

**IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

DISTRICT OF COLUMBIA,
a municipal corporation,
441 4th Street, N.W.
Washington, D.C. 20001,

Plaintiff,

v.

DURIEL J. COBB
5143 Grayden Lane
Brandywine, MD 20613,

and

TALAYA A. COBB
6027 Glen Rock Avenue
Fort Washington, MD 20744,

Defendants.

Case No.: _____

JURY TRIAL DEMANDED

FALSE CLAIMS ACT COMPLAINT AND JURY DEMAND

The District of Columbia, by its Office of the Attorney General, brings this action against Defendants Duriel J. Cobb and Talaya A. Cobb under D.C. Code § 2-381.02(a) and the common law, and alleges as follows:

Jurisdiction

1. This Court has subject matter jurisdiction over this case under D.C. Code § 11-921 and § 2-381.02(a).
2. This Court has personal jurisdiction over Defendants under D.C. Code § 13-423(a)(1) and (3).

Parties

3. 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 by and through 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).

4. Defendant Duriel J. Cobb, a physical education teacher at KIPP DC's Douglass Campus, a District public charter school campus, is an individual residing at 5143 Grayden Lane, Brandywine, Maryland 20613.

5. Defendant Talaya A. Cobb (née Perry) is an individual residing at 6027 Glen Rock Avenue, Fort Washington, Maryland 20744.

Defendants' Sons

6. Defendants have a son, D.J.C., who attended Miner Elementary School (Miner), a District of Columbia Public Schools (DCPS) school, for the entirety of the 2008-2009, 2009-2010, 2010-2011, and 2011-2012 school years, and for a portion of the 2012-2013 school year. D.J.C. subsequently attended KIPP DC Heights Academy, a District public charter school, for the 2014-2015 school year, and KIPP DC AIM Academy, a District public charter school, for the 2015-2016 and 2016-2017 school years, and is enrolled there currently for the 2017-2018 school year.

7. Defendants have another son, D.C.C., who attended Miner for a portion of the 2012-2013 school year. D.C.C. subsequently attended KIPP DC Discover Academy, a District public charter school, for the 2014-2015 school year, and KIPP DC Heights Academy, a District public charter school, for the 2015-2016 and 2016-2017 school years, and is enrolled there currently for the 2017-2018 school year.

8. During the time that D.J.C. and D.C.C. attended Miner, Defendant Duriel J. Cobb was employed as a teacher at Miner. Defendant Duriel J. Cobb has been employed as a physical education teacher at KIPP DC's Douglass Campus, where KIPP DC Discover Academy, KIPP DC Heights Academy, and KIPP DC AIM Academy are all located, from 2015 to the present.

9. At all times relevant to the acts described in this Complaint, unless otherwise noted, Defendants and their children, D.J.C. and D.C.C., were residents of the State of Maryland.

District of Columbia False Claims Act

10. The District's False Claims Act provides that:

(a) Any person who commits any of the following acts shall be liable to the District for 3 times the amount of damages which the District sustains because of the act of that person. A person who commits any of the following acts shall also be liable to the District for the costs of a civil action brought to recover penalties or damages, and may be liable to the District for a civil penalty of not less than \$5,500, and not more than \$11,000, for each false or fraudulent claim for which the person:

* * *

(6) Knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or

property to the District, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the District

D.C. Code § 2-381.02 (2013).

11. The District’s False Claims Act defines “[k]nowing” or “knowingly” to mean “[t]hat a person, with respect to information, does any of the following: (i) Has actual knowledge of the information; (ii) Acts in deliberate ignorance of the truth or falsity of the information; or (iii) Acts in reckless disregard of the truth or falsity of the information.” D.C. Code § 2-381.01(7)(A). Proof of specific intent to defraud is not required for an act to be knowing. D.C. Code § 2-381.01(7)(B).

12. The District’s False Claims Act defines “[m]aterial” to mean “having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.” D.C. Code § 2-381.01(8).

13. The District’s False Claims Act defines “obligation” to mean “an established duty, whether or not fixed, arising from . . . statute or regulation, or from the retention of any overpayment.” D.C. Code § 2-381.01(9).

