

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

DISTRICT OF COLUMBIA,
A municipal corporation,
441 4th Street NW,
Washington, D.C. 20001

Plaintiff,

v.

MOHAMMAD Y. SIKDER,
8118 Spring Hill Farm Dr.,
McLean, Virginia 22102

DISTRICT PROPERTIES.COM INC.,
52ND ST DEVELOPMENT INC.,
RUPSHA 2006 LLC,
RUSPHA 2007 LLC,
RUPSHA 2008 LLC,
6500 Chillum Place NW,
Washington, D.C. 20012

DISTRICT PROPERTIES.COM LLC,
RUPSHA 2011 LLC,
5100 Wisconsin Avenue NW,
Suite 515,
Washington, D.C. 20016

RUPSHA 2012 INC.,
6660 Tennyson Drive,
McLean, Virginia 22101

RUPSHA 2013 INC.,
5415 Connecticut Avenue,
Suite L25,
Washington, D.C. 20015

Defendants.

Case No.: 2021 CA 001100 B

Judge:

COMPLAINT

JURY TRIAL DEMANDED

PRELIMINARY STATEMENT

1. Plaintiff, the District of Columbia, by the Office of the Attorney General, files this civil enforcement against Defendant Mohammad Y. Sikder and the businesses under his control (collectively, “Defendants”) for significant and repeated violations of the District’s Lead-Hazard Prevention and Elimination Act, Consumer Protection Procedures Act, and Water Pollution Control Act in connection with flipping residential houses.

2. Lead is a well-recognized neurotoxin that, when ingested, causes physical and behavioral disorders in children and pregnant women. In 2019, Sikder and his corporation, District-Properties.Com LLC, pleaded guilty to committing violations of federal lead-based paint laws, and in doing so, admitted to violating related District laws and directing employees to falsify District permit applications to avoid regulatory scrutiny related to lead-based paint in homes he was providing for sale. The District’s investigation of Sikder’s business practices demonstrates repeated violation of the Lead-Hazard Prevention and Elimination Act.

3. Despite final administrative orders admonishing his conduct, and Sikder agreeing within settlements to stop certain water pollution violations, Sikder’s lawless behavior has continued to pollute District waters.

4. In sum, Defendants’ violations threaten District consumers, the public’s health, the integrity of the District’s governmental functions, and the District’s environment. For these violations, the District seeks injunctive relief and civil penalties.

JURISDICTION

5. This Court has subject matter jurisdiction pursuant to D.C. Code § 8-231.15, § 8-103.18(b)(1), and § 11-921(a)(6).

6. The Court has personal jurisdiction pursuant to D.C. Code § 13-423.

PARTIES

7. Plaintiff, the District of Columbia (“District”), a municipal corporation empowered to sue and be sued, is the local government for the territory constituting the permanent seat of the government of the United States. The District is represented in this enforcement action by its chief legal officer, the Attorney General for the District of Columbia. The Attorney General has general charge and conduct of all legal business of the District and all suits initiated by and against the District and is responsible for upholding the public interest. D.C. Code § 1-301.81(a)(1). The Attorney General is specifically authorized to enforce the Lead-Hazard Prevention and Elimination Act (LHPEA), the Consumer Protection Procedures Act (CPPA), and the Water Pollution Control Act (WPCA). *See* D.C. Code § 8-231.15(e); D.C. Code § 28-3909; D.C. Code § 8-103.08(b); D.C. Code § 8-103.16(e).

8. Defendant Mohammad Y. Sikder (“Sikder”) owns residential real estate in the District and is the owner and managing member of several corporate entities that also own residential real estate or perform renovation on residential real estate.

