

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

<p>DISTRICT OF COLUMBIA, a municipal corporation, 441 4th Street, N.W. Washington, D.C. 20001,</p> <p style="text-align:right">Plaintiff,</p> <p>v.</p> <p>LaFonta C. Dublin 6840 Walker Mill Road Apartment 202 Capitol Heights, MD 20743,</p> <p style="text-align:right">Defendant.</p>	<p>Civil Action No.: _____</p> <p>JURY TRIAL DEMANDED</p>
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FALSE CLAIMS ACT COMPLAINT AND JURY DEMAND

The District of Columbia (the District), by its Office of the Attorney General, brings this action against Defendant, pursuant to the common law and the District's False Claims Act, D.C. Code § 2-381.02(a), 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 § 2-381.02.
2. This Court has personal jurisdiction over Defendant pursuant to D.C. Code §§ 13-423(a)(1), (3).

The Parties

3. Plaintiff the District of Columbia, 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). 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 is an individual residing at 6840 Walker Mill Road, Apartment 202, Capitol Heights, MD 20743.

Defendant's Children

5. Defendant is the parent of two daughters, Ju.D. and Ja.D.

6. Ju.D. and Ja.D. were students at Smothers Elementary School (Smothers), a school in the District of Columbia Public Schools (DCPS) system located at 4400 Brooks Street, N.E., Washington, D.C. 20019.

7. During a portion of the 2012-2013 school year and the entire 2013-2014 school year, Ju.D. was enrolled at Smothers and attended tuition-free as if she were a District resident. During a portion of the 2012-13 school

year and the entire 2013-14 school year, Ja.D. was enrolled at Smothers and attended tuition-free as if she were a District resident.

8. During these time periods, and at all times relevant to the actions described in this Complaint, Defendant resided in the State of Maryland.

District of Columbia False Claims Act

9. The District of Columbia Procurement Reform Amendment Act (the District's False Claims Act) awards 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).

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 shall 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 claims 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)(6).

11. Section 2-381.01(7)(A) of the District’s False Claims Act defines “[k]nowing or knowingly” to mean that “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.” The terms “knowing” and “knowingly” do not require proof of specific intent to defraud. D.C. Code § 2-381.01(7)(B).

12. The District’s False Claims Act defines “material” as “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. “Obligation” is defined as “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 payment of nonresident tuition for each child who attends a public school in D.C. 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 (OSSE) to “cover all expenses” incurred by the District in educating the student. D.C. Code § 38-302(b).

15. “Nonresident student” means “[a]n individuals under the age of 18 who is enrolled in a District of Columbia public school or public charter school, and does not have a parent, guardian, custodian, or primary care giver . . . residing in the District of Columbia.” D.C. Code § 38-1800.02(25)(A).

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.”

**Defendant’s Children’s Attendance at a District School
in the 2012-2013 School Year**

17. Ju.D. was enrolled at Smothers from February 26, 2013 to June 20, 2013, the end of the 2012-2013 school year.

18. Ja.D. was enrolled at Smothers from March 5, 2013 to June 20, 2013, the end of the 2012-2013 school year.

19. Both students were enrolled at Smothers as if they were District residents, and attended the school tuition-free. In fact, during this time period, the children’s parent, the Defendant, was a resident of Capitol Heights, Maryland.

20. Nonresident tuition for Ju.D. and Ja. D. to attend Smothers for portions of the 2012-2013 school year, respectively, was \$4,857.50 and \$3,400.

21. To date, Defendant has not paid any of the \$8,257.50 in nonresident tuition she owes to the District for Ju.D. and Ja.D.’s attendance

at Smothers in the 2012-2013 school year, nor have any tuition payments been made on her behalf.