Nonresident Tuition

14. D.C. Code § 38-302(a)(2) requires that nonresident tuition be paid for each student who attends a District public school and does not have a parent, guardian, custodian, or other primary caregiver who resides in the District. *See also* D.C. Code § 38-1800.02(25). Nonresident tuition rates are set by the District’s Office of the State Superintendent of Education to “cover all expenses” incurred by District schools in educating the student. D.C. Code § 38-302(b).

15. D.C. Code § 38-301(11) defines “parent” as “a natural parent, stepparent, or parent by adoption who has custody or control of a student, including joint custody.”

16. Public charter schools in the District are District government-funded schools that are “open to all students who are residents of the District, and, if space is available,” to nonresident students for whom tuition must be paid. D.C. Code § 38-1802.06(a), (e).

17. Nonresidents are required to pay tuition to enroll nonresident children in DCPS schools and District public charter schools because public funds are appropriated to the schools for the sole purpose of educating the children and youth of District residents. D.C. Code § 38-2902.

Defendants’ Children’s Attendance at a DCPS School

18. In 2008, D.J.C. began attending Miner, a DCPS school.

19. D.J.C. attended Miner tuition-free, as if he were a District resident, for the entirety of the 2008-2009, 2009-2010, 2010-2011, and 2011-2012 school years, and for a portion of the 2012-2013 school year. During this time, except for the period of November 2010 through February 2011, D.J.C. was living with both Defendants in Oxon Hill, Maryland or with Defendant Talaya A. Cobb in Suitland, Maryland.

20. In 2012, D.C.C. began attending Miner.

21. D.C.C. attended Miner tuition-free, as if he were a District resident, for a portion of the 2012-2013 school year. During this time period, D.C.C. was living with Defendant Talaya A. Cobb in Suitland, Maryland.

22. On January 30, 2013, Defendant Duriel J. Cobb withdrew D.J.C. and D.C.C. from Miner. On January 31, 2013, Defendant Talaya A. Cobb enrolled D.J.C. in a Prince George's County Public Schools school in Suitland, Maryland using her Suitland, Maryland address.

**Defendants' Failure to Pay Nonresident Tuition
Owed to a DCPS School**

23. Nonresident tuition for D.J.C. to attend Miner for the 2008-2009, 2009-2010, 2010-2011, and for portions of the 2011-2012 and 2012-2013 school years, totals \$44,460.00.

24. Nonresident tuition for D.C.C. to attend Miner for a portion of the 2012-2013 school year totals \$5,304.00.

25. To date, Defendants have not paid any of the nonresident tuition owed for D.J.C. and D.C.C.'s attendance at Miner, nor have any tuition payments been made on their behalf.

**Defendant Talaya A. Cobb's False Statements to a
District Public Charter School (2014-2015 School Year)**

26. In 2014, Defendant Talaya A. Cobb enrolled D.J.C. as a student at KIPP DC Heights Academy, a District public charter school, for the 2014-2015 school year.

27. In 2014, Defendant Talaya A. Cobb enrolled D.C.C. as a student at KIPP DC Discover Academy, a District public charter school, for the 2014-2015 school year.

28. Defendant Talaya A. Cobb submitted residency documentation to the District's Office of the State Superintendent of Education (OSSE) to support her claim of District residency. On August 14, 2014, an OSSE school official reviewed the residency documentation Defendant Talaya A. Cobb submitted regarding D.J.C., including a D.C. motor vehicle registration and unexpired D.C. motor vehicle operator's permit, both of which showed an address of 1025 13th Street, S.E., #24, Washington, D.C. 20003. On July 23, 2014, an OSSE school official reviewed the residency documentation Defendant Talaya A. Cobb submitted regarding D.C.C., including a D.C. motor vehicle registration and unexpired D.C. motor vehicle operator's permit, both of which showed an address of 1025 13th Street, S.E., #24, Washington, D.C. 20003.

29. Relying on the residency information Defendant Talaya A. Cobb submitted, KIPP DC Heights Academy enrolled D.J.C. as a student, and KIPP DC Discover Academy enrolled D.C.C. as a student, for the 2014-2015 school year. The students were enrolled as District residents.

30. Defendant Talaya A. Cobb knew the residency information she submitted was incorrect because, when she submitted the residency information, she knew that D.J.C. and D.C.C. were living with her in New Carrollton, Maryland

or Suitland, Maryland, and not at the District address she stated on the residency forms.

31. D.J.C. and D.C.C. attended District public charter schools tuition-free, as if they were District residents, during the 2014-2015 school year.

