

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.

DANIELLE LEWIS ANDERSON
405 Red Leaf Court
Upper Marlboro, MD 20774

and

CHRISTOPHER D. ANDERSON
405 Red Leaf Court
Upper Marlboro, MD 20774

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 Danielle Anderson and Christopher Anderson under D.C. Code § 2-381.02(a) and the common law, seeking treble damages and civil penalties. The District alleges as follows:

Jurisdiction

1. This Court has subject matter jurisdiction over this case pursuant to D.C. Code § 11-921, and this action is brought by the District, and D.C. Code § 2-3801.02, as the District asserts claims arising under the False Claims Act.

2. This Court has personal jurisdiction over Defendants pursuant to D.C. Code § 13-423(a)(1) and (3).

The 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), 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).

4. Defendant Danielle Anderson is an individual residing at 405 Red Leaf Court, Upper Marlboro, MD 20774.

5. Defendant Christopher D. Anderson is an individual residing at 405 Red Leaf Court, Upper Marlboro, MD 20774.

Defendants' Daughter

6. Defendants Danielle Anderson and Christopher Anderson have a daughter, J.A., who attended a District of Columbia Public Charter School and two District of Columbia Public Schools (DCPS) schools, during the 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years.

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)(6) (2013).

8. The District's False Claims Act includes 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).

9. 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).

10. 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.” Section 2-381.01(8) (2013).

11. 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) (2013).

Nonresident Tuition

12. D.C. Code § 38-302(a)(2) requires that nonresident tuition be paid for each student who attends a District public school or a District public charter 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 as the amount necessary to cover all expenses incurred by the District of Columbia public schools or public charter schools for the purpose of educating the student. D.C. Code at § 38-302(b).

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

14. Public charter schools in the District are funded by the District and are “open to all students who are residents of the District of Columbia, and, if space is available,” to nonresident students for whom tuition is paid. D.C. Code § 38-1802(6)(a).

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.

Defendants' Daughter's Attendance at District Schools

16. In 2008, J.A. was enrolled at Apple Tree Early Learning (Apple Tree), a District Public Charter School. J.A. attended Apple Tree for the 2008-2009 and 2009-2010 school years.

17. In 2010, J.A. was enrolled at Peabody Primary Campus (Peabody) a DCPS school. J.A. attended Peabody for the 2010-2011 school year.

18. In September 2011, J.A. began attending Watkins Elementary School (Watkins Elementary) a DCPS school. J.A. continued to attend Watkins Elementary throughout the 2011-2012, 2012-2013, 2013-2014, 2014-2015 and 2015-2016 school years.

19. J.A. attended these District schools tuition-free, as if she were a District resident, for the entirety of the 2008-2009, 2009-2010, 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years. During this time, J.A. lived with both Defendants in Upper Marlboro, Maryland.

**Defendants' Failure to Pay Nonresident Tuition Owed to the District
from 2008 through 2014**

20. Nonresident tuition for J.A. to attend Apple Tree, Peabody, and Watkins Elementary for the 2008-2009, 2011-2012, 2012-2013, and 2013-2014 school years totals \$59,098.

21. To date, Defendants Danielle Anderson and Christopher Anderson have not paid any of the nonresidential tuition they owe to the District for J.A.'s attendance at District schools during these school years, nor have any tuition payments been made on their behalf.

**Defendant Danielle Anderson's False Statements to a DCPS School
(2014-2015 School Year)**

22. On April 25, 2014, Defendant Danielle Anderson submitted to DCPS an annual student Enrollment Profile Form to enroll J.A. into Watkins Elementary for the 2014-2015 school year.

23. On the Enrollment Profile Form, Defendant Danielle Anderson stated that J.A. resided with Defendants at 1829 4th St. N.W., Washington, D.C. 20001. Defendant Danielle Anderson checked the box declaring that she was J.A.'s parent or guardian and she and J.A. were D.C. residents. Defendant Danielle Anderson signed the form, certifying that the information provided was accurate and that she understood that "providing false information for the purpose of defrauding the government is punishable by law."

24. On April 25, 2014, to complete J.A.'s enrollment at Watkins Elementary for the 2014-2015 school year, Defendant Danielle Anderson submitted the required DC Residency Verification Form for J.A.

25. On the Residency Verification Form, Defendant Danielle Anderson indicated that she was the "parent/guardian/caregiver" of J.A., and she affirmed her District residency. Defendant Danielle Anderson signed the form, stating that she understood that enrollment of J.A. was based on her representation of District residency, and that if the information in the verification form was false, she would be liable for payment of tuition for J.A. for the 2014-2015 school year.

26. Relying on the information in the enrollment and Residency Verification Form submitted by Defendant Danielle Anderson, Watkins Elementary enrolled J.A. as a

District resident for the 2014-2015 school year, allowing her to attend Watkins Elementary tuition-free.

27. Defendant Danielle Anderson knew that the information provided on the Enrollment Profile Form and Residency Verification Form was false because, at the time in which she submitted all relevant documents, Defendant Danielle Anderson knew that she and J.A., as well as Defendant Christopher Anderson, resided in Maryland at their family home in Upper Marlboro and not at the District address listed on the Enrollment Profile Form and Residency Verification Form.

