

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

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

Plaintiff,

v.

CLAUDINE NANA TCHAPCHET  
1506 Shellford Lane  
Accokeek, MD 20607,

and

HABIB HAVIV AZIZ JAH  
7963 Riggs Road  
Hyattsville, MD 20783,

Defendants.

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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 Claudine Nana Tchaphet and Habib Haviv Aziz Jah 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), 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 Claudine Nana Tchachet (a/k/a Claudine Nana Jah), a former employee of District of Columbia Public Schools (DCPS), is an individual residing at 1506 Shellford Lane, Accokeek, Maryland 20607.

5. Defendant Habib Haviv Aziz Jah is an individual residing at 7963 Riggs Road, Hyattsville, Maryland 20783.

### **Defendants' Children**

6. Defendants have a son, H.J., who attended Randle Highlands Elementary School (Randle Highlands), a DCPS school, during the majority of the 2011-2012 school year. H.J. subsequently attended Langdon Elementary School (Langdon), a DCPS school, during the majority of the 2012-2013 school year and a portion of the 2013-2014 school year.

7. Defendants have a daughter, B.J., who attended Randle Highlands during the majority of the 2011-2012 school year. B.J. subsequently attended Langdon during the majority of the 2012-2013 school year and a portion of the 2013-2014 school year.

8. Defendants have a daughter, Z.J., who attended Langdon during the majority of the 2012-2013 school year and a portion of the 2013-2014 school year.

9. During the 2012-2013 and 2013-2014 school years, from August 12, 2012 to October 1, 2012 and from November 25, 2012 to September 8, 2014, Defendant Tchaphet was employed as an Aide at Langdon.

10. At all times relevant to the acts described in this Complaint, Defendants and their children, H.J., B.J., and Z.J., were residents of the State of Maryland.

**District of Columbia False Claims Act**

11. 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).

12. 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).

13. 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).

14. 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**

15. 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); 5-A D.C.M.R. §§ 5001.5, 5099.1. 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).

16. 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.”

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 DCPS Schools  
During the 2011-2012 and 2012-2013 School Years**

18. On or about August 22, 2011, H.J. and B.J. began attending Randle Highlands, a DCPS school.

19. H.J. and B.J. attended Randle Highlands tuition-free, as if they were District residents, for the majority of the 2011-2012 school year, from August 22, 2011 to the end of the third term on March 30, 2011. During this time period, H.J. and B.J. resided with Defendant Tchaphet in Maryland. Defendant Jah also resided in Maryland during this time period.

20. On or about September 18, 2012, H.J., B.J., and Z.J. began attending Langdon, a DCPS school.

21. H.J., B.J., and Z.J. attended Langdon tuition-free, as if they were District residents, for the majority of the 2012-2013 school year, from September 18, 2012 to the end of the school year on June 20, 2013. During this time period, H.J., B.J., and Z.J. resided with Defendant Tchaphet in Maryland. Defendant Jah also resided in Maryland during this time period.

**Defendants' Failure to Pay Nonresident Tuition  
Owed to DCPS Schools for 2011-2012 and 2012-2013 School Years**

22. Nonresident tuition for H.J. to attend Randle Highlands and Langdon for the portions of the 2011-2012 and 2012-2013 school years identified above totals \$15,062.00.

23. Nonresident tuition for B.J. to attend Randle Highlands and Langdon for the portions of the 2011-2012 and 2012-2013 school years identified above totals \$17,132.00.

24. Nonresident tuition for Z.J. to attend Langdon for the portion of the 2012-2013 school year identified above totals \$11,454.00.

25. To date, Defendants have not paid any of the nonresident tuition of \$43,648.00 they owe for H.J., B.J., and Z.J.'s attendance at Randle Highlands and Langdon during the 2011-2012 and 2012-2013 school years, nor have any tuition payments been made on their behalf.

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

26. On May 21, 2013, Defendant Tchapchet submitted an Annual Student Enrollment Profile (Enrollment Form) to DCPS to enroll H.J. as a student at Langdon for the 2013-2014 school year.

27. On the Enrollment Form, Defendant Tchapchet stated that she and H.J. resided at 2635 Myrtle Avenue, N.E., Washington, D.C. 20018. Under the "Residency Status" section of the Enrollment Form, Defendant Tchapchet checked the box next to "D.C. Resident (Student and parent or legal guardian live in D.C.)," indicating that

she and H.J. were District residents. Under the “Housing Status” section, Defendant Tchapchet checked the box next to “Permanent.” Defendant Tchapchet 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.”

28. Defendant Tchapchet signed and submitted a sworn statement of D.C. residency with H.J.’s Enrollment Form, affirming that she resided in the District at 2635 Myrtle Avenue, N.E., Washington, D.C. 20018.

29. Relying on the Enrollment Form Defendant Tchapchet submitted to DCPS, Langdon enrolled H.J. as a student for the 2013-2014 school year. H.J. was enrolled as a District resident.

30. On May 21, 2013, Defendant Tchapchet submitted an Annual Student Enrollment Profile (Enrollment Form) to DCPS to enroll B.J. as a student at Langdon for the 2013-2014 school year.