Defendant Talaya A. Cobb's False Statements to a District Public Charter School (2015-2016 School Year)

32. On May 15, 2015, Defendant Talaya A. Cobb electronically submitted a Re-Enrollment Form to KIPP DC AIM Academy to enroll D.J.C. as a student for the 2015-2016 school year.

33. On May 15, 2015, Defendant Talaya A. Cobb electronically submitted a Re-Enrollment Form to KIPP DC Heights Academy to enroll D.C.C. as a student for the 2015-2016 school year.

34. On each Re-Enrollment Form, Defendant Talaya A. Cobb stated that she and each child lived at 1025 13th Street, S.E., #24, Washington, D.C. 20003. On each form, Defendant Talaya A. Cobb checked "Yes" in response to the question, "Do the Student AND Parent/Guardian live in D.C.?" and selected "Permanent" as her housing status on the forms, indicating that she and her children were District residents. Defendant Talaya A. Cobb electronically signed each form, certifying that "all information provided in this form is true, accurate, and complete."

35. Relying on the residency information Defendant Talaya A. Cobb submitted in the Re-Enrollment Forms, KIPP DC Heights Academy enrolled D.J.C. as a student, and KIPP DC Discover Academy enrolled D.C.C. as a student, for the 2015-2016 school year. The students were enrolled as District residents.

36. Defendant Talaya A. Cobb knew the information she provided on the forms was incorrect because, when she electronically signed and submitted the forms, she knew that D.J.C. and D.C.C. were living with her in Suitland, Maryland, and not at the District address she stated on the enrollment forms.

37. D.J.C. and D.C.C. attended District public charter schools tuition-free, as if they were District residents, during the 2015-2016 school year.

Defendant Talaya A. Cobb's False Statements to a District Public Charter School (2016-2017 School Year)

38. On May 29, 2016, Defendant Talaya A. Cobb electronically submitted a Re-Enrollment Form to KIPP DC AIM Academy to enroll D.J.C. as a student for the 2016-2017 school year.

39. On May 29, 2016, Defendant Talaya A. Cobb electronically submitted a Re-Enrollment Form to KIPP DC Heights Academy to enroll D.C.C. as a student for the 2016-2017 school year.

40. On each Re-Enrollment Form, Defendant Talaya A. Cobb stated that she and each child lived at 1025 13th Street, S.E., #24, Washington, D.C. 20003. On each form, Defendant Talaya A. Cobb checked "Yes" in response to the question, "Do the Student AND Parent/Guardian live in D.C.?" and selected "Permanent" as her housing status on the forms, indicating that she and her children were District residents. Defendant Talaya A. Cobb electronically signed each form, certifying that "all information provided in this form is true, accurate, and complete."

41. Defendant Talaya A. Cobb also signed and submitted D.C. Residency Verification Forms for D.J.C. on April 22, 2016 and for D.C.C. on April 14, 2016. On

each form, Defendant Talaya A. Cobb affirmed that she resided at 1025 13th Street, S.E., #24, Washington, D.C. 20003, signed a sworn statement of D.C. Residency, and certified that she understood the penalties for submitting false statements.

42. Relying on the residency information Defendant Talaya A. Cobb submitted in the Re-Enrollment Forms and Residency Verification Forms, KIPP DC Heights Academy enrolled D.J.C. as a student, and KIPP DC Discover Academy enrolled D.C.C. as a student, for the 2016-2017 school year. The students were enrolled as District residents.

43. Defendant Talaya A. Cobb knew the information she provided on the forms was incorrect because, when she signed and submitted the forms, she knew that D.J.C. and D.C.C. were living with her in Suitland, Maryland, and not at the District address she stated on the enrollment and residency forms.

44. D.J.C. and D.C.C. attended District public charter schools tuition-free, as if they were District residents, during the 2016-2017 school year.

**Defendant Talaya A. Cobb's False Statements to a
District Public Charter School (2017-2018 School Year)**

45. On April 29, 2017, Defendant Talaya A. Cobb electronically submitted a Re-Enrollment Form to KIPP DC AIM Academy to enroll D.J.C. as a student for the 2017-2018 school year.

46. On April 29, 2017, Defendant Talaya A. Cobb electronically submitted a Re-Enrollment Form to KIPP DC Heights Academy to enroll D.C.C. as a student for the 2017-2018 school year.

