

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

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

Plaintiff,

v.

ERIKA PARKER
1400 Golf Course Drive
Bowie, Maryland 20721

TARKITTA SEDGWICK
8102 Thornfield Ter.
Forestville, Maryland 20747

Defendants.

Civil Action No.: 2019 CA 000268 B

JURY TRIAL DEMANDED

FALSE CLAIMS ACT COMPLAINT AND JURY DEMAND

The District of Columbia (District), by its Office of the Attorney General, brings this action against Erika Parker and Tarkitta Sedgwick (Defendants) pursuant to the District's False Claims Act, D.C. Code § 2-381.02(a), and common law, seeking treble damages and civil penalties. The District alleges as follows:

Jurisdiction

1. This Court has subject matter jurisdiction over this case under D.C. Code § 11-921, as this action is brought by the District, and D.C. Code § 2-381.02(a), as the District asserts claims arising under the District's False Claims Act. This Court has personal jurisdiction over the Defendants pursuant to D.C. Code § 13-423(a)(1) and (3)

because Defendants committed acts in the District that are proscribed by the False Claims Act.

Parties

2. 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 brings this action 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), 2-381.03. The Attorney General is specifically authorized to enforce the District's False Claims Act, pursuant to D.C. Code § 2-381.03(a).

3. Defendant Erika Parker is an individual currently residing at 1400 Golf Course Drive, Bowie, Maryland 20721.

4. Defendant Tarkitta Sedgwick is an individual currently residing at 8102 Thornfield Ter., Forestville, Maryland 20747. Defendant Sedgwick is currently employed by Paul Laurence Dunbar High School (Dunbar High School), a District of Columbia Public Schools (DCPS) school. At all times relevant to this Complaint, Defendant Sedgwick was employed by Dunbar High School.

Defendant Parker's Child

5. Defendant Parker has a daughter, T.P., who attended Dunbar High School for the entirety of the 2012-2013 and 2013-2014 school years, and part of the 2014-2015 school year.

6. At all times relevant to the acts described in this Complaint, Defendant Parker and her daughter, T.P., were residents of the State of Maryland.

District of Columbia False Claims Act

7. The District of Columbia Procurement Reform Amendment Act (the District's False Claims Act) provides for the award of treble damages and civil penalties for, *inter alia*, knowingly making or causing to be made false statements to conceal, avoid, or decrease an obligation to pay money to the District. D.C. Code § 2-381.02(a) (2011 Supp.).

8. The District's False Claim Act was amended in 2013 by the Medicaid Enforcement and Recovery Amendment Act of 2012 (2013 Amendments). 59 D.C. Reg. 13632-41 (2012). The 2013 Amendments became effective on March 19, 2013. 60 D.C. Reg. 9261 (2013).

9. The District's False Claims Act was amended to include the following pertinent provisions:

(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(a) (2013).

10. 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) (2013). Proof of specific intent to defraud is not required for an act to be knowing. D.C. Code § 2-381.01(7)(B) (2013).

11. 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).

12. 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).

District of Columbia Nonresident Tuition Statute

13. D.C. Code § 38-302(a)(2) requires that nonresident tuition be paid for each child who attends a District public school and does not have a parent, guardian, custodian, or other primary caregiver who resides in the District. Nonresident tuition rates are set by the District's Office of the State Superintendent of Education to "cover all expenses" incurred by DCPS in educating the student. D.C. Code § 38-302(b).

14. "Parent" is defined as "a natural parent, stepparent, or parent by adoption who has custody or control of a student, including joint custody." D.C. Code § 38-301(11). "Primary care giver" is defined as "a person other than a parent or court appointed custodian or guardian who is the primary provider of care and support to a child who resides with him or her, and whose parent, custodian or guardian is unable to supply such care or support" D.C. Code § 38-301(10). An individual claiming primary care giver status must submit documentation to the District establishing that the student is in the individual's care and that the individual resides in the District. D.C. Code § 38-310; 5A D.C.M.R. § 5004.1-2 (2002), *amended by* 64 DCR 3147 (March 31, 2017).

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

T.P.'s Attendance at a DCPS School

16. In 2012, T.P. began attending Dunbar High School, a DCPS school.

17. T.P. attended Dunbar High School, tuition-free, as if she were a District resident for the 2012-2013 school year. During this time, T.P. was living with Defendant Parker in Upper Marlboro, Maryland.