9. Sikder and the corporate entities of Rupsha 2006 LLC, Rupsha 2007 LLC, Rupsha 2008 LLC, Rupsha 2011 LLC, Rupsha 2012 Inc., Rupsha 2013 Inc., District-Properties.com, Inc., and 52nd St. Development Inc. over which Sikder has exclusive control, own, renovate, sell, maintain, manage, and rent residential homes

in the District. District-Properties.com LLC, of which Sikder is the sole and managing partner, performed or oversaw the unlawful construction and renovations at properties owned by Sikder and the corporate entities. Collectively, the corporate entities named as Defendants are referred to as “the corporate entities” in this Complaint.

10. Sikder has held himself out as exercising authority over the corporate entities under which he is the sole and managing member. He has knowledge and control of the day-to-day work and operations of the corporate entities.

APPLICABLE LAW

THE LEAD-HAZARD PREVENTION AND ELIMINATION ACT

11. The purpose of the LHPEA is to eliminate lead-based paint hazards from properties built prior to 1978 to reduce the risks of lead poisoning among District residents, in particular, District children aged 6 and under. To accomplish this, the LHPEA generally requires 1) renovation work to be in compliance with lead-safe work practice standards and 2) full disclosure of deteriorated paint and other lead-based paint hazards by property owners at the point of turnover to prospective tenants and buyers.

12. A residential property constructed prior to 1978 is presumed to have lead-based paint.

13. A lead-based paint hazard is any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or deteriorated lead-based

paint or presumed-lead based paint that is disturbed without containment. D.C. Code § 8-231.01(20).

The LHPEA's Requirements for Lead-Safe Work Practices

14. In furtherance of the LHPEA's lead-safe work practices provisions, companies and individuals that perform renovation in the District are required to have minimum qualifications, including being certified on proper procedures to safely work in housing with presumed lead-based paint and to reduce renovator and current and future occupant exposure to lead-based paint. D.C. Code § 8-231.10(c)(1); 20 DCMR § 3306.1-.2.

15. Renovators become certified by successfully completing either the United States Environmental Protection Agency's (EPA) accredited renovator course or the District's Department of Energy and Environment's (DOEE) renovator course. D.C. Code § 8-231.10(b); 20 DCMR § 3307.7.

16. The business entity or firm in charge of a renovation is responsible for ensuring that each of its employees and subcontractors who conduct renovations is a certified renovator. D.C. Code § 8-231.10(c); 20 DCMR § 3311.2(a).

17. A renovator that plans to disturb over 500 square feet of presumed-lead based paint, and is compensated for those services, shall obtain a DOEE permit for renovation. 20 DCMR § 3310.1(a).

18. Renovators shall adhere to lead-safe procedures to prevent unacceptable risk to workers and current or future dwelling occupants. These procedures include following the federal renovation, repair, and painting rule (the "RRP Rule") found at

40 C.F.R. §§ 745.80 through 745.92. D.C. Code § 8-231.11(b)(1)(A); 20 DCMR § 3302.4(d).

19. The RRP Rule require renovators to “use precautions to ensure that all personnel, tools, and other items, . . . are free of dust and debris before leaving the work area.” 40 C.F.R. § 745.85(a)(2)(i)(E).

20. Further, the RRP Rule require renovators to ensure renovation waste is contained to prevent releases of dust and debris before the waste is removed from the work area for storage and disposal. 40 C.F.R. § 745.85(a)(4)(i).

The LHPEA’s Disclosure Provisions

21. The disclosure provisions of the LHPEA require owners of a dwelling unit built before 1978 to disclose, to the purchaser or renter of the dwelling unit, information reasonably known to the owner about the presence of lead-based paint and lead-based paint hazards. D.C. Code § 8-231.10; 20 DCMR § 3313.1(a), (b).

22. Owners are required to provide disclosures on a DOEE-provided form, the *Lead Disclosure Form*. D.C. Code § 8-231.04(a)(2); 20 DCMR § 3313.2.

23. DOEE’s form provides an owner three options when providing lead-disclosure information to purchasers: 1) the owner knows or reasonably knows lead-based paint is present based on lead-based paint testing; 2) the owner does not know or reasonably know lead-based paint is present based on lead-based paint testing; or 3) while lead-based paint is not known to be present, the owner presumes its presence because the dwelling unit was constructed prior to 1978.