47. On each Re-Enrollment Form, Defendant Talaya A. Cobb stated that she lived at 1025 13th Street, S.E., #24, Washington, D.C. 20003. On each form, Defendant Talaya A. Cobb answered “Mother Only” in response to the question, “Who does the student live with?” and selected “Permanent” as her housing status on the forms, indicating that she and her children were District residents. Defendant Talaya A. Cobb electronically signed both forms, certifying that “all information provided in this form is true, accurate, and complete.”

48. Defendant Talaya A. Cobb also signed and submitted D.C. Residency Verification Forms to OSSE for D.J.C. on April 7, 2017 and for D.C.C. on April 5, 2017. On each form, Defendant Talaya A. Cobb affirmed that she resided at 1025 13th Street, S.E., #24, Washington, D.C. 20003, signed a sworn statement of D.C. Residency, and certified that she understood the penalties for submitting false statements.

49. Relying on the residency information that Defendant Talaya A. Cobb submitted in the Re-Enrollment Forms and Residency Verification Forms, KIPP DC Heights Academy enrolled D.J.C. as a student, and KIPP DC Discover Academy enrolled D.C.C. as a student, for the 2017-2018 school year. The students were enrolled as District residents.

50. Defendant Talaya A. Cobb knew the information she provided on the forms was incorrect because, when she signed and submitted the forms, she knew that D.J.C. and D.C.C. were living with her in Suitland, Maryland, and not at the District address she stated on the enrollment and residency forms.

51. D.J.C. and D.C.C. have attended District public charter schools tuition-free, as if they were District residents, during the 2017-2018 school year.

**Defendant Talaya A. Cobb's False Statements to a
District Public Charter School (2018-2019 School Year)**

52. On April 10, 2018, Defendant Talaya A. Cobb electronically submitted a Registration Form (Enrollment Form) to KIPP DC AIM Academy to enroll D.J.C. as a student for the 2018-2019 school year.

53. On April 9, 2018, Defendant Talaya A. Cobb electronically submitted a Registration Form (Enrollment Form) to KIPP DC Heights Academy to enroll D.C.C. as a student for the 2018-2019 school year.

54. On each Enrollment Form, Defendant Talaya A. Cobb stated that she lived at 1025 13th Street, S.E., #24, Washington, D.C. 20003. On each form, Defendant Talaya A. Cobb answered "Yes" in response to the question, "Do the Student AND Parent/Guardian live in D.C.?" and selected "Permanent" as her housing status on the forms, indicating that she and her children were District residents. Defendant Talaya A. Cobb also electronically signed both forms, certifying that "all information provided in this form is true, accurate, and complete."

55. Defendant Talaya A. Cobb also signed and submitted D.C. Residency Verification Forms for D.J.C. and D.C.C. on April 4, 2018. On each form, Defendant Talaya A. Cobb affirmed that she resided at 1025 13th Street, S.E., #24, Washington, D.C. 20003, signed a sworn statement of D.C. Residency, and certified that she understood the penalties for submitting false statements.

56. Defendant Talaya A. Cobb knew the information she provided on the forms was incorrect because, when she signed and submitted the forms, she knew that D.J.C. and D.C.C. were living with her in Fort Washington, Maryland, and not at the District address she stated on the enrollment and residency forms.

**Defendant Duriel J. Cobb's Knowing Avoidance of an
Obligation to Pay District Nonresident Tuition**

57. Defendant Duriel J. Cobb, a resident of Maryland, former DCPS employee, and current District public charter school employee, knew he was obligated to pay nonresident tuition for his children to attend District public charter schools because he knew that he, his children, and Defendant Talaya A. Cobb resided in Maryland, and not in the District. During the 2014-2015 and 2015-2016 school years, Defendant Duriel J. Cobb resided in Upper Marlboro, Maryland. During the 2016-2017 and 2017-2018 school years, Defendant Duriel J. Cobb resided, and continues to reside, in Laurel, Maryland or Brandywine, Maryland.

58. Defendant Duriel J. Cobb also knew that, by failing to notify OSSE that he, Defendant Talaya A. Cobb, and their children were Maryland residents, he improperly avoided an obligation to pay nonresident tuition to the District.

**Defendants' Failure to Pay Nonresident Tuition Owed
to District Public Charter Schools**

59. Nonresident tuition for D.J.C. to attend a District public charter school for the 2014-2015, 2015-2016, 2016-2017, and 2017-2018 school years totals \$40,054.00.

