The State of Texas is entitled to prejudgment interest on the amount of the payment or the value of the benefit described in the above paragraph at the prejudgment interest rate in effect on the day the payment or benefit was received or paid, for the period from the date the benefit was received or paid to the date that the state recovers the amount of the payment or value of the benefit.

99. The State of Texas is entitled to a civil penalty as required by Tex. Code § 36.052(a)(3)(B) for each unlawful act committed by Defendants.

100. Relator is entitled to reasonable attorneys' fees, costs, and expenses pursuant to Tex. Code § 36.110.

COUNT X
VIOLATIONS OF TEXAS CODE § 36.002(4)(B) – TEXAS MEDICAID FRAUD
PREVENTION ACT
(All Defendants)

101. Relator hereby incorporates and realleges herein the allegations set forth in Paragraphs 1-62.

102. As set forth above, Defendants TrueCore Behavioral Solutions, LLC; Boyne Capital; BHSB Holdings, Inc.; BHSB Investors, LLC; G4S US; G4S Youth Services, LLC; G4S Secure Solutions; and The Henry & Rilla White Youth Foundation, Inc. knowingly made, caused to be made, induced, or sought to induce the making of a false statement or misrepresentation of material fact concerning information required to be provided by a federal or state law, rule, regulation, or provider

agreement pertaining to the Medicaid program, in violation of Tex. Code § 36.002(4)(B).

103. The State of Texas is entitled to three times the amount of any payment or the value of any monetary or in-kind benefit provided under the Medicaid program, directly or indirectly, as a result of the unlawful act, including any payment made to a third party. Tex. Code §§ 36.052(a)(1) and 36.052(a)(4).

104. The State of Texas is entitled to prejudgment interest on the amount of the payment or the value of the benefit described in the above paragraph at the prejudgment interest rate in effect on the day the payment or benefit was received or paid, for the period from the date the benefit was received or paid to the date that the state recovers the amount of the payment or value of the benefit.

105. The State of Texas is entitled to a civil penalty as required by Tex. Code § 36.052(a)(3)(B) for each unlawful act committed by Defendants.

106. Relator is entitled to reasonable attorneys' fees, costs, and expenses pursuant to Tex. Code § 36.110.

COUNT XI
VIOLATIONS OF TEXAS CODE § 36.002(5) – TEXAS MEDICAID FRAUD
PREVENTION ACT
(All Defendants)

107. Relator hereby incorporates and realleges herein the allegations set forth in Paragraphs 1-62.

108. As set forth above, Defendants TrueCore Behavioral Solutions, LLC; Boyne Capital; BHSB Holdings, Inc.; BHSB Investors, LLC; G4S US; G4S Youth Services, LLC; G4S Secure Solutions; and The Henry & Rilla White Youth Foundation, Inc.

knowingly or intentionally charged, solicited, accepted, or received, in addition to an amount paid under the Medicaid program, a gift, money, or other consideration as a condition to the provision of a service or continued service to a Medicaid recipient where the cost of the service provided to the Medicaid recipient is paid for, in whole or in part, under the Medicaid program, in violation of Tex. Code § 36.002(5).

109. The State of Texas is entitled to three times the amount of any payment or the value of any monetary or in-kind benefit provided under the Medicaid program, directly or indirectly, as a result of the unlawful act, including any payment made to a third party. Tex. Code §§ 36.052(a)(1) and 36.052(a)(4).

110. The State of Texas is entitled to prejudgment interest on the amount of the payment or the value of the benefit described in the above paragraph at the prejudgment interest rate in effect on the day the payment or benefit was received or paid, for the period from the date the benefit was received or paid to the date that the state recovers the amount of the payment or value of the benefit.

111. The State of Texas is entitled to a civil penalty as required by Tex. Code § 36.052(a)(3)(B) for each unlawful act committed by Defendants.

112. Relator is entitled to reasonable attorneys' fees, costs, and expenses pursuant to Tex. Code § 36.110.

COUNT XII
VIOLATIONS OF TEXAS CODE § 36.002(9) – TEXAS MEDICAID FRAUD
PREVENTION ACT
(All Defendants)

113. Relator hereby incorporates and realleges herein the allegations set forth in Paragraphs 1-62.

114. As set forth above, Defendants TrueCore Behavioral Solutions, LLC; Boyne Capital; BHSB Holdings, Inc.; BHSB Investors, LLC; G4S US; G4S Youth Services, LLC; G4S Secure Solutions; and The Henry & Rilla White Youth Foundation, Inc. knowingly conspired to commit a violation of the Texas Medicaid Fraud Prevention, in violation of Tex. Code § 36.002(9).

115. The State of Texas is entitled to three times the amount of any payment or the value of any monetary or in-kind benefit provided under the Medicaid program, directly or indirectly, as a result of the unlawful act, including any payment made to a third party. Tex. Code §§ 36.052(a)(1) and 36.052(a)(4).

116. The State of Texas is entitled to prejudgment interest on the amount of the payment or the value of the benefit described in the above paragraph at the prejudgment interest rate in effect on the day the payment or benefit was received or paid, for the period from the date the benefit was received or paid to the date that the state recovers the amount of the payment or value of the benefit.