Defendant Parker's Failure to Pay Nonresident Tuition Owed to a DCPS School

18. Nonresident tuition for T.P. to attend Dunbar High School for the 2012-2013 school year was \$10,584.

19. To date, Defendant Parker has not paid any of the nonresident tuition owed for T.P.'s attendance at a DCPS school, nor have any tuition payments been made on her behalf.

Defendant Sedgwick's False Statements to a DCPS School
(2013-2014 School Year)

20. On August 20, 2013, Defendant Sedgwick submitted to DCPS an Enrollment Form to re-enroll T.P. as a student at Dunbar High School for the 2013-14 school year. On the Enrollment Form, Defendant Sedgwick stated that she and T.P. lived at 1191 1st Terrace, N.W., Washington, D.C. 20001. Under the Parent/Guardian Information and Other Primary Caregiver Information Section, Defendant Sedgwick identified herself as T.P.'s "cousin." Under the "Residency Status" section of the Enrollment Form, Defendant Sedgwick checked the box on the form next to "D.C. Resident (Student and parent or legal guardian live in D.C.)," indicating that she and T.P. were District residents. Under the "Housing Status" section, Defendant Sedgwick checked the box next to "Other Temporary Housing." Defendant Sedgwick signed the Enrollment Form, certifying that she completed the form, that the information on the form was accurate, and that she understood that "providing false information for purposes of defrauding the government is punishable by law."

21. On August 23, 2013, Defendant Sedgwick signed and submitted a signed sworn statement of D.C. residency to DCPS, affirming that she lived in the District at 1191 1st Terrace, N.W., Washington, D.C. 20001. Defendant Sedgwick also indicated that she was T.P.'s "parent/guardian/caregiver." Defendant Sedgwick signed the form, stating that she understood that enrollment of T.P. was based on her representation

of District residency, and that if the information in the verification forms was false, she would be liable for payment of tuition for T.P.

22. On August 23, 2013, Defendant Sedgwick also signed and submitted a Sworn Statement of Other Primary Caregiver. In her sworn statement, Defendant Sedgwick stated that she was seeking to enroll T.P. “under the status of other primary caregiver.” She claimed that she was T.P.’s “aunt” and that she was T.P.’s other primary care giver because T.P.’s “parent, custodian or guardian,” Defendant Parker, was unable to provide primary care and support because she “has been displaced.” Defendant Sedgwick also stated that T.P. lived with her at 1191 1st Terrace, N.W., Washington, D.C. 20001. Defendant Sedgwick signed the form, affirming that the contents of the statement were true to the best of her knowledge. The Form warns that there is a penalty for false information: “Any person . . . who knowingly supplies false information . . . in connection with student residency verification shall be subject to charges of tuition retroactively”

23. A document titled District of Columbia Custodial Power of Attorney Pursuant to D.C. Code § 21-2301, dated August 23, 2013, was also submitted to Dunbar High School. The document stated that “Erica Parker,” the parent of T.P., “wish[ed] to give Tarkitta Sedgwick the parental rights and responsibilities . . . below regarding the care custody and control of [her] child” including “physical custody” of T.P., and “the authority to enroll” T.P. at Dunbar High School. Defendant Parker stated her address was 4000 E St., S.E., # 201, Washington, D.C. 20019; Defendant Parker signed and dated this notarized document on August 23, 2013.

24. Relying on the Enrollment Form, Sworn Statement of D.C. residency, Sworn Statement of Other Primary Caregiver, and Notarized Power of Attorney Defendant Sedgwick submitted to DCPS, Dunbar High School enrolled T.P. as a student for the 2013-2014 school year. T.P. was enrolled as a District resident.

25. Defendant Sedgwick knew the information she provided on the Enrollment Forms and Sworn Statement of D.C. residency were incorrect because, when she signed and submitted the form, she knew that T.P. was living with her mother, Defendant Parker, in Upper Marlboro, Maryland and not at the District address with Defendant Sedgwick as stated on the forms.

26. Defendant Sedgwick knew that the information she provided to Dunbar High School on the Other Primary Caregiver Form for T.P. was false because she was not a legal guardian, custodian, or primary caregiver for Defendant Parker's daughter, T.P., and because T.P. did not live with her during the 2013-2014 school year, but was living with her mother, Defendant Parker, in Upper Marlboro, Maryland.