THE CONSUMER PROTECTION PROCEDURES ACT

24. The CPPA was designed to assure that a just mechanism exists to remedy all improper trade practices and deter the continuing use of such practices. D.C. Code § 28-3901(b). It is a remedial statute to be construed and applied liberally to promote its purpose. D.C. Code § 28-3901(c).

25. A person violates the CPPA when they “engage in an unfair or deceptive trade practice, whether or not any consumer is in fact misled, deceived, or damaged. . . .” D.C. Code § 28-3904.

26. Under the CPPA, a person shall not represent that goods or services are of a particular standard, quality, grade, style, or model, if in fact they are another. D.C. Code § 28-3904(d).

27. The CPPA also prohibits a person from misrepresenting a material fact which tends to mislead. D.C. Code § 28-3904(e).

28. Violating other District laws in the context of a consumer transaction constitutes a violation of the CPPA. *See* D.C. Code § 28-3904(dd).

THE WATER POLLUTION CONTROL ACT

29. The purpose of the Water Pollution Control Act (WPCA) is to restore and purify waters in the District of Columbia.

30. The WPCA prohibits any persons from discharging pollutants into the waters of the District, except as allowed by the Mayor. D.C. Code §§ 8-103.02, 8-103.06.

31. For construction and other activities that disturb land, such as clearing, grading, and excavation, the WPCA implementing regulations require entities performing construction to install soil erosion and sediment control measures to prevent transportation of sediment from the construction site. 21 DCMR § 543.3.

**DEFENDANTS' BUSINESS PRACTICES AND WIDESPREAD
VIOLATION OF FEDERAL AND DISTRICT OF COLUMBIA LAW**

32. Over the past decade, while constructing and renovating residential homes, Sikder has committed repeated violations of wide-ranging laws meant to protect the District's public health, environment, and integrity of the governmental functions.

33. After renovating the homes, Sikder sold and rented the homes for a substantial profit.

**SIKDER'S GUILTY PLEAS TO VIOLATIONS OF FEDERAL LEAD-BASED
PAINT LAWS AND RELATED ADMISSIONS**

34. In 2019 and 2020, in a criminal action brought by the United States of America (the "federal criminal case"), Sikder and District-Properties.Com, LLC pleaded guilty to violating federal lead-based paint laws and made several other admissions. *United States v. Sikder*, No. 19-00196-1 (D.D.C).

35. In the federal criminal case, Sikder pleaded guilty to violating the Toxic Substances Control Act, 15 U.S.C. § 2615(b)(1), specifically: 1) failing to follow lead-safe work practices as described in the RRP Rule, 40 C.F.R. § 745.85; 2) aiding and abetting, or causing an act to be done, in violation of the RRP Rule; 3) failing to provide a home purchaser adequate lead-based paint disclosures, as described in 40

C.F.R. § 745.107 (“the federal disclosure rule”); and 4) aiding and abetting, or causing an act to be done, in violation of the federal disclosure rule.

36. Regarding violation of the RRP Rule, Sikder admitted that, between the dates of July 14 and November 21, 2014:

- a. Sikder directed District-Properties.Com, LLC, to hire a contractor to complete demolition work at a residential property at 4423 Garfield Street NW (“the Garfield Street property”). The work included removing windows, removing interior and exterior painted surfaces, and removing floor and ceiling joists without following RRP Rule requirements.
- b. The federal Occupational Safety and Health Administration performed an inspection of the Garfield Street property on September 24, 2015 and found multiple hazards, including (1) employees performing manual demolition on a wall surface that had paint containing lead; (2) the lack of an employee exposure assessment to determine actual employee exposure; (3) the lack of lead training to employees; and (4) proper sanitation practices not being followed. Sampling analysis showed lead present on the dump truck and District-Properties.Com, LLC employees’ hands.