117. The State of Texas is entitled to a civil penalty as required by Tex. Code § 36.052(a)(3)(B) for each unlawful act committed by Defendants.

118. Relator is entitled to reasonable attorneys' fees, costs, and expenses pursuant to Tex. Code § 36.110.

COUNT XIII
VIOLATIONS OF TEXAS CODE § 36.002(13) – TEXAS MEDICAID FRAUD
PREVENTION ACT
(All Defendants)

119. Relator hereby incorporates and realleges herein the allegations set forth in Paragraphs 1-62.

120. As set forth above, Defendants TrueCore Behavioral Solutions, LLC; Boyne Capital; BHSB Holdings, Inc.; BHSB Investors, LLC; G4S US; G4S Youth Services, LLC; G4S Secure Solutions; and The Henry & Rilla White Youth Foundation, Inc. knowingly engaged in conduct that constitutes a violation of Tex. Code § 32.039(b), thus also violating Tex. Code. § 36.002(13).

121. The State of Texas is entitled to three times the amount of any payment or the value of any monetary or in-kind benefit provided under the Medicaid program, directly or indirectly, as a result of the unlawful act, including any payment made to a third party. Tex. Code §§ 36.052(a)(1) and 36.052(a)(4).

122. The State of Texas is entitled to prejudgment interest on the amount of the payment or the value of the benefit described in the above paragraph at the prejudgment interest rate in effect on the day the payment or benefit was received or paid, for the period from the date the benefit was received or paid to the date that the state recovers the amount of the payment or value of the benefit.

123. The State of Texas is entitled to a civil penalty as required by Tex. Code § 36.052(a)(3)(B) for each unlawful act committed by Defendants.

124. Relator is entitled to reasonable attorneys' fees, costs, and expenses pursuant to Tex. Code § 36.110.

COUNT XIV
VIOLATIONS OF TEXAS CODE § 36.002(12) – TEXAS MEDICAID FRAUD
PREVENTION ACT
(TrueCore Behavioral Solutions, LLC and Boyne Capital)

125. Relator hereby incorporates and realleges herein the allegations set forth in Paragraphs 1-62.

126. As set forth above, Defendants TrueCore Behavioral Solutions, LLC and Boyne Capital knowingly concealed or knowingly and improperly avoided or decreased an obligation to pay or transmit money or property to the Government in violation of Tex. Code. § 36.002(12).

127. The State of Texas is entitled to three times the amount of any payment or the value of any monetary or in-kind benefit provided under the Medicaid program, directly or indirectly, as a result of the unlawful act, including any payment made to a third party. Tex. Code §§ 36.052(a)(1) and 36.052(a)(4).

128. The State of Texas is entitled to prejudgment interest on the amount of the payment or the value of the benefit described in the above paragraph at the prejudgment interest rate in effect on the day the payment or benefit was received or paid, for the period from the date the benefit was received or paid to the date that the state recovers the amount of the payment or value of the benefit.

129. The State of Texas is entitled to a civil penalty as required by Tex. Code § 36.052(a)(3)(B) for each unlawful act committed by Defendants.

130. Relator is entitled to reasonable attorneys' fees, costs, and expenses pursuant to Tex. Code § 36.110.

PRAYER FOR RELIEF

WHEREFORE, Relator prays for judgment against Defendants:

- (a) awarding the United States treble damages sustained by it for each of the false claims;

- (b) awarding the United States the maximum civil penalty for each of the false claims and statements;
- (c) awarding the Plaintiff-States treble damages sustained by it for each of the false claims;
- (d) awarding the Plaintiff-States the maximum civil penalty for each of the false claims and statements;
- (e) awarding Relator thirty percent (30%) of the proceeds of this action and any alternate remedy or the settlement of any such claim;
- (f) awarding Relator all relief available, including special damages, resulting from retaliation pursuant to 31 U.S.C. § 3730(h);
- (g) awarding Relators litigation costs and reasonable attorneys' fees; and
- (h) granting such other relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Relators hereby respectfully demand trial by jury on all issues and counts triable as of right before a jury.

Dated: October 16, 2019

Respectfully submitted,



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JS 44 (Rev. 11/15)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA ex rel. RODNEY BROCKENBROUGH, et al.

(b) County of Residence of First Listed Plaintiff Chester
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Sass Law Firm; 601 West Dr. Martin Luther King Jr. Blvd
Tampa, FL 33603; 813-251-5599 & Bracker & Marcus, LLC, 3225
Shallowford Rd., Ste 1120, Marietta, GA 30062; 770-988-5035

DEFENDANTS

TRUECORE BEHAVIORAL SOLUTIONS, LLC, et al.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property-Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party Litigation 26 USC 7609	☐ 375 False Claims Act ☒ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
31 U.S.C. § 3729, et seq.

Brief description of cause:

Qui Tam action pursuant to Federal False Claims Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

FILED
 2019 OCT 16 AM 10:04
 CLERK, U.S. DISTRICT COURT
 MIDDLE DISTRICT FLORIDA
 TAMPA, FLORIDA