Defendant Sedgwick's False Statements to a DCPS School
(2014-2015 School Year)

27. On July 30, 2014, Defendant Sedgwick submitted an Enrollment Form to DCPS to re-enroll T.P. as a student at Dunbar High School for the 2014-2015 school year. On this Enrollment Form, Defendant Sedgwick stated that she and T.P. lived at 1159 1st Terrace N.W., Washington, D.C. 20001. Under the Parent/Guardian Information and Other Primary Caregiver Information Section, Defendant Sedgwick identified herself as T.P.'s "cousin." Under the "Residency Status" section of the Enrollment Form, Defendant Sedgwick checked the box on the form next to "D.C.

Resident (Student and parent or guardian live in D.C.),” indicating that she and T.P. were District residents. Under the “Housing Status” section, Defendant Sedgwick checked the box next to “Permanent.” Defendant Sedgwick signed the Enrollment Form, certifying that the information provided was accurate and that she understood that “providing false information for purposes of defrauding the government is punishable by law.”

28. On July 30, 2014, Defendant Sedgwick signed and submitted a signed sworn statement of D.C. residency to DCPS, affirming that she lived in the District at 1159 1st Terrace N.W., Washington, D.C. 20001. Defendant Sedgwick also indicated that she was T.P.’s “parent/guardian/caregiver.” Defendant Sedgwick signed the form, stating that she understood that enrollment of T.P. was based on her representation of District residency, and that if the information in the verification forms was false, she would be liable for payment of tuition for T.P.

29. On July 30, 2014, Defendant Sedgwick signed and submitted a Sworn Statement of Other Primary Caregiver. In her sworn statement, Defendant Sedgwick stated that she was seeking to enroll T.P. “under the status of other primary caregiver.” She claimed that she was T.P.’s “cousin” and that she was T.P.’s other primary care giver because T.P.’s “parent, custodian or guardian,” Defendant Parker, “who currently resides” at 4000 E St., S.E., # 201, Washington, D.C. 20019, “does not live with the child due to neglect/abuse.” Defendant Sedgwick also stated that T.P. lived with her at 1159 1st Terrace, N.W., Washington, D.C. 20001. Defendant Sedgwick signed the form, affirming that the contents of the statement were true to

the best of her knowledge. The Form warns that there is a penalty for false information: “Any person . . . who knowingly supplies false information . . . in connection with student residency verification shall be subject to charges of tuition retroactively”

30. In early August 2014, days after Defendant Sedgwick submitted the Sworn Statement of Other Primary Caregiver, alleging neglect or abuse on Defendant Parker’s part, Defendant Parker signed and submitted multiple DCPS forms authorizing T.P.’s participation in athletic programs, emergency medical treatment, and release of health care information for T.P. None of these forms identified either Defendant Parker or T.P. as living at the addresses stated on the enrollment forms or sworn statements of D.C. residency or other primary caregiver status submitted by Defendant Sedgwick.

31. Relying on the Enrollment Forms, Sworn Statements of D.C. residency, and Sworn Statement of Other Primary Caregiver, Defendant Sedgwick submitted to DCPS, DCPS allowed T.P. to attend Dunbar High School for part of the 2014-2015 school year, tuition-free.

32. Defendant Sedgwick knew the information she provided on the Enrollment Forms and Sworn Statement of D.C. residency were incorrect because, when she signed and submitted the form, she knew that T.P. was living with her mother, Defendant Parker, in Upper Marlboro, Maryland and not at the District address with her as she stated on the forms.

33. Defendant Sedgwick knew that the information she provided to Dunbar High School on the Other Primary Caregiver Form, for T.P. was false because she was not a legal guardian, custodian, or primary caregiver for Defendant Parker's daughter, and because T.P. did not live with her during the 2014-2015 school year, but was living with her mother, Defendant Parker, in Maryland.

T.P.'s Withdrawal from a DCPS School

34. On March 31, 2015, Defendant Parker withdrew T.P. from Dunbar High School and listed T.P.'s next school of attendance as Charles H. Flowers, located in Glenn Dale, Maryland.