37. Regarding violation of the federal disclosure rule, Sikder admitted that in July 2017 he:

- a. Had two lead-based paint inspections performed—one before the Garfield Street property renovation and one after the renovation. The pre-renovation inspection was performed mostly on the exterior of the property, including the porch fascia, brick walls, and exterior doors and window trims, and found lead-based paint. The post-renovation inspection did not find lead-based paint but was performed only on the interior of the property.
- b. Submitted, under electronic signature, lead disclosure forms for the Garfield Street property and its purchaser, and stated he had no knowledge of lead-based paint or lead-based paint hazards at the house.
- c. Did not provide all lead-based paint inspection reports to the purchaser of the Garfield Street property. Specifically, while Sikder provided the purchaser with the post-renovation inspection report, he did not provide the pre-renovation inspection report.

38. In the federal criminal case, District-Properties.Com, LLC pleaded guilty to knowingly and willfully making false, fictitious, and fraudulent statements and representations in violations of 18 U.S.C. § 1001, and aiding and abetting, or causing an act to be done in violation of 18 U.S.C. § 1001. In particular, District-Properties.Com, LLC submitted false statements on forms triggering regulatory oversight of lead-based paint handling in homes built prior to 1978, stating that the

homes were built after 1978 despite knowing the homes were built before 1978. In particular, District-Properties.Com, LLC admitted that it:

- a. Provided false information to the District's Department of Consumer of Regulatory Affairs ("DCRA"), between 2011 and 2017. Specifically, District-Properties.Com, LLC submitted 25 renovation permit applications, including the Garfield Street property, to the DCRA. On the permit application, the company falsely represented that the properties had been built after 1978.
- b. This false information in permit applications circumvented additional permitting requirements and avoided DOEE and EPA oversight with respect to lead-based paint regulations. This oversight would have been triggered with accurate permit applications.

SIKDER'S EXTENSIVE VIOLATIONS OF DISTRICT OF COLUMBIA LAW

39. In addition to Sikder's guilty pleas in the federal criminal case, the District of Columbia Office of the Attorney General civil investigation into Sikder's business practices shows widespread violations of LHPEA, CPPA, and WPCA.

SIKDER'S VIOLATIONS OF THE LHPEA

40. From 2011 to 2016, Sikder and his corporate entities committed LHPEA violations at 29 residential properties, all of which were built before 1978.

41. When renovating the following homes, Sikder and his corporate entities failed to obtain a lead-based paint renovation permit, despite entering into a contract

to perform renovation activities and removing more than 500 square feet of painted drywall: 2924 26th Street NE; 3912 5th Street NW; 4729 47th Street NW; 5513 13th Street NW; 5921 33rd Street NW; 1216 Kennedy Street NW; 1508 D Street NE; 3134 Monroe Street NE; 3520 South Dakota Avenue NE; 4327 8th Street NW; 4404 15th Street NW; 5321 Connecticut Avenue NW; 5525 30th Street NW; 6920 Greenvale Street NW; 1315 Delafield Place NW; 4807 Davenport Street NW; 6625 Harlan Place NW; and 5317 16th Street NW.

42. When renovating the following homes, Sikder and his corporate entities failed to ensure that drywall removal and other work that disturbed presumed lead-based paint was performed by a certified renovator: 2924 26th Street NE; 3912 5th Street NW; 4729 47th Street NW; 5513 13th Street NW; 5921 33rd Street NW; 1216 Kennedy Street NW; 1508 D Street NE; 3134 Monroe Street NE; 3520 South Dakota Avenue NE; 4327 8th Street NW; 4404 15th Street NW; 5321 Connecticut Avenue NW; 5525 30th Street NW; 6920 Greenvale Street NW; 1315 Delafield Place NW; 4807 Davenport Street NW; 6625 Harlan Place NW; 2718 Hamlin St. NE; 5536 30th Place NW; 2421 Franklin Street NE; 1923 1st Street NE; 1835 Kendall Street NE; 1706 3rd Street NE; 1510 W Street SE; and 1217 Evarts Street NE.

