

Ms. Evelyn Langlieb Greer, Board Member

**SUBJECT: REQUEST TO INITIATE LITIGATION AGAINST THE THREE
UNIVERSITIES/COLLEGES NOT PROVIDING INFORMATION
REGARDING FRAUDULENT CREDENTIALS AND/OR
ENDORSEMENTS**

COMMITTEE: INNOVATION, EFFICIENCY & GOVERNMENTAL RELATIONS

Based upon the briefings to the School Board, the recent grand jury report, other information provided by the Superintendent and at Board Committee meetings and in the *The Miami Herald* articles, it is appropriate and timely for the District to initiate civil litigation against the five universities and colleges which facilitated the MOTET fraud. Such litigation should be instituted by the School Board Attorney or by outside counsel. Such outside counsel should be retained on a contingent fee basis, if possible, in order to reduce the cost to the District.

Counsel should be retained for the following purposes:

1. To initiate a civil lawsuit in Miami-Dade County against the five universities and colleges (the "Defendants") for fraud, conspiracy, breach of contract, and such other grounds as counsel may develop after investigation. The lawsuit should seek to recover the substantial damages for the costs of the District's investigation, the wages and benefits paid as a result of the fraud which would not have otherwise been paid, and other damages arising from the fraud.
2. The lawsuit should give the District a forum in which to obtain, through subpoena and court order, the books and records in the Defendant's possession pertaining to MDCPS employees who used fraudulent credits in connection with their employment. Given the non-response of the Defendants to the Superintendent's requests for records, this will allow the District to obtain records and initiate administrative proceedings in regard to District employees who obtained credits through MOTET.
3. The lawsuit would provide the District with a means to take statements from the Defendant institutions, subpoena records and develop a comprehensive understanding of how the fraud was perpetrated and by whom, which evidence and information will facilitate the District's internal administrative proceedings.

4. Since Dr. McCoggle, the prime conspirator, has pleaded guilty, his deposition may now be taken in a civil case without his having a basis to invoke his 5 amendment privilege. His deposition should be taken as soon as possible by our outside counsel, to create a roadmap of the means by which the fraud was conducted.

The MOTET fraud has cast doubt on the teaching credentials of our professional staff, both innocent and guilty, and must be resolved as quickly as possible. Further, the costs of such investigation should be borne by the parties who facilitated the fraud, not by the taxpayers, employees, and children of this District.

**ACTION PROPOSED BY
MS. EVELYN LANGLIEB GREER:**

That The School Board of Miami-Dade County,
Florida:

1. Direct the School Board Attorney to review the MOTET fraud situation and advise the Board as to whether the School Board Attorney recommends that civil litigation, as set forth above, should be instituted against the five colleges and universities involved in the MOTET fraud.
2. If the School Board attorney determines that litigation should be commenced, then the School Board Attorney is authorized to commence such litigation using District employees or to retain outside counsel and commence such litigation.