60. Nonresident tuition for D.C.C. to attend a District public charter school for the 2014-2015, 2015-2016, 2016-2017, and 2017-2018 school years totals \$41,341.00.

61. To date, Defendants have not paid any of the nonresident tuition they owe to the District for D.J.C. and D.C.C.'s attendance at District public charter schools, nor have any tuition payments been made on their behalf.

COUNT I
False Claims Act
Knowingly Making a False Record or Statement
Material to Avoid an Obligation to Pay the District
(D.C. Code § 2-381.02(a)(6))

62. Paragraphs 1 through 61 are realleged as if fully set forth herein.

63. Defendant Talaya A. Cobb knowingly made, used, and caused to be made or used, false records or statements to conceal, avoid, or decrease a material obligation to pay the District. Defendant Talaya A. Cobb knowingly signed and submitted false enrollment documents for her two children, causing District public charter schools to decline to charge nonresident tuition for her children's attendance during the 2014-2015, 2015-2016, 2016-2017, and 2017-2018 school years in violation of D.C. Code § 2-381.02(a)(6).

64. Defendant Talaya A. Cobb knowingly signed and submitted false enrollment documents for her two children for the upcoming 2018-2019 school year in an effort to cause District public charter schools to decline to charge nonresident tuition for her children's attendance in the 2018-2019 school year.

COUNT II
False Claims Act
Knowingly Concealing and Knowingly and Improperly
Avoiding or Decreasing and an Obligation to Pay the District
(D.C. Code § 2-381.02(a)(6))

65. Paragraphs 1 through 61 are realleged as if fully set forth herein.

66. Defendant Duriel J. Cobb knowingly concealed and knowingly and improperly avoided or decreased an obligation to pay the District. Defendant Duriel J. Cobb knew that he had an obligation to pay nonresident tuition for his two children because he, Defendant Talaya A. Cobb, and their two children did not reside in the District. Defendant Duriel J. Cobb failed to notify the District of Defendant Talaya A. Cobb's and their children's correct addresses, causing a District public charter school to decline to charge nonresident tuition for his two children's attendance during the 2014-2015, 2015-2016, 2016-2017, and 2017-2018 school years in violation of D.C. Code § 2-381.02(a)(6).

COUNT III
Unjust Enrichment

67. Paragraphs 1 through 61 are realleged as if fully set forth herein.

68. By having their children attend a DCPS school for the 2008-2009, 2009-2010, 2011-2012 school years, and for a portion of the 2010-2011 and 2012-2013 school years, and by avoiding their obligation to pay nonresident tuition to the District for all portions of that time period that Defendants and their children lived in Maryland, Defendants have been unjustly enriched to the detriment of the District.

69. By having their children attend a District public charter school for the

2014-2015, 2015-2016, 2016-2017, and 2017-2018 school years, and by avoiding their obligation to pay nonresident tuition to the District for that time period, Defendants have been unjustly enriched to the detriment of the District.

Prayer for Relief

WHEREFORE, the District respectfully requests that judgment be entered in its favor and against Defendants on its claims, and that this Court impose damages and penalties as follows:

- (1) On Count I against Defendant Talaya A. Cobb, awarding the District treble statutory damages in an amount to be determined at trial, but not less than \$244,185.00 (three times \$81,395.00); civil penalties of not less than \$5,500.00 and not more than \$11,000.00, payable to the District, for each violation of the District's False Claims Act;
- (2) On Count II against Defendant Duriel J. Cobb, awarding the District treble statutory damages in an amount to be determined at trial, but not less than \$244,185.00 (three times \$81,395.00); civil penalties of not less than \$5,500.00 and not more than \$11,000.00, payable to the District, for each violation of the District's False Claims Act
- (3) On Count III against Defendants, awarding the District actual damages in an amount to be determined at trial, but not less than \$131,159.00;
- (4) Awarding the District interest, costs, and other recoverable expenses permitted by law; and

- (5) Awarding the District such other relief as may be just and proper.

Jury Demand

The District of Columbia hereby demands a trial by jury by the maximum number of jurors permitted by law.

Dated: May 7, 2018

Respectfully submitted,

KARL A. RACINE
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ROBYN R. BENDER
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/s/ Catherine A. Jackson
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