43. When selling the following homes, Sikder and his corporate entities provided inaccurate or misleading lead-based paint disclosures to purchasers: 4423 Garfield Street NW; 2718 Hamlin Street NE; 6625 Harlan Place NW; 3801 52nd Street NW; and 5243 Sherier Place NW. In fact, in the federal criminal case, Sikder admitted to intentionally providing false lead-based paint disclosures and failing to

provide all relevant lead-based paint reports to the purchaser when selling 4423 Garfield Street NW.

44. When renovating 4423 Garfield Street NW, Sikder and his corporate entity of District-Properties.Com, LLC did not follow the RRP Rule. In fact, Sikder has admitted that his employees or subcontractors under his control performed renovations that did not follow required lead-safe work practices.

45. Sikder has also admitted that sampling analysis showed lead was present on a dump truck used to dispose of renovation waste and material and on District-Properties.Com, LLC employees' hands.

SIKDER'S VIOLATIONS OF THE CPPA

46. Sikder's and his corporate entities' false or inaccurate lead-based paint disclosures constitute separate violations under the CPPA.

47. A residential property is a good or service under the CPPA.

48. Sikder and his corporate entities provided false or inaccurate lead-based paint disclosures to the purchasers of 2718 Hamlin Street NE, 6625 Harlan Place NW, 3801 52nd Street NW, 5243 Sherier Place NW, and 4323 Garfield Street NW (the "five false disclosure properties").

49. For each of the five false disclosure properties, Sikder and his corporate entities affirmatively stated lead-based paint was not present at the property, despite having knowledge that either lead-based paint was present or lead-based paint was presumed to be present because of the properties' original construction date.

SIKDER'S VIOLATIONS OF
THE WATER POLLUTION CONTROL ACT

50. Sikder's and his corporate entities' construction and renovation activities has resulted in fourteen previously adjudicated or settled WPCA administrative enforcement actions, and for many of these Sikder has admitted liability. Sikder's and his corporate entities' construction or renovation practices disturbed land but failed to have adequate sediment erosion control practices in place, often times resulting in the discharge of soil to the public street and entering or threatening to enter District waters.

51. Despite the previous administrative enforcement actions and settlements, on April 24, 2020, District inspectors again observed soil and dirt discharging from a District-Properties.com LLC construction site near the 2600 block of Q Street SE.

52. District-Properties.com LLC did not have adequate soil erosion and sediment control measures in place to prevent the discharge of these pollutants off-site.

53. The soil and dirt from the District-Properties.com, LLC construction site discharged to a nearby stormwater catch basin.

54. The stormwater catch basin is connected to an outfall that discharges to the Anacostia River.

CLAIMS FOR RELIEF

COUNT ONE
Violations of the LHPEA

55. The District realleges and incorporates by reference the allegations in the preceding paragraphs.

56. When performing renovations, Sikder and his corporate entities entered into a contract to renovate and in fact did remove more than 500 square feet of painted building components and drywall at: 2924 26th Street NE; 3912 5th Street NW; 4729 47th Street NW; 5513 13th Street NW; 5921 33rd Street NW; 1216 Kennedy Street NW; 1508 D Street NE; 3134 Monroe Street NE; 3520 South Dakota Avenue NE; 4327 8th Street NW; 4404 15th Street NW; 5321 Connecticut Avenue NW; 5525 30th Street NW; 6920 Greenvale Street NW; 1315 Delafield Place NW; 4807 Davenport Street NW; 6625 Harlan Place NW; and 5317 16th Street NW.

57. The LHPEA's implementing regulations require renovators to have a permit when removing more than 500 square feet of walls on a dwelling built before 1978. 20 DCMR § 3310.1(a).

58. Sikder and the corporate entities under his control failed to obtain the necessary LHPEA permits for the renovations described in ¶ 56.