**Defendant Danielle Anderson’s False Statements to a DCPS School
(2015-2016 School Year)**

28. On April 27, 2015, Defendant Danielle Anderson submitted to Watkins Elementary an annual student Enrollment Profile Form to enroll J.A. into Watkins Elementary for the 2015-2016 school year.

29. Defendant Danielle Anderson signed the enrollment form confirming D.C. residency. On the Enrollment Profile Form, Defendant Danielle Anderson stated that J.A. resided with Defendants at 1829 4th St. N.W., Washington, D.C. 20001. Defendant Danielle Anderson entered her name and contact information in the section designation for the enrolling parent and or guardian and identified her relationship to J.A. as her mother. Defendant Danielle Anderson signed the form, certifying that the information provided was accurate and that she understood that “providing false information for the purpose of defrauding the government is punishable by law.”

30. On May 1, 2015, to complete J.A.’s enrollment at Watkins Elementary for the 2015-2016 school year, Defendant Danielle Anderson submitted the required DC Residency Verification Form for J.A.

31. On the verification form for J.A., Defendant Danielle Anderson indicated that she was the “parent/guardian/caregiver” of J.A., and she affirmed her District residency. Ms. Anderson signed the form, stating that she understood that enrollment of J.A. was based on her representation of District residency, and that if the information in the verification form was false, she would be liable for payment of tuition for J.A. for the 2015-2016 school year.

32. Relying on the information in the enrollment and Residency Verification Form submitted by Defendant Danielle Anderson, Watkins Elementary enrolled J.A. as a District resident for the 2015-2016 school year, allowing her to attend Watkins Elementary tuition-free.

33. Defendant Danielle Anderson knew that the information provided on the Enrollment Profile Form and Residency Verification Form was false because, at the time in which she submitted all relevant documents, Defendant Danielle Anderson knew that she and J.A., as well as Defendant Christopher Anderson, resided in Maryland at their family home in Upper Marlboro and not at the District address listed on the Enrollment Profile Form and Residency Verification Form.

Defendant Christopher Anderson’s Knowing Avoidance of an Obligation to Pay District Nonresident Tuition

34. Defendant Christopher Anderson, a resident of Maryland, knew he was obligated to pay nonresident tuition for his daughter to attend District schools in the 2014-2015 and 2015-2016 school years because he knew that he, Defendant Danielle Anderson, and their daughter resided in Maryland and not in the District of Columbia.

35. Defendant Christopher Anderson also knew that, by failing to notify OSEE, DCPS, or Watkins Elementary that he, Defendant Danielle Anderson, and J.A. were Maryland residents, he improperly avoided an obligation to pay nonresident tuition to the District thereby concealing, avoiding or decreasing his obligation to pay the District by causing the District to decline to charge nonresident tuition for J.A.'s attendance at Watkins Elementary during the 2014-2015 and 2015-2016 school years.

**Defendant's Failure to Pay Nonresident Tuition Owed to the District
for the 2014-15 and 2015-16 School years**

36. Nonresident tuition for J.A. to attend Watkins Elementary for the 2014-2015 and 2015-2016 school years totals \$18,798.

37. To date, Defendants Danielle Anderson and Christopher Anderson have not paid any of the nonresidential tuition they owe to the District for their daughter to attend a District public school during this time period, 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) (2013))**

38. Paragraphs 1 through 37 are realleged as if fully set forth herein.

39. Defendant Danielle Anderson 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 Danielle Anderson knowingly signed and submitted false enrollment documents for J.A., causing a District public school to decline to

charge nonresident tuition for J.A.'s attendance during the 2014-2015 and 2015-2016 academic school years 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 an Obligation to Pay the District
(D.C. Code § 2-381.02(a)(6))

40. Paragraphs 1 through 37 are realleged as if fully set forth herein.

41. Defendant Christopher Anderson knowingly concealed and knowingly and improperly avoided or decreased an obligation to pay the District. Defendant Christopher Anderson knew that he had an obligation to pay nonresident tuition for his daughter, because he, his wife and their daughter did not reside in the District. However, Defendant Christopher Anderson failed to notify the District of the family's correct address, causing a District public school to decline to charge nonresident tuition for J.A.'s attendance during the 2014-2015 and 2015-2016 academic school year, in violation of D.C. Code § 2-381.02(a)(6).

COUNT III
Unjust Enrichment

42. Paragraphs 1 through 37 are realleged as if fully set forth herein.

43. By having J.A. attend District schools for the 2008-2009, 2009-2010, 2011-2012, 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, and by avoiding their obligation to pay nonresident tuition to the District during the period that Defendants and their daughter lived Maryland, 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 on its claims, and impose damages and penalties as follows:

(1) On Count I against Defendant Danielle Anderson, awarding the District treble statutory damages in an amount to be determined at trial, but not less than \$56,394.00 (three times \$18,798.00); 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 Christopher Anderson, awarding the District actual damages in an amount to be determined at trial, but not less than \$56,394.00 (three times \$18,798.00); 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 \$77,896.00

(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 28, 2019

Respectfully submitted,

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