**Defendant's False Statements Enrolling Her Children in a District School
in the 2013-2014 School Year**

22. On June 10, 2013, Defendant signed and submitted an Annual Student Enrollment Form ("enrollment form") to enroll Ju.D at Smothers. On the enrollment form, Defendant stated that she lived at 315 50th Street, N.E., Apartment 32, Washington, D.C. 20019, and that Ju.D. lived at 2434 Elvans Road, S.E., Apartment 201, Washington, D.C. 20020. Defendant signed and submitted the enrollment form, certifying that the information on the form was accurate. Just above Defendant's signature, the text of the enrollment form stated "I completed this form and I certify that the information above is accurate. I understand that providing false information for purposes of defrauding the government is punishable by law."

23. Defendant also signed and submitted a DC Residency Verification form for Ju.D. to OSSE on June 10, 2013. On that form, Defendant affirmed that she resided at 315 50th Street, S.E., Apartment 32, Washington, D.C. 20019, and signed a sworn statement of D.C. Residency, and certified that she understood the penalties for submitting false statements. The Residency Verification Form stated "Any person... who knowingly supplies false information to a public official in connection with student residency verification shall be subject to charges of tuition retroactively..."

24. On June 18, 2013, Defendant signed and submitted an enrollment form to enroll Ja.D at Smothers. On the enrollment form, Defendant stated that she lived at 315 50th Street, N.E., Apartment 32, Washington, D.C. 20019 and that Ja.D. lived at 2434 Elvans Road, S.E., Washington, D.C. 20020. Defendant signed and submitted the enrollment form, certifying that the information on the form was accurate. Just above Defendant's signature, the text of the enrollment form stated "I completed this form and I certify that the information above is accurate. I understand that providing false information for purposes of defrauding the government is punishable by law."

25. Defendant also signed and submitted a DC Residency Verification form for Ja.D. to OSSE on June 19, 2013. On that form, Defendant affirmed that she resided at 315 50th Street, N.E., Apartment 32, Washington, D.C. 20019, and signed a sworn statement of D.C. Residency, and certified that she understood the penalties for submitting false statements. The Residency Verification Form stated "Any person... who knowingly supplies false information to a public official in connection with student residency verification shall be subject to charges of tuition retroactively..."

26. Smothers relied on the information Defendant submitted, and enrolled Ju.D. and Ja.D. Ju.D and Ja.D. were enrolled as District residents and not charged nonresident tuition.

27. Defendant knew that the information she provided in the enrollment forms and the residency verification forms for her children was false because when she signed and submitted the forms, she knew that she and her children were living in Capitol Heights, Maryland and not at the District addresses she stated on the forms.

**Defendant's Failure to Pay Nonresident Tuition Owed
for her Children's Attendance at a District School in 2013-2014**

28. Nonresident tuition for Ju.D. and Ja. D. to attend Smothers for the 2013-2014 school year, respectively, was \$12,098 and \$9,306.

29. To date, Defendant has not paid any of the \$21,404 in nonresident tuition she owes to the District for Ju.D. and Ja.D.'s attendance at Smothers in the 2013-2014 school year, nor have any tuition payments been made on her 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))**

30. The District realleges the foregoing paragraphs of this Complaint as if fully set forth herein.

31. Defendant 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 knowingly signed and submitted false enrollment documents for Ju.D. and Ja.D. to attend District schools, causing a DCPS school to decline to charge nonresident tuition for Ju.D. and

Ja.D.'s attendance during the 2013-2014 school year in violation of D.C. Code § 2-381.02(a)(6).

COUNT II
Unjust Enrichment

32. The District realleges the foregoing paragraphs of this Complaint as if fully set forth herein.

33. By having her children Ju.D. and Ja.D. attend a DCPS school for portions of the 2012-2013 school year and for the 2013-2014 school year, and by avoiding her obligation to pay nonresident tuition to the District for those years, Defendant has 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 Defendant on its claims, and impose damages and penalties as follows:

(1) On Count I against Defendant, awarding the District treble statutory damages in an amount to be determined at trial, but not less than \$64,212.00 (three times \$21,404.00); 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, awarding the District actual damages in an amount to be determined at trial, but not less than \$29,661.50;

(3) Awarding the District interest, costs, and other recoverable expenses permitted by law; and

(4) Awarding the District such further and additional relief as the Court may deem 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: June 10, 2019

Respectfully Submitted,

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Columbia

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