59. When performing renovations, Sikder's employees or subcontractors performed drywall removal and other work that disturbed presumed lead-based paint at the properties identified in ¶ 56 and at: 2718 Hamlin St. NE; 5536 30th Place NW; 2421 Franklin Street NE; 1923 1st Street NE; 1835 Kendall Street NE; 1706 3rd Street NE; 1510 W Street SE; and 1217 Evarts Street NE.

60. The LHPEA requires renovators to ensure they, or their subcontractors, are certified as renovators by the United States Environmental Protection Agency or DOEE when disturbing presumed lead-based paint. D.C. Code § 8-231.10(c)(1).

61. Sikder and the corporate entities under his control failed to ensure employees, or subcontractors, who disturbed presumed lead-based paint during the renovations described in this Count, were certified by the EPA or DOEE.

62. When performing renovation at 4423 Garfield Street NW, District-Properties.Com LLC removed interior and exterior painted surfaces.

63. Sikder admits that sampling showed the presence of lead on workers hands and a dump truck used to transport off-site material removed from 4423 Garfield Street NW.

64. The LHPEA requires that renovators follow the federal Renovation Repair and Painting rules. D.C. Code § 8-231.11(b)(1)(A).

65. The RRP Rule require renovators to “use precautions to ensure that all personnel, tools, and other items, . . . are free of dust and debris before leaving the work area.” 40 C.F.R. § 745.85(a)(2)(i)(E).

66. Further, the RRP Rule requires renovators to ensure renovation waste is contained to prevent releases of dust and debris before the waste is removed from the work area for storage and disposal. 40 C.F.R. § 745.85(a)(4)(i).

67. Sikder admits to violating the RRP Rule at 4423 Garfield Street NW.

68. District-Properties.Com LLC failed to ensure that employees were free of dust and debris before leaving the work area at 4423 Garfield Street NW.

69. District-Properties.Com LLC failed to ensure renovation waste was contained to prevent releases of dust and debris at 4423 Garfield Street NW.

70. When selling pre-1978 residences at 2718 Hamlin Street NE, 6625 Harlan Place NW, 3801 52nd Street NW, 5243 Sherier Place NW, and 4423 Garfield Street NW, Sikder and the corporate entities under his control did not provide adequate lead-based paint disclosures.

71. Sikder and the corporate entities under his control failed to disclose to purchasers that lead-based paint was presumed to be at the residences described in ¶ 70. Instead, without actual knowledge, Sikder and the corporate entities under his control affirmatively stated “lead-based paint is not known or reasonably known to be present on the interior or on the exterior of the property, including common areas.”

72. When selling 4423 Garfield Street NW, Rupsha 2013 Inc. did not provide all available information regarding the presence of lead-based paint to prospective purchasers.

73. Sikder admitted to failing to provide adequate lead-based paint disclosure at 4423 Garfield Street NW under federal law.

74. The LHPEA requires an owner to disclose to the purchaser information reasonably known to the owner about the presence of lead-based paint and lead-based paint hazards. D.C. Code § 8-231.04(a).

75. Sikder and the corporate entities under his control failed to provide adequate disclosure information to the purchasers of 2718 Hamlin Street NE, 6625

Harlan Place NW, 3801 52nd Street NW, 5243 Sherier Place NW, and 4423 Garfield Street NW.

COUNT TWO
Unlawfully Providing False or Misleading Information to Consumers
in Violation of the CPPA

76. The District realleges and incorporates the allegations in the preceding paragraphs.

77. When selling homes at 2718 Hamlin Street NE, 6625 Harlan Place NW, 3801 52nd Street NW, 5243 Sherier Place NW, and 4423 Garfield Street NW, Sikder and the corporate entities under his control did not provide adequate lead-based paint disclosures to the purchasers of the residences.

78. Sikder's corporate entities failed to disclose to purchasers that lead-based paint was presumed in the pre-1978 residences described in this Count.

79. The Consumer Protection Procedures Act prohibits persons from representing that goods or services are of a particular standard, quality, grade, style, or model, if in fact they are another; and misrepresenting as to a material fact which has a tendency to mislead. D.C. Code § 28-3904(d), (e).