31. On the Enrollment Form, Defendant Tchapchet stated that she and B.J. resided at 2635 Myrtle Avenue, N.E., Washington, D.C. 20018. Under the “Residency Status” section of the Enrollment Form, Defendant Tchapchet checked the box next to “D.C. Resident (Student and parent or legal guardian live in D.C.),” indicating that she and B.J. were District residents. Under the “Housing Status” section, Defendant Tchapchet checked the box next to “Permanent.” Defendant Tchapchet 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.”

32. Defendant Tchapchet signed and submitted a sworn statement of D.C. residency with B.J.’s Enrollment Form, affirming that she resided in the District at 2635 Myrtle Avenue, N.E., Washington, D.C. 20018.

33. Relying on the Enrollment Form Defendant Tchapchet submitted to DCPS, Langdon enrolled B.J. as a student for the 2013-2014 school year. B.J. was enrolled as a District resident.

34. On May 22, 2013, Defendant Tchapchet submitted an Annual Student Enrollment Profile (Enrollment Form) to DCPS to enroll Z.J. as a student at Langdon for the 2013-2014 school year.

35. On the Enrollment Form, Defendant Tchapchet stated that she and Z.J. resided at 2635 Myrtle Avenue, N.E., Washington, D.C. 20018. Under the “Residency Status” section of the Enrollment Form, Defendant Tchapchet checked the box next to “D.C. Resident (Student and parent or legal guardian live in D.C.),” indicating that she and Z.J. were District residents. Under the “Housing Status” section, Defendant Tchapchet checked the box next to “Permanent.” Defendant Tchapchet 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.”



36. Defendant Tchapchet signed and submitted a sworn statement of D.C. residency with Z.J.'s Enrollment Form, affirming that she resided in the District at 2635 Myrtle Avenue, N.E., Washington, D.C. 20018.

37. Relying on the Enrollment Form Defendant Tchapchet submitted to DCPS, Langdon enrolled Z.J. as a student for the 2013-2014 school year. Z.J. was enrolled as a District resident.

38. Defendant Tchapchet knew the information she provided on the Enrollment Forms was incorrect, and that her sworn statements of D.C. residency were false, because, when she signed and submitted the forms, she knew that H.J., B.J., and Z.J. were residing with her in Maryland, and not at the District address she stated on the forms.

39. H.J., B.J., and Z.J. attended Langdon tuition-free, as if they were District residents, during the 2013-2014 school year, until they were excluded from DCPS on or about November 14, 2013 as a result of a residency investigation conducted by DCPS. Defendant Tchapchet withdrew H.J., B.J., and Z.J. from Langdon on or about November 19, 2013 and subsequently enrolled them in Prince George's County Public Schools (PGCPS) in Maryland using her Maryland address.

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

40. Defendant Jah, a resident of Maryland, knew he was obligated to pay nonresident tuition for his children to attend Langdon, a DCPS school, because he knew that he, his children, and Defendant Tchapchet resided in Maryland, and not

in the District, during the relevant period. During the 2013-2014 school year, Defendant Jah resided in Maryland, and not in the District.

41. Defendant Jah also knew that, by failing to notify the District that he, Defendant Tchapchet, 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 DCPS Schools for 2013-2014 School Year**

42. Nonresident tuition for H.J. to attend Langdon for a portion of the 2013-2014 school year totals \$2,754.00.

43. Nonresident tuition for B.J. to attend Langdon for a portion of the 2013-2014 school year totals \$2,754.00.

44. Nonresident tuition for Z.J. to attend Langdon for a portion of the 2013-2014 school year totals \$3,618.00.

45. To date, Defendants have not paid any of the nonresident tuition of \$9,126.00 owed for H.J., B.J., and Z.J.'s attendance at Langdon during the 2013-2014 school year, nor have any tuition payments been made on their behalf.

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

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

47. Defendant Tchapchet knowingly made, used, and caused to be made or used false records or statements material to her obligation to pay the District. Defendant Tchapchet knowingly signed and submitted false enrollment documents

for her three children, causing a DCPS school to decline to charge nonresident tuition for her children's attendance during the 2013-2014 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))**

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

49. Defendant Jah knowingly concealed and knowingly and improperly avoided or decreased an obligation to pay the District. Defendant Jah knew that he had an obligation to pay nonresident tuition for his three children because he, Defendant Tchaphet, and their three children did not reside in the District. Defendant Jah failed to notify the District of Defendant Tchaphet's and their children's correct addresses, causing a DCPS school to decline to charge nonresident tuition for his three children's attendance during the 2013-2014 school year in violation of D.C. Code § 2-381.02(a)(6).

**COUNT III**  
**Unjust Enrichment**

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

51. By having their children attend DCPS schools for the majority of the 2011-2012 and 2012-2013 school years, and a portion of the 2013-2014 school year, and by avoiding their obligation to pay nonresident tuition to the District for those school years, during which time period Defendants and their children lived in 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 and against Defendants on its claims, and that this Court impose damages and penalties as follows:

- (1) On Count I against Defendant Claudine Nana Tchaphet, awarding the District treble statutory damages in an amount to be determined at trial, but not less than \$27,378.00 (three times \$9,126.00); 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 Habib Haviv Aziz Jah, awarding the District treble statutory damages in an amount to be determined at trial, but not less than \$27,378.00 (three times \$9,126.00); 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 \$52,774.00;
- (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 21, 2019

Respectfully submitted,

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Attorney General for the District of Columbia

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