35. On April 27, 2015, Defendant Parker enrolled T.P. at Largo High School, a Prince George's County Public School, and listed her and T.P.'s address as 249 Castleton Terrace, Upper Marlboro, Maryland 20772.

Defendant Parker's Knowing Avoidance of an Obligation to Pay
District Nonresident Tuition

36. Defendant Parker knew she had an obligation to pay nonresident tuition for T.P., because Defendant Parker and T.P. did not reside in the District. As a resident of Maryland, Defendant Parker knew that she was obligated to pay nonresident tuition for her daughter to attend a DCPS school.

37. Defendant Parker also knew that, by failing to notify the District that she and T.P. were Maryland residents and by participating in a fraudulent scheme to falsely claim that Defendant Sedgwick was T.P.'s relative or primary caregiver and that T.P. lived with Defendant Sedgwick in the District, she improperly avoided an obligation to pay tuition to the District, thereby concealing, avoiding or decreasing her

obligation to pay the District by causing DCPS to decline to charge nonresident tuition for T.P.'s attendance at Dunbar High School during the 2013-2014 and part of the 2014-2015 school years.

Defendants' Failure to Pay Nonresident Tuition Owed to DCPS

38. Nonresident Tuition for T.P. to attend Dunbar High School for the entirety of the 2013-2014 school year, and part of the 2014-2015 school year was \$10,795 and \$8,576, respectively.

39. The total amount of nonresident tuition for T.P.'s attendance at a DCPS school for the 2013-2014 school year and part of 2014-2015 school year was \$19,371.

40. To date, Defendants have not paid any of the nonresident tuition owed for T.P. to attend a DCPS school, 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))

41. Paragraphs 1 through 40 are realleged as if fully set forth herein.

42. Defendant Sedgwick 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 Sedgwick knowingly signed and submitted false enrollment forms, false sworn statements of D.C. residency, and false Sworn Statements of Other Primary Caregiver, stating that T.P. resided with her in the District, causing a DCPS school to decline to charge nonresident tuition for T.P.'s

attendance during the 2013-2014 school year and for part of the 2014-2015 school year in violation of D.C. Code § 2-381.02(a)(6).

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))

43. Paragraphs 1 through 40 are realleged as if fully set forth herein.

44. Defendant Parker knowingly concealed and knowingly and improperly avoided or decreased an obligation to pay the District. Defendant Parker knew that she had an obligation to pay nonresident tuition for her daughter, T.P., because she and T.P. did not reside in the District. Defendant Parker also knew that T.P. did not reside with Defendant Sedgwick in the District. Defendant Parker failed to notify the District of her and T.P.'s correct address, causing a DCPS school to decline to charge nonresident tuition for T.P.'s attendance during the 2013-2014 school year and for part of the 2014-2015 school year in violation of D.C. Code § 2-381.02(a)(6).

COUNT III
Unjust Enrichment

45. Paragraphs 1 through 40 are realleged as if fully set forth herein.

46. To date, Defendant Parker continues to owe the District the entire nonresident tuition for T.P.'s attendance at Dunbar High School.

47. By having her daughter, T.P., attend a DCPS school for the entirety of the 2012-2013 and 2013-2014 school years and part of the 2014-2015 school year and by avoiding her obligation to pay nonresident tuition to the District despite her and T.P.'s residency in Maryland, Defendant Parker has been unjustly enriched to the

detriment of the District.

Prayer for Relief

WHEREFORE, the District respectfully requests that the Court enter judgment in its favor and against Defendants award damages as follows:

- (1) On Count I against Defendant Sedgwick, award the District treble statutory damages in an amount to be determined at trial, but not less than \$58,113 (three times \$19,371); civil penalties of not less than \$5,500 and not more than \$11,000, payable to the District, for each violation of the District's False Claims Act; and the costs of this action;
- (2) On Count II against Defendant Parker, award the District treble statutory damages in an amount to be determined at trial, but not less than \$58,113 (three times \$19,371); civil penalties of not less than \$5,500 and not more than \$11,000, payable to the District, for each violation of the District's False Claims Act; and the costs of this action;
- (3) On Count III against Defendant Parker, award the District actual damages in an amount to be determined at trial, but not less than \$29,955; and
- (4) Award the District interest, costs, and other recoverable expenses permitted by law; and
- (5) Award the District such further and additional 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: January 15, 2019.

Respectfully submitted,

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