80. Sikder's corporate entities made material misrepresentations when selling the pre-1978 residential properties described in this Count by stating the property did not have lead-based paint.

COUNT THREE
Defendants' *Per Se* Violations of the CPPA

81. The District realleges and incorporates the allegations in the preceding paragraphs.

82. A trade practice that violates another District law in the context of a consumer transaction is *per se* unlawful, unfair or deceptive under the CPPA. *See Dist. Cablevisions Ltd. P'ship v. Bassin*, 828 A.2d 714, 723 (D.C. 2003) ("Trade practices that violate other laws, including the common law, also fall within the purview of the CPPA.").

83. Such a trade practice violates the CPPA regardless of whether merchants subjectively believe they are violating other District laws. *See Saucier v. Countrywide Home Loans*, 64 A.3d 428, 442 (D.C. 2013).

84. When selling homes at 2718 Hamlin Street NE, 6625 Harlan Place NW, 3801 52nd Street NW, 5243 Sherier Place NW, and 4423 Garfield Street NW, Sikder and the corporate entities under his control did not provide adequate lead-based paint disclosures to the purchasers of the residences.

85. Each failure to provide adequate disclosures is a violation of the LHPEA and its implementing regulations. D.C. Code § 8-231.04(a); 20 DMCR § 3313.1 and .2; and 16 DCMR § 4003.4(q) and (r).

86. The violations of the LHPEA's disclosure provision by Sikder and the corporate entities under his control constitute separate violations under the CPPA. D.C. Code § 28-3904(dd).

COUNT FOUR
**Unlawful Discharges of Pollutants and Failure to Use Adequate Sediment
and Erosion Control Measures in Violation of the WPCA**

87. The District realleges and incorporates the allegations in the preceding paragraphs.

88. The WPCA prohibits the unpermitted discharge of pollutants into District waters. D.C. Code § 8-103.02.

89. When a person engages in razing or land-disturbing activity, the person shall use adequate soil erosion and sediment control measures to prevent transportation of sediment from the site of the land-disturbing activity. 20 DCMR § 543.3.

90. On April 24, 2020, without a permit, Sikder's and District-Properties.Com LLC's construction site discharged a pollutant or pollutants from the 2600 block of Q Street SE which entered or threatened to enter District waters.

91. Sikder's and District-Properties.Com LLC's soil erosion and sediment control measures failed to prevent sediment from being transported off the construction site.

REQUEST FOR RELIEF

WHEREFORE, the District respectfully request that judgment be entered in its favor and against Defendants, and that this Court impose civil penalties, fines, and other relief as follows:

1. A declaratory judgment that Defendants have violated the Lead-Hazard Prevention and Elimination Act, Consumer Protection Procedures Act, and the Water Pollution Control Act.
2. Statutory penalties against Defendants, as authorized under the Lead-Hazard Prevention and Elimination Act, Consumer Protection Procedures Act, and the Water Pollution Control Act, in an amount to be proven at trial;
3. A permanent injunction enjoining Defendants from violating the District's Lead-Hazard Prevention and Elimination Act, Consumer Protection Procedures Act, and the Water Pollution Control Act; and
4. Such other relief as this Court deems just and proper.

JURY DEMAND

The District demands a jury trial on all issues triable of right by a jury in this matter.

Dated this 7th of April, 2021.

Respectfully submitted,

KARL A. RACINE
Attorney General for the District of
Columbia

KATHLEEN KONOPKA
Deputy Attorney General
Public Advocacy Division

/s/ Jennifer L. Berger
JENNIFER L. BERGER [490809]
Chief, Social Justice Section

/s/ Wesley Rosenfeld
WESLEY ROSENFELD [1002428]
Assistant Attorney General

400 6th Street, NW
Washington, D.C. 20001
(202) 368-2569 (phone)
Wesley.Rosenfeld1@dc.gov

Counsel for the District of Columbia